REPORT ON PROCEEDINGS BEFORE

LEGISLATIVE ASSEMBLY COMMITTEE ON LAW AND SAFETY

ASSAULTS ON MEMBERS OF THE NSW POLICE FORCE

At Jubilee Room, Parliament House, Sydney, on Monday 21 September 2020

The Committee met at 9:30.

PRESENT

Mrs Wendy Tuckerman (Chair)

Ms Steph Cooke
Ms Tamara Smith
Mr Mark Taylor (Deputy Chair)

PRESENT VIA VIDEOCONFERENCE

Mr Edmond Atalla

The CHAIR: Good morning. Before we start I would like to acknowledge the Gadigal people, who are the traditional custodians of this land. I pay my respects to the Elders of the Eora Nation, past, present and emerging, and extend that respect to other Aboriginal and Torres Strait Islander people who are present. I am Wendy Tuckerman, Chair of the Legislative Assembly Committee on Law and Safety. With me today are Mr Mark Taylor, Deputy Chair, Member for Seven Hills; Ms Tamara Smith, Member for Ballina; Ms Steph Cooke, Member for Cootamundra; and Mr Edmond Atalla, Member for Mount Druitt, who is attending via videoconference. Today is the first hearing of our inquiry into assaults on members of the NSW Police Force. We will hold a second hearing on Friday this week. We have witnesses taking part via videoconference and also attending in person here at Parliament House. The hearing is being broadcast to the public on the Parliament's website. I thank everyone who is appearing before the Committee today.

TONY KING, President, Police Association of NSW, sworn and examined

KATE LINKLATER, Research Officer, Police Association of NSW, affirmed and examined

The CHAIR: Before we start, are there any questions about the hearing process?

Mr KING: No, I am fine.

Dr LINKLATER: No, I do not.

The CHAIR: We have Tony King, President of the Police Association of NSW and Dr Kate Linklater, Research Officer. Thank you for attending today. Would you like to make a short opening statement before we begin the questions?

Mr KING: Certainly. I will throw over to the doctor.

Dr LINKLATER: Before I start I would like to acknowledge the Gadigal people, who are the traditional custodians of the land on which we meet today. I also pay my respects to the Elders past and present of the Eora Nation. Thank you for giving the Police Association of NSW the opportunity to participate in this inquiry. The issue of assaults on New South Wales police officers is obviously of direct interest and relevance to our membership. Assaults on police come at a high cost to individual officers in personal terms. All workers have a right to safety in their workplace and police are no different. Our members are constantly frustrated that court outcomes for these offences are not meeting the purposes of sentencing, especially in recognising the harm done to the victims of these crimes.

We note that the trend of assaults on police has been consistently measured as stable over the last 10 years, but this means that nearly 2,500 police officers are being assaulted every year, which is not acceptable by any standard. We have members who have suffered significant physical and psychological trauma as a result of assaults against them and we ask the panel to keep this at the front of their mind as they consider the evidence presented to this inquiry. No worker should be assaulted in their workplace and we are hoping this inquiry can find strategies that will reduce this for police. In addition to the individual personal costs to police who are victims of assault, the financial burden on the NSW Police Force and the New South Wales Government is also high. This is especially in a context where the number of police being injured in assaults has been rising over time. When police are assaulted, time and money are spent on officers who need medical treatment and time off work.

Physical assault is the leading cause of work health and safety incidents reported by police. In addition, emergency service workers have higher rates of psychological distress associated with the prevalence of physical assaults in their line of work. Given that workers compensation for police continues to be an issue, it is in the interest of all parties to reduce the number of assaults on police. It is the Police Association's position that a multi-faceted response is required to effectively reduce this crime. As such, we would encourage this inquiry to determine a mechanism for analysis of the circumstances and factors involved in violence towards police. Using this evidence base, targets for intervention can be identified that will have the most positive impact in reducing these assaults.

The NSW Bureau of Crime Statistics and Research and the NSW Police Force provide data that will help in regards to this. These statistics include information about time, place and demographics. Input from police officers themselves should also be noted. Analysis of this data can provide a basis for effective strategies, some of which might aim to reduce social inequality, decrease domestic violence and increase education for offenders. The association notes that the percentage of alcohol-related assaults on police has reduced over time. However, the number of assaults has not. This indicates that another factor may have taken the place of alcohol when police are being assaulted. It also indicates that strategies targeting the reduction of alcohol use are, to some extent, working and should be continued.

Another area of interest is repeat offending. There appears to be some correlation between offenders who have been convicted of offences previously and who are subsequently involved in assaulting police officers. Their previous crimes are not always assaults on police. This may be another area for intervention, perhaps through offender education regarding respectful behaviour for emergency service workers. This could be part of the sentencing process, similar to the Sober Driver Program. Overall, the Police Association of NSW welcomes this inquiry into assaults on our members. As with all workers, police officers should not be victims of assault in their workplace. We hope to be of assistance to the inquiry in an effort to reduce these incidents. Thank you.

The CHAIR: Thank you, Dr Linklater. Mr King, do you wish to make an opening statement?

Mr KING: It was covered quite adequately there.

The CHAIR: You are happy?

Mr KING: Yes.

The CHAIR: Do Committee members have any questions?

Ms TAMARA SMITH: Thank you, Dr Linklater. I have a couple of questions. One is about the police on work health and safety leave due to assaults—sick leave or special leave or workers compensation. Is it true that they are not replaced? In my area the rest of the team simply has to pick up those shifts, however long that takes. Is that the case statewide? I know that for maternity leave and things like that, officers are not actually replaced. I was a teacher. If that happened to a teacher, it would result in an unfilled vacancy but a new teacher would come in and replace that teacher. Is it true that in the police force that does not happen?

Dr LINKLATER: That is correct, yes. So if an officer is off on workers comp, sick leave or maternity leave, as you have just said, they do not get replaced; they just sit on the books in a position.

Ms TAMARA SMITH: So if that went on for 18 months, that would mean that that particular command would have to find the shifts to replace that officer?

Dr LINKLATER: That is correct. Basically the other officers have to pick up the slack.

Ms TAMARA SMITH: Do you think that the culture, particularly for women officers on maternity leave—I imagine for me, what that would be like, especially if you are having a second child—maybe I am editorialising but it strikes me that that is not a conducive environment, particularly for women officers to feel comfortable to have a family if their fellow officers have to pick up the slack when they are on maternity leave. Do you think that that should change? Does the Police Association of NSW think that officers who are injured and on sick leave or who are on maternity leave or on any kind of leave should be replaced above establishment, or does the Association not have a position?

Mr KING: It would be nice to actually have those officers replaced but policing is an occupation where you just cannot have a reserve pool as such, like in teaching, so it is a vexed question. Certainly you could look at staffing or a percentage of staffing for your commands to be above but it is a real vexed question as such but it certainly would be beneficial to the troops if there were additional resources to cover for those sick or on maternity leave. We are certainly not opposed to it.

Ms TAMARA SMITH: There must be a bit of pressure to return to work.

Dr LINKLATER: I would not say there is pressure to return to work. As someone who has been on maternity leave, I would say that it is more difficult to be included in the workplace with the knowledge that you have children at home. You have to meet the same standards as everybody else and so some female officers may come back part-time but they are still expected to meet the same workload in the shorter amount of hours. To answer your question, yes, we could use more officers in those spaces.

Ms TAMARA SMITH: I was actually thinking of an injured officer. It is not like you can relax and recover knowing that your teammates are picking up your shifts.

Dr LINKLATER: Absolutely, yes, I agree with you. There would be pressure on that officer to come back early if they could.

The CHAIR: On the back of that question, you noted that it would be difficult, given the policing environment, not to have a pool. Can you explain why that would be the case? For instance, rural and regional areas, can they not base themselves somewhere and then look after a particular zone for officers or is that something that is not accepted?

Dr LINKLATER: The issue would be that we could not have casual people just coming in from outside. They would still have to be members of the police force who were fully trained.

The CHAIR: Agreed.

Dr LINKLATER: And ready to work for the organisation within a sworn capacity. It may help to do that but it would have to be under very stringent requirements in relation to how they are treated and that they are fully qualified to be able to work there.

The CHAIR: Are there any other solutions to that problem that you can think of?

Mr KING: If you could have a 15 per cent additional resource loading when you look at the staffing for particular commands. Most commands normally run about high eighties, in the 80 per cent available to strap on a gun and go out onto the street. If you actually increased the officers available you would solve that problem. That

would be a better way. Especially in the regional areas. Where would you actually put those additional officers? At Newcastle, where the region base is, but having to travel to Ballina you are looking at expenses.

The CHAIR: Yes, you are right. It would have to be done under the command area.

Mr KING: Yes.

Dr LINKLATER: The other suggestion that I would have, and this has been flagged a number of times I am sure, the workers compensation claims take far too long to go through. We could get workers back in to the workplace if that system could be expedited.

Mr KING: And more support for those returning to work could certainly assist in that area.

Ms STEPH COOKE: Thank you for your submission and your introductory statement today. My question relates to exploring the situation that overall assaults on police officers is stable and alcohol-related assaults are declining. What is taking its place? Could you explore that a little further.

Dr LINKLATER: The answer to that is that we do not know and we think that further research is needed in regards to that. We also have found that assaults on police are rising. So, while the number overall is the same the number of assaults seems to be rising. Whether or not that is some kind of factor.

Mr MARK TAYLOR: Dr Linklater, my understanding is there is a stable number of assaults taking place. Is it the case that assaults for attending domestic violence [DV] incidents has decreased?

Dr LINKLATER: I am not sure whether it is increasing or decreasing, I am aware that it is around 20 per cent.

Mr MARK TAYLOR: But, assaults for attending alcohol-related incidents has decreased?

Dr LINKLATER: That is correct. Over the years, I can take that question on notice to give you exact details, I know that has gone from 70 per cent over a number of years down to 45 per cent.

Mr MARK TAYLOR: If we assume that assaults at domestic violence incidents have gone down, they are the ones at residential premises, and assaults at licensed premises or alcohol-related have gone down, but we have filled the gap with some other assaults taking place somewhere else, and we assume that is in public places, Mr King.

Mr KING: I thought there was an increase in assaults on police at domestic violence incidents. I am just looking for it in our submission.

Dr LINKLATER: There is still a very high level of assaults on residential premises.

Mr MARK TAYLOR: There is certainly a high level, but I thought it may have decreased over the last 10 years.

Dr LINKLATER: I am not sure that is the case, I would have to check the stats, but I am not sure they have actually decreased.

Mr MARK TAYLOR: Mr King, the point I was getting to there, I thought the answer to that may have been because one would assume that when police attend domestic violence incidents they are quite prepared and more trained in those scenarios. And likewise, if you get called to an alcohol-related incident at licensed premises they are well prepared and trained. It is these assaults that are taking place unexpectedly that are the ones that are on the increase. There is that line of thinking.

Mr KING: There certainly is that. If we could take it on notice and come back with the actual stats, but I believe that there was an increase in the domestic violence assaults when the New South Wales police really started to target domestic violence offending to provide a safer community.

Mr MARK TAYLOR: Because there would have been a lot more jobs on.

Dr LINKLATER: The data indicates that it has risen in the collection of the residential code and that is put down to an increase in domestic violence.

The CHAIR: From the NSW Police Force submission, between 2015 and 2019 the percentage of domestic violence-related police assaults sits at about 20 per cent. It has not really changed in five years.

Mr MARK TAYLOR: We said that the assaults on licensed premises or alcohol-related had decreased and we think that is due to enforcement of alcohol-related violence laws, including the lockout laws. What are the other changes that you say assisted that?

Dr LINKLATER: Okay, we have had the lockout laws, that would be a significant one, we believe. As far as other alcohol-related policies there is an overall reduction in alcohol use in society anyway.

Mr KING: But I think with the lockout laws that were in place in Sydney there was a greater emphasis around the State on alcohol-related violence as such. Local liquor accords in the regional areas were tightened up and there was greater emphasis on that particular category of offending through the local liquor accords and the three strikes legislation. A lot of it was tidied up to a percentage there through that process.

Mr MARK TAYLOR: The overall drop in alcohol-related crime is the same as the overall drop in what we think is the overall drop in assaults against police in those types of scenarios?

Mr KING: Yes, but they are still too high.

Mr MARK TAYLOR: I agree, 100 per cent.

Ms TAMARA SMITH: Yes.

The CHAIR: I note that the data, when it is collected in regards to assaults, it is only alcohol. Where do the drugs part of it come in? There is no data collected around drug affected assaults.

Dr LINKLATER: Data from the Bureau of Crime Statistics and Research shows that appears to be the case, yes. In the New South Wales police submission I believe they did actually have some drug-related data. What I have here from their submission is it sits around 15 per cent of assaults on police.

Mr EDMOND ATALLA: Dr Linklater, you have indicated and it was mentioned by Ms Cooke that the trends on assaults on police have been stable over the last 10 years. Why do you believe that is the case and what strategies do you believe have failed to bring an improvement to this matter over the last decade?

Dr LINKLATER: It is hard to say what has failed. Any strategies moving forward need to be based on the evidence. Perhaps that is part of the problem here as there is not a lot of evidence about factors leading towards police being assaulted. There is a lot of thinking around it but perhaps no concrete evidence and that may be why strategies are not working. We would certainly suggest that having a research-based or evidence-based multifaceted-strategy going forward would be more likely to work. As we said in our opening submission, things like offender education in relation to assaults on emergency service workers and any strategy reducing domestic violence or alcohol use, we would hope that they would work. But we would like to see a little more evidence-based strategies going forward.

Mr EDMOND ATALLA: Are there any statistics to suggest that any particular ethnic group may be major contributors to assaults on police?

Dr LINKLATER: We do not have that information.

Mr EDMOND ATALLA: So no statistics are collected in relation to that?

Dr LINKLATER: Not that I am aware of. That is not to say there are not any but not that I am aware of.

Mr EDMOND ATALLA: Do you think that might be a good idea so we could work with culpable groups if there is a particular issue with particular cultures?

Dr LINKLATER: Any information going forward that helps to reduce assaults on police will be of assistance.

Mr EDMOND ATALLA: In relation to workers compensation, can you tell us if there has been an increase in workers compensation claims due to stress associated with violence against police officers? You mentioned that workers compensation claims have taken too long to be processed but I am asking whether there has been any increase in workers compensation claims and do they have a cost to the police force?

Dr LINKLATER: The NSW Police Force might be in a better position to answer that question. My understanding is that it has remained reasonably stable as far as workers compensation claims but physical assaults have gone up. I am not sure if that answers your question.

Mr EDMOND ATALLA: So you are saying that there has not been an increase in workers—

Dr LINKLATER: I am not sure. I would have to take the question on notice because I am not 100 per cent sure of the statistics—that comes from the NSW Police Force.

Mr EDMOND ATALLA: That can be taken on notice. I just want to get an idea of how much assaults on police are contributing to the costs of the police force. My other question relates to social media. Do you believe

that social media increases the risk of assaults on police officers? Some of the stuff on social media encourages people to follow suit.

Dr LINKLATER: I believe that social media is a bit of a double-edged sword with that. There is certainly information on social media that encourages people to assault police and is very anti-police. In that case, yes potentially it does increase the risk to police officers.

Mr KING: If I can add to that?

Mr EDMOND ATALLA: Yes, thanks Mr King.

Mr KING: Any rhetoric that devalues the work that police do and are doing around the State is certainly a serious issue. If it happens to be on a social media platform, all the more so.

Mr EDMOND ATALLA: You indicated that assaults have been stable over the last decade, what about the ferocity of the assaults? Do you believe this has increased over the last decade?

Dr LINKLATER: The amount of officers being injured in those assaults has increased significantly.

Mr EDMOND ATALLA: How can we counter it?

Dr LINKLATER: We need more information on what other factors contribute towards police assaults. We need offender education about what is appropriate behaviour around emergency service workers. Any strategies that decrease social inequality, decrease domestic violence and those kind of things will decrease assaults against police.

Mr EDMOND ATALLA: Thanks for that. Just one last question. In relation to body worn videos, what is the association's view on body worn videos by police officers?

Dr LINKLATER: We welcome the use of any strategy that is going to keep our members safe. Body worn video is one of those strategies to keep members safe and that would be our submission.

Mr KING: We actually fought for the introduction of body worn video to keep our members safe.

Mr EDMOND ATALLA: And are your members accepting the body worn videos, Mr King?

Mr KING: Certainly. It provides real evidence and it really does show the degree of the assaults on police. There was a high profile one from the Central Coast where you actually hear the female police officer being choked. It is really good evidence and it really does display what is occurring out there and what our members are facing. We fully support it.

Mr EDMOND ATALLA: Thanks Mr King. In relation to one of the answers suggesting that there has not been any evidence-based research done, can you tell us why that is?

Dr LINKLATER: There has been research done in the United States. I understand another submission to this inquiry also relates to that kind of research. I suggest that New South Wales-specific research would be helpful.

Mr EDMOND ATALLA: Why has it not been done in New South Wales? Is there any particular reason?

Dr LINKLATER: I do not know.

Mr EDMOND ATALLA: That can be taken on notice, Chair.

The CHAIR: Thank you. Do you have a question Ms Smith?

Ms TAMARA SMITH: I have two more questions. I know that the Police Association of NSW made a submission in 2016. On this Committee, there was an inquiry into violence against emergency services personnel and the Committee and Chair have collated those recommendations. I just wanted to ask in particular about the memorandum of understanding [MOU] between the NSW Police Force, Health and the ambulance service regarding offenders who also have mental health issues. My commanders have both raised with me over the last six years that more and more they are doing the business of taking people who really need health support, including people who are homeless. They are transporting them and they are having to also deal with them because 000 goes straight to them. The recommendation from 2016 was a strengthening of that MOU and a real coherence. It strikes me that there is not enough resourcing in terms of mental health. But I digress. I want to know the thoughts of both of you: Do you think things have gotten any better or worse since 2016 in terms of on-the-ground frontline policing? Would you say that people presenting with mental health issues is taking up more time or less?

Mr KING: It is certainly a significant proportion of the work that police do. I know there is a program that has been running in the St George area with—

Dr LINKLATER: Police, Ambulance, Clinical, Early, Response [PACER].

Mr KING: The PACER program, where mental health are working with police in that space. I believe it is well supported by the police, so that would be something to get some facts and figures out of for a wider rollout, if we can take that on notice as such. You actually see it played out, unfortunately, in a lot of serious events with mental health patients where police have to intervene when they are armed. It is the police who end up getting blamed for the whole incident and the coronial matters really just target on the actions of police but you rarely see those coronial matters in a poor outcome from a police interaction looking at the full weight of evidence there about the failures of the mental health system that led to this particular matter. It is the members that are getting the blame put on them, so it really is a major issue there. So we would certainly welcome some further scope or any pressure that you could bring to bear in the coronial space to actually start to look at the full picture, not just the last two minutes when those matters from a critical incident involving police. It would be welcome.

Ms TAMARA SMITH: Is the MOU there only to show a chain of command? What is the MOU meant to deliver?

Mr KING: I am not entirely sure on the MOU.

Ms TAMARA SMITH: It says that there are memoranda of understanding in each command between Health and the police and the ambulance service around the management of people presenting with mental health issues, or health issues rather, and I wonder if that is simply like a protocol of who to call or something like that. Exactly as you are saying, Mr King, that does not speak at all to the training of police in terms of dealing with patients with acute psychosis et cetera, the resourcing of the supports for police or anything. I am wondering whether the MOU is really like a communications line?

Mr KING: I believe, with the MOU, that NSW Ambulance should be one of the responding people because it is more a medical issue rather than a police issue. But with the lack of resources in the ambulance service, plus you also have the lack of facilities, especially in regional areas, to actually treat and detain these patients when they are having an episode, and then it falls to police, the 24/7 problem solvers there. So, yes, in the space of mental health it is the police that are the last port of call. We are the ones that are having to do the work of other agencies as such in that space.

Ms TAMARA SMITH: Thank you, Mr King. I do not believe any assault on any police is acceptable but there does not seem to be any statistics on the severity of assaults, or have I missed that?

Dr LINKLATER: There are statistics in the NSW Police Force submission.

Ms TAMARA SMITH: I will find that. Pardon me for not having that in front of me but when you said before that there was an increase in the number or the volume of police, were you talking about severity?

Dr LINKLATER: The number of actual assaults on police has remained stable.

Ms TAMARA SMITH: Yes.

Dr LINKLATER: However, the number of police being injured in those incidents has increased.

Ms TAMARA SMITH: I see. Similar to what Mr Atalla asked about, would you say that there has been any change in terms of the severity and in heinous assaults on that spectrum?

Dr LINKLATER: It is really hard to give a statistics-based answer on that because it is in relatively low numbers but when we do have significant assaults—you may have seen the media around them—they are really bad and they are resulting in officers being off for a long time with physical injuries. But it is not just about the physical injuries; it is also the psychological trauma. Emergency service workers have been found to be the most psychologically affected by assaults against them and, obviously, that has a very long-term impact on people who might be physically okay to go to work but they are constantly worried about potentially being assaulted.

Ms TAMARA SMITH: Is it still the case that if an officer is diagnosed with post-traumatic stress disorder they would be medically retired in most instances?

Dr LINKLATER: Not necessarily; it would depend on the individual.

Ms TAMARA SMITH: Would you think that that is quite common?

Dr LINKLATER: It does happen quite commonly, yes.

Ms TAMARA SMITH: Thank you.

The CHAIR: The time is escaping us. Ms Cooke, do you have a question?

Ms STEPH COOKE: Your submissions have spoken to how we might address the issue of assaults on police further to bring down those numbers, including education in the space of domestic violence—offender education effectively. Can you speak at all to whether you believe that our officers receive enough training with respect to communication, negotiations et cetera when they are attending to situations where their safety may be put at risk?

Dr LINKLATER: We would welcome any education for our officers in regards to communication or otherwise. We would like to see improvement of the information available to them as they attend these scenes so that when they are walking in they know what they are walking into. Perhaps education in relation to the ability to identify risks of assault. We know that a particular demographic, for instance, might be more likely to assault police, when we know what that is. Also, options for de-escalation and those sort of things would be another key education point and, obviously, community engagement is another positive.

Ms STEPH COOKE: Just to pick up on your answer, are you suggesting that, as it currently stands, when police officers attend incidents they do not have enough information provided to them in real time about what they are facing and, further to that, that the education for them currently is insufficient or inadequate?

Dr LINKLATER: Our police officers are highly educated and they are able to deal with the incidents that they attend. What I am saying is that any extra education is always helpful.

Mr KING: Any extra information is also helpful.

Ms STEPH COOKE: Of course.

Mr KING: But just on that previous point about the nature of assaults, it certainly anecdotally appears that assaults are becoming more severe on the police, even if we do not have stats to back it up.

The CHAIR: I think we are looking at a 42 per cent increase in actual bodily harm, which is enormous.

Dr LINKLATER: Correct.

Mr KING: Yes, there you go. The stats are there. If you look at it across the board, we have body-worn video, we had in-car video for the highway patrol, we have tasers, we have oleoresin capsicum [OC] spray. Most crime rates are falling or have really fallen over the past 10 years but assaults on police are stable, which, when you look at the falling crime rate, is just totally wrong for these to be stable when most other crime rates have fallen over the last 10 years. If I can mention one other thing. We spoke earlier about the trauma and so forth that the police face. Infectious diseases testing when people scratch, bite, spit at police officers: There was an announcement by the Government last year. We have seen the first draft of legislation to come through that was really a toothless tiger.

So it is going through the motions now. But if we could actually have some decent legislation so that if someone does spit, scratch, bite a police officer we can take them to hospital and find out if they have a disease. A police officer in that space has six months of testing to go through to get the all clear. If you are trying to plan families or you have got young kids, with proper testing of the offenders, although you still have to go through it, you can risk assess how you live your life with more information. I really call on the Committee to look at that in reducing the mental anguish to police officers that are assaulted where there is a possibility of infectious diseases being transmitted.

Mr MARK TAYLOR: Dr Linklater, in your opening statement you said that the court outcomes in relation to assaulting police were unacceptable. Parking aside, say, increasing penalties or mandatory sentencing, some of those other opportunities which are being looked at by another committee, has the association got any other ideas of court-based outcomes or sanctions or restrictions that could be in place rather than just increased penalties?

Dr LINKLATER: As I said in my opening submission, we think there could be offender education in regards to respectful behaviour for emergency service workers. If you imagine something like the Sober Driver Program, where offenders are sent to be educated on that subject as part of their court sentencing, that might be one option as well.

Mr MARK TAYLOR: You said that some of the previous offenders or repeat offenders had had criminal histories prior. Does the research show that they have criminal histories of violence or is there a propensity to violence in those?

Dr LINKLATER: I would have to take that question on notice. I am not 100 per cent sure.

Mr MARK TAYLOR: Yes, could you take that on notice for us?

Dr LINKLATER: Yes.

Mr MARK TAYLOR: Anecdotally, some commentary I have seen concerns an apprehended violence order [AVO] system or restraining order system around if you had a propensity to violence, not only receiving a penalty but you would receive some other court outcome as well, like an AVO, not to commit violent acts again or not to associate in places where violent acts occurred or something along that scale. Has there been any thought in the Association along those lines? You can take that on notice.

Mr KING: Take that on notice, if I could. It is not something I had really thought about.

Mr MARK TAYLOR: Okay. Thanks very much, Chair.

The CHAIR: I have one last question. In regards to training and the ability for police officers to receive training throughout their career—obviously they go through an extensive training program when they are recruited—do you think there is sufficient training in regards to de-escalation techniques and whatever is being developed in that space? Do you think there is enough training for police officers?

Dr LINKLATER: Police officers receive education in relation to all aspects of communication and de-escalation is one of those aspects of communication. Like I said previously, I think that any type of education is going to be beneficial.

The CHAIR: But are there frequently programs as they go through their career? If new techniques arise are they offered further training?

Mr KING: Every year.

The CHAIR: Is it a requirement that they have to do that training?

Mr KING: Yes. It is part of your DEFTAC—defensive tactics—when you do your firearms training every year. It is all part of that. Part of that training is scenario-based, where it comes out of previous coronial matters, largely, so that it is up to date—new techniques every year.

The CHAIR: Good. Thank you. Are there any further questions?

Mr EDMOND ATALLA: I have one follow-up question. Mr King, you have indicated about the testing of offenders—that you would like to see that come through fairly quickly by Parliament and legislation. One of the previous inquiries we have had in this Committee was the concern that the police might use that as a tool to break demonstrations, for example—drag people for testing unnecessarily. How do you believe we can implement that to give some assurances to the police officers who have to wait for six months until they know whether they have contracted any disease or not? How can we implement that without infringing unnecessarily on people's rights?

Mr KING: We are actually talking about offenders who assault police officers, whether they spit on them, scratch them, bite them, that commit a serious offence like that. It is a matter of just taking that sample to see whether they have any infectious disease to provide a bit of comfort. After that it is not evidence. It is just peace of mind for the officer to know whether that offender—

Mr EDMOND ATALLA: Yes.

Mr KING: We actually do it now if you are in a motor vehicle accident. You are taken off for blood and urine. But we cannot do it for someone that spits and bites at police officers. Forensic procedures—we can take swabs, samples now. After we have taken the sample there is no need to keep it. It is just for diseases. If you weigh up the two civil liberties there you are talking about a police officer that is keeping the community safe that has been assaulted, to get a bit of peace of mind. To me I just think it is a no-brainer that we try to look after those that look after us.

Mr EDMOND ATALLA: Thank you, Mr King.

The CHAIR: Thank you very much for appearing today. The Committee may send you some further questions in writing. Your replies will form part of your evidence and will be made public. Would you be happy to provide a written reply to any further questions within one week of receiving them?

Mr KING: Certainly.

Dr LINKLATER: Yes.

The CHAIR: Thank you very much for your time. We very much appreciate it.

(The witnesses withdrew.)

KELLY HINE, Lecturer, Australian National University, before the Committee via videoconference, affirmed and examined

VINCE HURLEY, Associate Lecturer, Department of Security Studies and Criminology, Macquarie University, sworn and examined

ALEX SIMPSON, Senior Lecturer in Criminology, Department of Security Studies and Criminology, Macquarie University, affirmed and examined

KEN WOODEN, School of Social Sciences, Western Sydney University, sworn and examined

The CHAIR: Does anyone have any questions about the hearing process?

Mr HURLEY: No.

The CHAIR: Would any of you like to make a short opening statement before we begin questions?

Dr WOODEN: No, that is fine.

Mr HURLEY: No.

Dr HINE: No, thank you.

Mr MARK TAYLOR: Dr Hine, you talk about loss aversion theory, which I assume causes offenders to, if I could use the term, lash out. Could you expand on that for the Committee in a short version?

Dr HINE: Yes. Loss aversion theory basically proposes that in these sorts of circumstances a suspect might have a fear of loss which is greater than being arrested. Rather than a hope of benefits, offenders are motivated by the fear of loss—they might lose something. So, for example, if they are carrying contraband during that police interaction, the fear of getting caught with contraband might be greater than being arrested, so they might try to resist arrest.

Mr MARK TAYLOR: Is there a training and educational ability to overcome that scenario or is that just life in general?

Dr HINE: I think it depends on the circumstances. When we are talking about this here what may help—and, again, this has not been tested yet so this is something we would need to look into—but what essentially we would be looking at is perhaps officers becoming aware of what those kinds of situations are. First of all to do that step we need to know what these situations look like. We have only looked at these charges where suspects were arrested. If we have a better understanding of what these circumstances look like for the suspect themselves, then providing that knowledge to officers about what kind of situations to perhaps look out for and then finally how to handle those situations. And again prevention is probably the best way to approach this kind of situation. It tends to suggest that community-oriented approaches may help in this. But again that has not been tested so these are just assumptions at the moment.

Mr MARK TAYLOR: You are saying, I suppose, that if there was a greater connection between the community and the police or the offender and the police they would have more of an understanding of what is taking place and what is likely to happen to them in the short-term future and therefore they would not be as averse to going through the process without lashing out, if I can use that colloquial term—is that what you are saying?

Dr HINE: Yes. I guess if you are looking at this theoretical approach what you want to do is reduce that fear of loss, that greater fear of loss than being arrested. So if they do not have that fear that may reduce that resistance. So again engaging with that community before something happens may reduce that.

Mr MARK TAYLOR: Are you aware of any statistics on assaults that fall into these different categories? So one would be a lashing out, not happy about the scenario, some would be mental health issues and some would be deliberate acts to avoid arrest. You do not have that type of breakdown, do you?

Dr HINE: I do not. The closest research I have that looks at that is the one that I did with the Queensland Police Service that looked at injuries to officers. They were significant events. So all those events, those injuries, involved being sent to the hospital for whatever reason that was. Within that I looked at in terms of public place and private places and I probably have that breakdown that I could look at further, but that is in relation to that data set.

The CHAIR: Does anyone have any questions?

Ms TAMARA SMITH: Yes. Would it make sense to go through with each academic?

The CHAIR: Yes, that is probably a great idea.

Ms TAMARA SMITH: Dr Hine, overall, at the risk of massive oversimplification of your academic papers, you seem to be very strongly suggesting that there just needs to be a lot more research. If you had all the money and time in the world, what would you do next? What would really inform your work?

Dr HINE: I think we really need to look at the process of what is happening, so essentially looking at the suspects, if we can look at what those situations look like. The research that I have done has been quite limited with being secondary data and the data that is contained within that, so I only know what I have been given and we do not know those outside factors—looking at those suspects' situations and also looking at the officers' situations as well, so how they are responding to those situations. And more importantly than looking at things that are not working when things go wrong we also need to look at when things are going right, when officers are responding to these kinds of at-risk situations and what is working and really drawing from that.

Mr EDMOND ATALLA: I want to go back to why there is limited research. Is it a funding issue? Why are universities not carrying it out? Because all I am hearing repeated is, "Our research is limited." The first question is: Why is that? What do you need to conduct proper research? The second question is: With your limited research, are there any evidence-based suggestions of particular ethnic groups contributing more violence than others? Are there any cultural issues that need to be addressed and targeted in a proactive manner?

Dr HINE: In terms of the first question about why there is limited research, there are two reasons. Money is always the first reason. Being able to have the financial funding to be able to conduct the research is a problem, especially with universities the way they are currently today. The second problem is being able to access data. There are sometimes some hurdles that you need to get through to be able to access police data. At the moment this is a topic that I am quite passionate about. As you can see I have started doing a lot of research in this area. It is something I would like to continue to pursue. So just to have the financial ability to conduct the research and to have the information—the data and the resources—to be able to do that, so working with police to get that sort of data as well.

The second question—again I cannot really answer that question because of the data that I had at my hands. Most of the data did record Indigenous status but that was about it so I cannot comment on other ethnicities simply because that was not recorded in the data. The Queensland Police data that I had had some mention of it but, again, recording practices by the police in terms of a tick box was quite limited so I just did not have the sample size big enough to do anything with that.

Mr EDMOND ATALLA: Is there any evidence of demographic-based assaults, of certain areas—low socio-economic areas—contributing more assaults than other areas or is there no evidence of that?

Dr HINE: There is previous research out there that I have not conducted but that mostly comes from the United States and those circumstances are very, very different to Australia. In terms of Australia we did have some information in the suspects who resist paper. In terms of socio-economic we were able to match some data to the decipher datasets to get a hold of that and it did not really come out too significant. It is a little hazy in terms of what is actually going on there and it needs to be unpacked a little bit more before we can really get anything definite out of that information. There was a significant finding for Indigenous.

Mr EDMOND ATALLA: In their earlier evidence the Police Association strongly supported body-worn video cameras. Is there any academic research to suggest that body-worn video cameras are a deterrent and do they decrease the number of assaults, just that particular tool?

Dr HINE: Again most of the research on that has come out from the United States. I have not actually done any research on that myself. And again we really cannot pull that information from the United States into the Australian context if we are talking about, just for example, firearms—the way society accepts firearms, the way the police use firearms. That police-citizen relationship is very different in the United States than in Australia. In terms of body-worn cameras, the information that has come out in the United States is very mixed. There is nothing clear and most of that is the methodological approaches that they have taken. It is a valuable tool to be able to use that in Australia, to see that, and I think it might be a valuable tool in terms of learning practices as well. I am thinking in particular in terms of what does work, looking at those types of situations and learning from those experiences as well.

The CHAIR: Are there any other questions?

Ms TAMARA SMITH: Of Dr Hine? No.

The CHAIR: We might move on to Mr Hurley.

Mr HURLEY: Just to put a few things into context, I am an academic at Macquarie University and I lecture in policing in society. I have been doing it for 10 years. Before that I spent 30 years as a police officer here, working at Blacktown, Mount Druitt, St Marys and Penrith in general duties and as a detective. I was a hostage negotiator for 10 years and I have investigated organised crime, kidnapping and extortion. So I look at it from two different perspectives, having been shot at twice in my career, having been stabbed once—unfortunately she did not miss—and having received a fractured leg.

If I just take those four examples, of the four, three I went into a hostile situation that I was aware about at the time but I could never have predicted the outcome. So when you are talking about assaults on police, if you want to look at it like a pie, if you cut the pie in half, half of it the police have no control over or know what they are going into, especially at a domestic, for argument's sake. The other half police do have an ability to predict or try to control that situation and that can be through education, the usual training, self-awareness, the use of the Os—whether it be youth liaison officers, domestic violence officers and things like that. So there is an ability for the police to reduce assaults.

Dr Hine mentioned a moment ago the issue of fear of loss. So you arrest an offender for a drug, which is a plausible example, but the police do not know at that point in time what the offender fears. The police do not know by arresting this offender this person is going to overreact. If I take my 30 years' experience and I had my head punched in more times than I care to remember, in most cases, especially those four cases where I was severely injured—that is why I had to leave—the use of force on me was greater than what I applied to the offender. So it is unpredictable and you can only try to a certain degree to limit the assaults on police. You can wear bulletproof vests, which are not mandatory. You can wear body cameras, which are not mandatory. They can turn them on at their discretion or turn them off—and Dr Simpson is going to talk a bit about some research into body-worn cameras.

But I think that there is an expectation, to a point, that members of the public expect the police to react and to arrest an offender. So there is a point of no return. You cannot relinquish that responsibility. Yet on the other side of the coin through the PCYC or the community liaison officers—the Os—they have a role to educate the community, but that is in a very friendly, sterile environment. How you prevent police being assaulted in the operation of duties—honestly, I do not know if you can. It is saying something very simplistic, I know, but it is an accepted fact of the job that at some stage—in my case, being shot at, being stabbed, a fractured leg—just a part of the occupation. And you could never do anything to predict that.

I also think that the issue of mental health, alcohol and under the influence, when you get called to go to a job you do not know as a police officer, whether you have all the training in the world, if that person has taken their medication or has not taken their medication, if they have taken marijuana, if they have taken whisky on top of that, if they have taken half their tablets, if they have seen their psychiatrist. There is going to be an element that you just do not know about. It is important—do not get me wrong—but to say education and training can be seen as some panacea is a bit of a falsehood.

Going back to the idiosyncratic natures of different ethnic cultures, what may work in, say, Bourke, may not work at Flemington but could work at St Marys. When you talk about police resources and doing studies, you have to look at the idiosyncratic nature of that environment in which the education is occurring. I was responsible for the domestic violence portfolio at St Marys. If you put me out at Bourke I would not have the expertise to be able to do that to reduce assaults against police. Those are some points I wanted to make. Are there any questions you might have in relation to that?

The CHAIR: Any questions?

Ms TAMARA SMITH: Yes, and thank you for your opening statement, Mr Hurley. That is very, very thought provoking. I was thinking about resilience. In a normal workplace like mine—it is not that normal but certainly with my electorate office team we have done some resilience training in terms of building resilience so that on the rare occasion that a fixated individual comes in and threatens someone we can recover from that. But in your line of work it is not an if; it is a when will you be blindsided, when will an officer be assaulted. I agree that all of that education, training, community specific—I know that when we hear from Dr Wooden he has talked about a lot more communications training and all of that. But are you saying that there is all of that but at the end of the day you are walking into unknowns—on a daily basis police are—and on some level there is no way of telling what is going to come at you?

Mr HURLEY: Correct. As a hostage negotiator when I go to a siege or someone is holding a butcher's knife, as has been the case, to their daughter's neck because of a family law court matter gone wrong, I am walking into that situation knowing, generally speaking, what the situation is so I can prepare myself. But when I get called to a violent domestic, an armed hold-up or shots fired, I do not know what I am going into. It is an accepted part of policing. It is just the way it is. You can try to minimise it all you like but there is an element that you just

cannot control. I am not saying body-worn armour is not important, but it has problems in itself. I am not just saying that body-worn cameras are not important, because they are an element and, as I said, Dr Simpson will speak to that. But it is the nature of the beast.

I am not downplaying it, otherwise I would not be here, but there is only a certain part of it that you can control. As police, in my 30 years' experience—it is easy to sit back now as an academic—you are already walking into a violent situation so how do you gauge the degree of force that could be used or should be used? Because I do not know that the person I am initially speaking to could be off their face on ice or it is a mental health issue. You cannot necessarily tell that. And then before you know it they have lashed out or they have shot at you or they have stabbed you or whatever the case may be.

Certainly in the case of being stabbed there was absolutely no indication that this woman was ever going to stab me so I was fairly casual about it and then her use of force was way up here when I was almost thinking about the weather, so to speak. And no amount of body armour would have saved me at that particular point in time anyway.

Ms TAMARA SMITH: In terms of police training, how do officers have resilience? Is that just a fantasy? Obviously we are talking about violent and high-risk situations. In terms of police officer training, moving away from all those other more broad strategies, is there anything in particular that you see needs to happen when a police officer is assaulted in terms of immediately? What are the things that build resilience to work in such a volatile environment? And who comes first? Are police officers trained that their physical health and wellbeing should come first or is that secondary to protecting the community?

Mr HURLEY: Oh, gee.

Ms TAMARA SMITH: Sorry, I know I opened a big Pandora's box.

Mr HURLEY: Okay. I will give you a good example. There is a domestic arms race in America which has been going on for 50 years between the public being armed and the law enforcement being armed. If you are talking about the police protecting themselves then when I joined we only had three—we had handcuffs, a small rubber baton and a pistol. That was it. Now they have an array of implements that they can use. If you are talking purely about police officer street survival then police are going to resort to a degree of force that they hope, if they anticipate it, will overcome the force that an offender may or may not use. So you are second-guessing.

But the problem with that is that the more the police become armed—and this is my opinion—the more the police use excessive force, it could lead to the reduction or the eroding of policing by consent or community policing within society generally. It is a bit of a double-edged sword. Secondly we talk about community-based policing. Community-based policing is a philosophy. There is no one single strategy that will deal with the problems, whether it be at Flemington, St Marys or Broken Hill, because every situation is different. So I might say that when I had the portfolio at St Marys reducing domestic violence my going around and speaking to the victims after the event, sitting down and having a cup of tea with them, worked. In another location it might not work.

It can come down to two things. Regardless of your age when you go into the police you are occupationally immature. You could be 40 years old or you could be 20 years old. And there is a degree of learning on the job. It is okay to look back in hindsight and say, "Well, I should have done this," or, "I should have done that." But there is a degree of occupational immaturity and you can be guided by your buddy or by an individual at the police station who says, "This is what you can do. This is what you can't do." But in that process, of course, you are going to get your head punched in, without a doubt.

So when you are talking about what the police can do for resilience some of it has to be through the school of hard knocks. Yet with the community, as I think Dr Simpson said, if you overpolice the community then you are going to undermine their confidence in the police. But then you will have people who say, "The job of the police is to arrest this someone because they have assaulted this individual," so where do you draw the line? And it comes down to, obviously, police discretion. I do not know. I think there is the natural fight or flight process within all of us. When I was out on the street and given my experiences it was always me that came first for my survival.

And then as a hostage negotiator, which is a different perspective altogether, I think by sometimes de-escalating or, and I did so a few times, walking away from the situation calmed it down. But the problem with walking away is, as the Coroner has said over the years, that once the police attend an incident they are in custody. The victim or the offender is in police custody by the mere presence of the police. So if the police walk away and then that victim or that offender gets injured then the police will be criticised because they did not take duty of care. I do not know if I am answering your question.

Ms TAMARA SMITH: You have definitely teased it out for me. I really appreciate that.

The CHAIR: I am conscious of time—

Mr HURLEY: Yes, sorry. I have talked too long.

The CHAIR: —so can we move on to Dr Simpson, please?

Dr SIMPSON: I want to follow a lot of Mr Hurley's comments. I am happy to answer any questions which you have about the submission. But I think you raise a number of issues which echo what Dr Kelly Hine mentioned before around the role of the police and the role of community-based policing being a philosophy rather than a practice, which is harder to teach through training programs, less through school training programs. With some of the solutions, for want of a better word, within the original remit, as an academic what I am wondering is: What are some of the questions being asked? Especially where that is looking at assault on police, the headline figure being that level is stable over five years. So in terms of why there is not research on this, yes, it is partly to do with funding and money but also it is hard to demonstrate a research problem. You know, is this benchmark high or low? Is it increasing or not? It is remaining stable. Well, okay. What is the end point? Do we want to reduce that? Always yes, but I think as Mr Hurley teased out sometimes there is always going to be a certain amount. I am happy to talk about body-worn cameras. I am happy to answer questions as well.

Mr EDMOND ATALLA: Dr Simpson, I note that you are a senior lecturer in criminology. I presume criminology is profiling and going to the heart of what this hearing is about: identifying why these things occur, how do you prevent them and so forth. Do you believe there is an interest in that particular field or do you get very few students interested in taking up this particular field?

Dr SIMPSON: There is a huge interest in the field of policing. Students do have an interest. A lot of our students—we were just talking about it earlier—come to do criminology to think about policing as a future vocation. Obviously within that police safety is paramount so these questions are always being asked. But I think much more of concern are questions about techniques of policing, philosophies of policing, thinking about the binary of who is being policed: What communities are being policed? What spaces are being policed? How are they being policed? With a greater use of a whole array of weapons, of which body-worn cameras are a part, creating that antagonistic front. But also who are the police for? What spaces are the police for? What kinds of communities are the police for? And I think there is a binary here. It is class based. It is race based. It is culturally based. I think some of these are the questions which I try to tease out of my students and which I think are also pertinent for this inquiry here.

Mr EDMOND ATALLA: Do you believe there is a relationship between psychology, mental health and criminology profiling? Do they overlap in relation to working out studies in that particular field?

Dr SIMPSON: If you are asking about profiling of offenders, this is not really my game. But I think the question of mental health is really important here because what we have seen, from my background, in the United Kingdom context, but also the Australian context as well, is the increased use of police to intervene in mental health situations. So again if we look at it in a crude way, we are bringing in the aggressive armour of the State, the police with the weapons, into a very sensitive situation with very vulnerable people—very vulnerable spaces dealing with a lot of complex issues. Yes, there may be violence within those spaces, violence being threatened, which Mr Hurley definitely witnessed in the past.

But then are the police the best first call of response to some of these situations, especially with the complexities of mental health? Are there other support services which should also be allied with the police to intervene in these situations? Some of these things are needed to be teased out. What Mr Hurley spoke about, there is not a silver bullet to this. There is always the cost and benefit—you know, personal protection from the police but also protecting victims and also offenders. In mental health the relationship between victim and offender is going to be very complicated.

Mr EDMOND ATALLA: I think there is definitely a gap in terms of policing and mental health issues. I spoke about this in Parliament last year. In my electorate I have had situations where police pick up a mental health patient from off the streets, just wandering the streets, and do not know what to do with them. They end up dumping them in a motel car park and running away, hoping someone will take care of that. Do you believe that there is a shortage in training of police officers to deal with mental health or clear strategies for the police to use in dealing with mental health patients?

Dr SIMPSON: I think 100 per cent yes. But I think there should also be the follow on question of: Should the police be the first people to intervene in some of these situations? Often, through personal experience, people in situations of mental health often display violent, erratic and unpredictable behaviour and then the first people members of the community call are the police. And perhaps it is right for the police to intervene. But also should we be looking at other support services, other trained professionals, dealing with experts in mental health so that we do not have these situations which you evocatively highlighted? Is this a failure of policing and a lack

of police training or is this a failure of broader community partisanship in terms of how we are seeking to support very vulnerable and the most vulnerable members of our communities?

Mr EDMOND ATALLA: Yes. I do not believe the police is the first point of contact, just speaking from experience in my electorate. But other agencies are not interested—health agencies, ambulances. When you contact those agencies they say, "Unless the person is going to be sectioned, we're not attending." And so the community has no choice but to call the police and the police cannot do anything about it because they have not been trained to deal with mental health issues. And should they be? I do not know. There is clearly a gap there in terms of support for mental health patients that could turn into violent situations if they were left unattended.

Dr SIMPSON: I could not agree with you more.

Dr HINE: May I add something there? I have a background in psychology and criminology. It overlaps both ways. One of the things I look at is that these are forced decision-making processes and impediments to that decision-making process. So it comes into it in that respect. And then in regards to what you are talking about at the moment—and I agree with everything that has been said so far—one of the interesting factors out of one of my papers with the Queensland Police Service looking at the injuries paper was that officers were less likely to get injured with people with mental illness. We are not quite sure why that might be but one of the speculations is that they get trained to approach those situations differently and there might be lessons learnt there that we can take away into the broader policing practices. Again that is something that needs to be unpacked further, but an interesting finding nonetheless.

The CHAIR: We might move on to Dr Wooden if there are no further questions.

Dr WOODEN: Thank you, Madam Chair. My interest is primarily around the area of vulnerability of police—in particular, police work in various communities where they are not accepted by a small percentage of community members and as a result of that the police suffer disrespect and stress from working in those environments. A couple of quick points whilst they are on my mind: As Mr Hurley highlighted, with assaults upon police there will be occasions when no training will prevent it. It is a sad situation but it is reality in policing. My research suggests, though, that there are other situations where police with additional training, especially dealing with hostile young people, are in a better position to de-escalate a hostile situation and perhaps prevent injury to themselves.

I want to make another point too in terms of community policing. It is a useful strategy but my research suggests that community policing primarily is conducted by various people within a command, such as your domestic violence liaison officer, your youth liaison officer. Community policing really has its value at grassroots level: the constables with the day-to-day contact with the community. When you look at contact with any community it comes from the younger, more inexperienced police that are working in the community. That is an important issue—that in terms of younger, inexperienced police they do have a lot to deal with in the initial stages of their career.

When you look at nursing, teaching and medicine, as part of their training they are dealing with their clients. With policing they do not. With police training they go out to a local area patrol during the course of their training—it is for two weeks—but they go out as observers. They cannot participate because they are not constables of police. What I suggest as part of a training suggestion is that recruits participate in more authentic role-plays, actually bringing the field, the people they deal with, into the recruit training itself, so having young people, people suffering from mental illness—a whole variety of backgrounds—coming in and acting as role-plays in police communication strategies.

Another good point was made in terms of various patrols being different and that is 100 per cent correct. Recruit training is really structured around a one-size-fits-all model and it is not sufficient because another aspect of my research shows that novice police and experienced police suffer real shock when they go to some communities—and there are a number of communities out there—in which the small minority of people who the police come into constant contact with in that community are really disrespectful and hostile towards police. Unfortunately in those such communities where the vast majority are law-abiding and respectful, police only come into contact with those people as witnesses and victims, so most of their work is involved with very challenging situations. That is where I come back to the enhancement of communication strategies.

There are other issues in terms of the policing role and I just have to refresh my memory. When you look at nursing, teaching et cetera there are a lot of strategies involved with dealing with young people and not putting young people into a confrontational situation in front of their peers. This is probably the type of training I am suggesting. At the same time I am not suggesting that police should water down their approach but I am just suggesting that there should be an enhancement in communication skills. Probably another point too is that the

success of commands, especially in disadvantaged high-crime areas, is measured in part by the number of arrests they are undertaking because those areas suffer from high crime.

Once again I suggest that it is an important policing function but just as important is the method in which police actually conduct those crime reduction strategies. When I talk about crime reduction strategies I mean move-on, stopping, searching suspects in crime hotspot areas. I think improvements with community relations can go a long way in terms of the way those processes are undertaken.

I do have some other points too, but I suppose they are probably my main points: Police themselves are vulnerable and we have to look at ways to minimise their vulnerability within the workplace.

The CHAIR: Thank you, Dr Wooden.

Ms STEPH COOKE: I will start with Dr Wooden, but I am happy for any of the panel members to offer their thoughts. There has been a lot of discussion about training and development of our younger police and of police throughout their careers. What role do you think the recruitment strategies of the police force have to play in this space? The question of fit versus grit is one that I toy with a lot in life in general: Do you recruit someone and then train them to be what you want or hope that they are, or do we place more of an emphasis on recruiting the better fit for the job to start with and then enhance their abilities through training and development?

Dr WOODEN: Yes. What I have found—and it probably goes to the heart of recruit training—is that the police that appear to have the most difficulties with their interactions with the community are the younger, inexperienced police. In terms of recruit training, it is very important that they are able to rehearse and refine their communication strategies. Police training is very good, but in recent time they have moved to a more generalised system of training. Whereas in the past communication training used to be more intensive and more rehearsed, because of the nature of the training program it is not as much as what it used to be. I suppose another point I would like to make, too, is that the training should not cease at the academy. When they go to their local patrols—and their education and manager officers there know what the problems are at the local patrol—there should be more in-service training there. If a local patrol does have problems with troublesome youth, there should be more in-service training at the local patrol in helping, once again, the frontline police enhance their communication strategies.

Dr SIMPSON: I am happy to comment. Yes, I think it is a very valid question. I think we have to think about who we want the police to be, and especially in relation to the problem in hand around assault on police. If a lot of this is a result of fear—as Dr Kelly Hine highlighted—what do we want the police to look like? Who do we want them to be? On one end of the spectrum we have got the Paul Verhoeven *RoboCop* tooled-up aesthetic and, at the other end, the community aesthetic. I guess the answer is always somewhere in the middle, but what is going to reduce fear? What is going to reduce that distance between the police and the community? All I can say is that it could only be better to have greater community representation within the police—just like what Mr Vince Hurley was talking about—in relation to the different contours communities face and the challenges they face, but also greater community representation along axes of, obviously, Indigeneity but also other ethnicities and also gender. When you think about the composition of the police, I think some of these variables are of increased importance to reduce that distance and to reduce that fear.

Dr HINE: Yes, I agree with everything that has been said, and specifically talking about the recruitment element. It depends on the aspect itself. There are some things that you can teach and there are some things that you cannot teach as well. You can recruit an officer and you can train them to be fit, so that might not be a necessary element in that "Do you recruit or do you train?" sort of thing. In terms of training, it is about the nature of the training as well. For example, when working with the Queensland police we were working with the recruits, and some of the recruits just felt like they had to use force because that is what they were being trained to do at that time, whereas the communication skills would have worked just as well, if not better. So I think it is important to incorporate, when we are training, what actually does work to kind of reduce this crime-fighter mentality that we are looking at. Again, one of the benefits that I found out of my research was the benefits of that real tactile training—that hands-on approach to training, as well, rather than just computer training or just in a room or virtual reality. That real tactile—someone grabbing and resisting, as well. I guess the two points are the value of training, in terms of the tactile environment, and also training about what works, as well.

The CHAIR: Mr Hurley, did you have any comments?

Mr HURLEY: Yes, just a couple of points, Chair, about training and recruiting for the organisation. When I joined in 1981, I was appalling. I think back now on the decisions that I helped make and the things that I did, and even though I was under a lot of supervision, I was shocking. I look back and I go, "Oh, my God. Why did I ever do that?" It goes to my point earlier about occupational immaturity—even though my parents insisted that I pour concrete for two years to get a bit of worldly experience before joining. But it did not help me. In

relation to communication, that is very important. I think that improvements can be made anywhere. But if I take my position as a former hostage negotiator, I went to some pretty high-stress situations knowing what I was going into. I think that the subtleties of good communication is important and I think that comes with experience.

But with training, I think that there can be emphasis on soft communication skills for new recruits. Whether that has enough potency to carry them into the job or not, of course, remains to be seen. It will depend on the individual. But certainly having one of the negotiators go down to the academy and talk to the students about "What did you do in this situation? How would you approach it?"—giving them real suicide intervention or siege intervention techniques, but applying it in practical applications, would not go astray. There is always going to be the problem of in-service training for police, and it probably goes to a lot of organisations. There is only X amount of time and X number of weeks in a year and every stakeholder in society will have different emphasis on what the police want to do. When it comes to, say, mental health or communications training, people say, "I want you to do this. I want you to do that." Ultimately, at the end of the day that organisation has to make a decision on what needs to be done. But certainly I think that listening is probably one of the greatest underutilised skills a police officer has. I will put my hand up and say I was guilty of that many times.

Mr MARK TAYLOR: Dr Wooden, thank you very much for your submission. I think you go one step further in your submission. You talked here today about more real-life scenarios at the academy or training. But in your submission you go one step further and talk about immersion into the type of community that you may be working in, or the community in general, prior to going into being a police officer as part of that training.

Dr WOODEN: Yes.

Mr MARK TAYLOR: I assume the point of that is that it builds resilience because you learn about the environment that you are in. Is that the nature of it?

Dr WOODEN: Yes, that is true, Deputy Chair. I think the point I was trying to make there was that in terms of service learning for new police going to more challenging patrols, they could undertake service learning before they actually commence their duties at the patrol. Service learning is working with community groups within the patrol and coming into contact with their clients, and it gives police a better understanding of what the challenges are within the patrol. Perhaps it reduces what I referred to as a notion of otherness—that perhaps in some policing situations, police are unable to relate to the predicament or the circumstances of the people who they are dealing with. Service learning gives them an insight into the problems people are facing.

Mr MARK TAYLOR: And certainly reduces that shock effect that you talk about—the initial shock effect from witnessing what happens in that community.

Dr WOODEN: Yes, Deputy Chair, that is true. What I did find was that novice and experienced police going from one patrol to a more challenging patrol suffered shock at the level of disrespect and hostility they were facing in terms of the people they were having the main contact with.

Mr MARK TAYLOR: Would that improve communication skills, as well? If you understood the environment that you were in, would that build resistance and improve communication skills in that area?

Dr WOODEN: That is correct.

Mr MARK TAYLOR: One would assume that would reduce not only the mental health aspects or injuries, but also the physical injuries such as assault.

Dr WOODEN: That is correct.

Mr MARK TAYLOR: Dr Hine, is there any research showing that the assaults on police just follow the normal crime rate trends?

Dr HINE: I do not know.

Mr MARK TAYLOR: You are not aware of any of that?

Dr HINE: Sorry, I could not answer that question. I do know that there have been some things that seem to have happened. Without knowing the direct causation, there is a correlation between things happening and a reduction in assaults on police or, shall I say, injuries or fatalities on police—things like the introduction of less lethal weapons. We do tend to know that, for example, if a suspect is coming at a police officer with a knife, some of those less lethal options provide officers with some kind of distance, although limited; but it has reduced the injuries or the fatalities on officers. But in terms of crime rates in general, I do not know. I am sorry.

Mr MARK TAYLOR: I suppose I was trying to get to the question of whether the assault rate of New South Wales police is skewed. There is no evidence of that?

Dr HINE: I do not know. The only thing I looked at was police fatalities. The number of fatalities, thankfully, is low in general in terms of assaults overall. Specifically looking at New South Wales Police, I can only say that in the past roughly 20 years, there were only five fatalities due to assaults. That is, thankfully, not a big enough number to get any real patterns and trends out of it. But the assaults data specifically to New South Wales—I cannot answer that, I am sorry.

Mr EDMOND ATALLA: Dr Wooden, I note that you are from the School of Social Sciences. I have asked a similar question of Dr Hine previously: Do you think that there is a huge interest in that particular field? Can you elaborate on how the field of social sciences can contribute to assisting with the social issues that we are discussing at this inquiry? How do people who are graduating in this particular field contribute to society to help decrease the violence we are speaking about?

Dr WOODEN: In terms of your question concerning research, I think there is always a bit of a challenge in getting access to police organisations in terms of research. They are probably an organisation that a lot of people do want to research a lot of different issues regarding policing. I suppose in more recent times they have become more selective in terms of who they approve to conduct research. In terms of interest, there is interest but there is not a large number of academics within the policing field. There are some in terms of criminology who have an interest in policing but I think, overall, although research has taken place over a number of years, in a lot of ways it is still an emerging field. I think as time progresses there will be more research, but at this point in time probably not enough.

Mr EDMOND ATALLA: My question is in relation to students taking up social science studies. How do those graduates contribute to our society in relation to some of those issues, whether they may be in criminology or other matters? How do they contribute to society? What I am getting at is this field of social science—I presume you handle looking at that area. How does that contribute to our society?

Dr WOODEN: A lot of social science students do undertake policing units as an elective, for example, so they do have an understanding of the policing occupation and the challenges that policing faces. Also a lot of social science students at Western do undertake criminology units as well, so it does give them an understanding of the underlying causes of crime and what can be done, hopefully, to prevent incidents of criminal behaviour.

Mr EDMOND ATALLA: Why do you think there is no huge interest in that field? Is it because a lack of employment at the end of it? Why would there be no huge interest as such?

Dr WOODEN: Within policing research?

Mr EDMOND ATALLA: Within social science, majoring in those areas of criminology and policing.

Dr WOODEN: In terms of Western, we are in the process of looking at it. At this point we do not offer a sub-major in policing, but we do offer a sub-major in criminology. We have a lot of students who are interested in criminology-related sub-majors.

Dr HINE: I will add that at the ANU we have a Bachelor of Criminology, which is only quite a recent addition. Within that I teach a policing course; I also teach a diversity and crime course. There is a lot of interest from students in taking that. My research students—again, probably a reflection of the newness of the program—have tripled this year to next year, so I think there is a growing interest in this area, at least from my perspective. There is a growing interest in policing, in particular. For all the reasons that were mentioned earlier by Dr Hurley and Dr Wooden about that, I see a growing interest in that area.

Dr SIMPSON: Can I chip in in relation to social science, or do we have to wrap up?

The CHAIR: We are running out of time, but I will allow you to answer quickly.

Dr SIMPSON: Thank you. I wanted to respond more directly on what students with a social science degree offer to society. I think it is a very rich discipline; as a social scientist I am going to be saying that, and as a sociologist as well. There might not be a direct trade or vocation to slip into in the way that other degrees offer, but what students learn is around critical thinking and critical thought: analysing a problem, whether that be through research or simply through critical inquiry. That is exactly what we have been looking at today. We see a problem in relation to police assault and we realise that, actually, that problem does not necessarily mean one single thing but actually is a symptom of many other differing variables that we need to get a greater handle on. When we have more people within the community thinking critically, then we have less people reacting reactively—excuse the repetition—to some of these very real issues. The violence on police may not be a symptom of police inadequacies, but one of greater inequalities and so on.

The CHAIR: Indeed. Thank you. I am sorry we have run out of time. It is all very interesting and I really thank you for your attendance today and for your submissions. We may have some other questions for you in

writing, and we ask you to provide answers in writing within a week of receiving them. Are you happy for that to happen?

Mr HURLEY: Yes, that is fine.

Dr SIMPSON: More than happy to. Thank you.

Dr WOODEN: Yes.

Dr HINE: Yes.

The CHAIR: Thank you very much. We will now take a break until 11.30 a.m.

(The witnesses withdrew.)

(Short adjournment)

DOMINIC TEAKLE, Chief Executive Officer, Police Citizens Youth Club, sworn and examined

The CHAIR: I am delighted to welcome our next witness, Mr Dominic Teakle, who is the chief executive officer of the Police Citizens Youth Club [PCYC]. Before we start, Mr Teakle, do you have any questions about the hearing process?

Mr TEAKLE: No.

The CHAIR: Would you like to make an opening statement before we begin with questions?

Mr TEAKLE: I think the PCYC brand has been part of New South Wales culture for 83 years. It is well known—probably not as well known as I would like it to be. Under Commissioner Fuller's RISEUP strategy, we are doing a hell of a lot more with youth in a structured sense to try to divert them from crime and, obviously, keep them out of detention centres as a priority. That is through getting them to work and early intervention. We are running programs in some of the remote areas that are just about getting kids active in life. We are obviously very fortunate to be part of Government's and the community's benefit for some years. That is all I really wanted to say at the start.

The CHAIR: Thank you. Would you be able to expand a little more on those programs?

Mr TEAKLE: Yes. We used to run 120 police programs that were run in PCYCs as I joined. I joined 3½ years ago. The Commissioner's RISEUP strategy was jointly developed with myself, the PCYC board and the Commissioner and his team to rationalise the programs into eight distinct categories. The first one is Fit For Life. It is an early morning, early intervention program. It gets young kids who are known to police or who come through agency referrals to come into the club, do a physical activity and get breakfast, which is often the only meal they get prepared for the day. We often prepare them lunch as well and we take them to school. That is run up to three days a week, depending on the demand within communities.

Other than that, we have Fit For Change, which is a program based on criminogenic factors. It looks at specific crime areas within the local government area [LGA] that the PCYC serves, and programs are designed with police and PCYC to look at those criminogenic factors. For example, an outreach program in Tumut—there was a spate of car thefts where cars were being stolen and burnt, and we ran a program and that stopped as a consequence of keeping those kids engaged. That is Fit For Change. Fit To Strive is aimed at younger kids and is about getting them to school, so it is around normalisation of educational processes in partnership with the Department of Education.

We are not educators in the formal sense; we obviously look at programs that benefit young people. That is because we know that, particularly in some of the regional areas, if we do not get them by eight years old we are going to lose them. We know that they start getting into some gang-related activity very early on. They get influenced early, and so at eight we need to grab them and get them in—particularly at Broken Hill, Bourke, Walgett and Moree. They are the sorts of programs we run there, once identified. At the top end of it, we have Fit For Work. That is a 10-week program run during the school terms and primarily aimed at young people who are not engaged at school and who have become disengaged from the community—known to police, in some cases.

We have a cohort of 15; normally, within that 15, five are young offenders. I cannot speak too much because I am not qualified on the qualification of young offenders, but in my civilian speak I will use the term. That means that those kids have been in detention of some form or other. They are either coming out of detention or are in detention. Fortunately, on our board we have the president of the Children's Court, Judge Johnstone. He works with police and the magistrates to try to, at sentencing, defer them to these types of programs so they are not going into detention. What he does is he uses them as almost a hibernation period, so that we take them into our care and then, when they reappear at the set time for the hearing, he actually sees if there is a marked change, which is obviously trying to divert them from the justice system. So that is Fit For Work.

We run them through a set lot of education programs, which is about white cards and first aid certificates. Sometimes for these kids, it is the first thing they have ever achieved in their lives. From that perspective, they graduate and we do a formal graduation ceremony. We invite the family and we invite the local police—because often they are known to police—so that they see the change. As a consequence of that, over 180 young people over the past year have been employed. That is not full time, but it is getting them into part-time work. The Commissioner's view and our view is that you put money into these kids' pockets, you are going to have some social benefit and also some economic benefit. If they feel gainfully employed, they are able to spend within the community and they start to break the systemic unemployment that we often see in these kids that are at risk. That is the top end.

Fit For Service, we run at the moment in Lismore. Fit For Service is about trying to attract young kids into service orientation, whether it be army, navy, air force, police or emergency services. We have formalised an agreement with the SES out of Wagga to do a services cadetship. What you are trying to do is keep the kids in a mentoring situation for as long as you can. I interviewed a young girl this morning—a 25-year-old marketing person. I think it is a misconception that we have that young people do not want to serve; they want to serve. They want purpose, so if you can give these young kids purpose—the ones that are good, and even the ones that are a bit shaky—and say, "Hey, we'll keep you in care and we'll put you into an SES cadetship," they are going to continue to serve. That is working well. It has been underway for a year. I would like to formalise it more; that is part of our strategy moving forward. That is what Fit For Service is. We have run that successfully up in Lismore and three or four of those young people are looking to move on to other police or to the army as a consequence of that.

There is Fit To Learn. Fit To Learn is absolutely about getting kids back to school. That is getting, mainly, the kids under 15 who are just totally disengaged. We have got sponsorship through a corporate foundation, which is funding that. That has had great success—particularly at Bathurst, where we have run it fairly consistently because of the issues out there that we are aware of. It is done in partnership with the Department of Education, in the sense that the principals know it and they refer young people into it. That is really about getting rid of some of the stigma that is around emerging mental health concerns and social media, and trying to normalise that in a sense of how to cope with it so that they can go back into school. We have had a lot of success in getting these kids who are normally suspended et cetera out of that cycle and getting them back into full-time school. The results of that come from the principals. I think I have covered them all.

The CHAIR: You have covered six.

Mr TEAKLE: Fit To Strive, Fit To Learn, Fit For Change—I will think of the others shortly.

Mr MARK TAYLOR: You have covered Life, Change, Strive, Work, Service and Learn.

Mr TEAKLE: There is Fit Together. The Fit Together program is a primarily Indigenous, but also multicultural, program. We run them where we are through the agency's network. The police do it formally under a YAMs process—Youth Action Meetings process—which is trying to replicate the domestic violence program that they had success with about four or five years ago and that they continue to have success with. That is primarily about looking at, for Indigenous, bringing culture with the kids, with respect, and with keeping them at school if they are in that age group. If they are not in that age group, it is preparing them to go into Fit For Work. We try to give them a sense of having to turn up and having to show respect—just those things which are about engaging with young people that keep them interested. It is always activity based. There is always an activity because fitness is pretty key to our mission base.

But we have also done it where we saw an emergence of the gang-related issue in Blacktown. We engaged two rival—as it turned out—high schools where the police knew that there were issues. We did what we called Haka Warriors. What we did with the Pacific Islander kids is bring them in and they did hakas and they haka'd off. That whole challenge process and that cultural integration, when you understand—I do not understand it well but I have had the privilege, in my previous life, of serving with the New Zealand Defence Force. It runs very, very deep, that cultural thing and that whole tradition around the haka and what it actually means, which is not what the gangs represent; it is the opposite. It was a very powerful metaphor to get those kids going, and they did obviously see a diminution of that. We have got a graduation today of one we have done in school around that, as it turns out. That is Fit Together. For the life of me, can I remember the last one?

The CHAIR: That is okay. We will get to that. No doubt you may remember it during the committee.

Mr TEAKLE: I am sure I will.

The CHAIR: I have a question in regards to the programs you run. How much engagement is there by the local command into the PCYC?

Mr TEAKLE: It is more and more. I say that because, in fairness, I feel that when I first took over my first mandate was to put a strategy together, because we did not have a strategy. Part of that strategy was looking at a theory of change. The theory of change goes back to the legacy that I have a debt to serve. That debt to serve started at Woolloomooloo, with the link between the then Rotary and the police commissioner who set up what was the Rotary Police Boys Club. If you have a look at that triumvirate of police, community and PCYC, if they do not come together we are not successful. Variously, throughout the 65 clubs that I have a privilege to serve, those 65 clubs I liken to a bucket. There are 65 holes in it and I have 63 corks. There are going to be leaks across that environment at points in time.

We had a leak in Bourke, so we went to Bourke. The centre of it was police. Their engagement was critical. We linked in with Family and Community Services [FACS] and all the agencies, because there is a lot of support there. We sat for two days to workshop what we could do. As a consequence of that, we were cooking sausages and going down to the skate park, because there was a lot of vandalism and violence. Police were there from the local area [LAC] command, plus our own youth police. We recruited for youth workers and now we have an ongoing kick in from Andrew Hurst, the commander up there, which is starting to reduce the crime rate and that antisocial behaviour. Respectfully, in Bourke there are not a lot of places to go except to hang, so PCYC has to be the centre of that community. We have Bourke and Moree. It is mainly regional areas. They get community areas.

They understand that community is strong in regional areas. In metro, I think they are so busy, but we have very strong links with the transport police, because a lot of the young offenders—not young offenders, but kids get into trouble on transport. The transport police actually go and do the Fit For Life activities. It is a normalisation of that police interaction. One of the stories that Dubbo police officer Peter McKenna tells—he is an outstanding police officer—is that when he first went to Dubbo the kids in the street would run from him and elicit certain signs to verbally or non-verbally show exactly what they thought of the police. Ten weeks later after he had been to every Fit For Work—that guy, as the commander, goes to every Fit For Work.

We have picked a list with the kids who need our help and we pick them up. Three buses go out of a day. There are up to 40 kids in this Fit For Life in the morning. He picked up two kids who were previously young offenders. These are kids I have boxed with. They are 14-year-old kids who had hijacked a car at knifepoint. These are tough kids. They got in the back of his car, he drove them to where they wanted to go and as they got out they handed him his wallet and his badge. That is a change, because that is a commodity that has real street cred if they took that around. That engagement with the police officer, the normalisation of engagement, is exactly what the Commissioner knows about, from my perspective and understanding, though I am not a police officer, and I see it. The more we get involved, and they are getting involved, it is focused in the regions. They are better at it than metro because they are so busy.

Mr MARK TAYLOR: Fit For Home talks about respect and relationships.

Mr TEAKLE: Yes, Fit For Home is the last one. That is more around the domestic violence [DV] issue where we see, particularly in young kids, evidence of domestic violence. That is a bit more specialised in the sense that the DV process with other agencies—out-of-home care, FACS, community services and sometimes other not-for-profits—will highlight where the kids are at risk. Obviously it is run with the police and the DV care that they provide. That is what Fit For Home is. It is trying to bring that behaviour right. What is interesting is I went to the Orange activity. Predominantly Fit For Life has under 14-year-old girls. I was really quite surprised that it was just girls. We did activities in the morning. I asked police officers why those particular girls were chosen and they were all siblings of young offenders. The stigma they have at school of being the sibling of a young offender was creating emerging behavioural and mental health issues. They were really stigmatised by it. Bringing them into PCYC and showing them, associating with police in a good way, is breaking that down at school. Their behaviour is better and their attendance is better. That is where we see the Fit For Home coming in.

Mr MARK TAYLOR: Based on your experience that you have right across the board, could you comment on the relationship between young offenders and police, the respect, police attitudes to young offenders and vice versa?

Mr TEAKLE: Yes. I get around a bit and I certainly get involved a lot. I have never, ever seen a situation with a youth police officer and youth in our clubs. I have not seen that aggression. We had some issues at Kempsey where we run a Safe Aboriginal Youth Patrol, which is funded by the Federal Government. We go out to the community, pick up the kids and run activities. We have had violence. You have it from time to time with fights, some kids bring things that they should not and they are banned et cetera. Police are involved there. It is always very respectful, because of the normalisation of that association between PCYC and police. I was at Dubbo to witness a kid coming straight—

Mr MARK TAYLOR: Sorry, I do not want to interrupt you, but could you expand on that normalisation of the relationship for us?

Mr TEAKLE: I have seen this when I have debriefed agencies. There is a view that police want to lock up kids. That is a view that I have been told. I have been debriefed and they have said, "Well, you want to lock up people." I said, "I don't want to lock up young people. I am a civilian. But the police officer next to me does not want to lock up young people either." We talked about the Board and the process that we have. What the RISEUP strategy is all about, to the point you raised about the local area command, is providing opportunities for the police to actually work alongside kids to show that police are not bad. They are not there to lock them up. That

is what I mean by normalisation. Our society is what it is because we have police, rules, legislation and all of those other things that keep us governed.

What we have to get is young people to respect it, but also to respect that there is an authority figure who is actually trying to do the right thing by you, not just trying to lock you up. Because when they go home, they are told the cops are bad; when they come to PCYC, they are told the cops are good. The more we have them in the clubs, the more normal it is to associate with a police officer. Therefore what you start to get is a manifestation of reporting that does not occur when you do not have it, because there is trust. If you get that trust, and you do not break that trust, because you are always there for them, there is the strength. I cannot say enough how, whatever governments we have had in New South Wales since the start of it, you have resisted playing with the fact that we have police officers in every club. It is critical to keep that connection with community. To your point, the LACs are all coming on predominantly in the regions by and large and in the metros it is done on a case-by-case basis.

Ms STEPH COOKE: Mr Teakle, firstly, as the member for Cootamundra, I have Young and Cowra PCYCs operating in my electorate. They do an absolutely outstanding job. I just wanted to put that on record at the outset. For the benefit of the Committee, could you outline the staffing structure? I know they do vary a little bit, but there is some consistency in the PCYC. My next question on that is: Do you think that there would be greater benefit from putting a rotational system in place at a district or station level, where all officers either have more of an opportunity, or it could potentially be compulsory, to spend time in a PCYC?

Mr TEAKLE: PCYCs always have a club manager, so there is someone there. We are changing the focus of the club manager a little bit, because in the PCYC model only 12 per cent of our operational effort is funded by government. That is fine. That is what it is.

We are required to fund 60 per cent to 70 per cent through our activities in the club. When we closed, it was very difficult to operate, because my staff are only paid if they are doing activities in the club. However, the club managers are funded, so they stay and they can keep the clubs open. Obviously fundraising is a fairly big portion. We use grants that come through from various opportunities to run programs, but it is always a pass through; that does not run the operations of the club. We will staff our clubs with people who are generally a hybrid of social workers and activity officers so that they can actually coach and run activities, because we are activity based. Even with early intervention for mental health, we believe in running a kid around. It is clinically shown that if you get those endorphins running it can be a good relief.

Physical activity is a key bit, but we have also branched into the creative thing as a consequence of creative kids, because we have been able to use that as a program. Not every kid wants to run around, I can assure you. I certainly do not. From that perspective, that has been useful. Generally you will have a club manager. We run shifts so that there are always two in a club. We recruit casuals and part-timers to fill the activity gap. That is generally how we run it. When we run programs, we will bring in youth officers alongside police. We would love to have a youth worker who is mental health and first-aid trained and savvy enough to help with police in the clubs, because you have two in every club, or sometimes one. You need that support for that continuity. I think that is what Youth on Track had the aspiration to do some time ago.

Strategically, what I have to do, because I have the benefit of such a long legacy, is I have to get better at coalescing all of the money and effort that is out there already into a concentrated effort. You do that potentially through the youth action meetings [YAM], because that is the point at which information comes together and can be disseminated. What you are doing is you are not overlapping things. As a consequence of that, at that meeting you can actually get the engagement of the local area command better. But the local area commands, I must say, even in the metro area, will send a patrol to activities that we run on a daily basis. They will come in, and I am not a police officer, but due to the cyclic nature they have challenges and they have my respect beyond all. They have enough to run sometimes.

Generally, in most cases, and you know from your two areas, in Cowra and Young in particular, they had a couple of changes, but the commander was very keen on boxing and training boxers. He was always in the club. I wanted him to get out. We do get that engagement but, I have to say, that is our responsibility. I have to step up and provide the programs, activities and communicate to the police what we want. Shane Cribb, who has just taken over command at Taree, could not give us enough support. "I will have a police patrol there whenever you need as long as they are not responding to something else." It is just about us, to be honest. I have to be more proactive on that.

Ms TAMARA SMITH: Mr Teakle, thank you for a great overview of PCYC and how it has been so successful over many decades. I want to ask you about the resourcing. There used to be about 120 PCYC—

Mr TEAKLE: Programs.

Ms TAMARA SMITH: Programs. At each command, how does it work in terms of the command? Does every command get the same level of resourcing to be able to run programs?

Mr TEAKLE: Yes. Within the 65 PCYCs, yes. We have not taken away the 120 programs, we have condensed them. What would happen previously, and I will talk a little bit about what happened when I first joined, is I would sit there with the two police commanders and up would come Fit For Dom, and they would say, "I am going to run a program that has surfing in it, and I am going to run this sort of stuff." We would go, "Well, that sounds a little bit like Fit For Life." What we did was actually take a lot of burden off the police officers in the command, to be honest, because they did not have to think of a name. We have been able to streamline the support. To your point about where do we do a Fit For Change, Fit To Strive or whatever, that is based on the links with agencies, because I think it is a waste of resources if I do not tap into what FACS is doing, what out-of-home care is doing or what sport is doing, for example. We have a good relationship with sport and rec to be able to mobilise the resources that are out there, rather than asking for more.

Ms TAMARA SMITH: But who initiates that if you want to run a new program? In my electorate I have two fabulous area commands. Say Dave Roptell says, "I want to do something different up here in the Tweed now." Does that come from the commander to then reach out to PCYC and say, "How do we do this?" What is the genesis of it?

Mr TEAKLE: Lucky you mention Dave. He is painful. No, Dave is great. Dave was the previous commander of youth command, so he has inside running. He rings me first and then rings the command. Dave in particular wants to expand into Indigenous relationships in schools. He sets up that logic and then we work in a programmatic sense with the police command. They are the ones who run the police; I run the civilian side of it. We will still name it Fit For Life, because otherwise the consistency of the brand goes and that is the business side of it. We just make sure that we address what he needs. If we are not addressing what they need at the coalface, then you do not need a PCYC.

Ms TAMARA SMITH: That is great. So it does not come from the PCYC?

Mr TEAKLE: No.

Ms TAMARA SMITH: I probably know the answer, but I would like it to be on the transcript. My next question is: What is in it for police? I really get that there is a lot in terms of forging better relationships, breaking down barriers and hopefully that spills out in the long term to less assaults, more trust in the police and all of that. But in terms of officers who volunteer in these programs, what is in it for them?

Mr TEAKLE: I can only say, from my personal perspective, that if you change the course of one person's life, it is amazing to hear the stories that come back here. Sorry. Police, who tend to be the front line, who are responding to the domestic violence crisis, who are responding to the punch-up, they see the good that they can do if they get in early. That has been this Commissioner's mantra since he started. Early intervention and crime prevention is his mantra. It is a risky thing to put your man over on youth. I mean, it is risky. But what we are doing is slowly building momentum and a reputation for delivery that is second to none. We were first in after the fires. We were running a Fit For Life in Mogo and they were still putting out fires there. We have pictures of the kids with water bottles and their tyres were flat because they were running over burnt coals. We put bikes in there. They are simple things, but because we have a police culture we respond really, really well.

I think it takes a little bit of time to change. I think we have had really good traction over the past three-and-a-half years and they are measured on it. The police are measured on it, so it is separate from me. I am not a police officer. I do not know, but they are measured on it when they do their reviews about what the youth engagement is and what the youth crime rates are. Having the Assistant Commissioner on my board, who is responsible for youth, and having Judge Peter Johnstone on the board, is critical in starting to address some of these far more strategic issues that face us, because coming out of COVID I think what is going to happen with the economy is going to create a period of time where unemployment is going to hit and the kids are going to fall out. We have to be ready to respond. I think we are in a great position because of the relationships we have started to build across agencies to do that.

Mr EDMOND ATALLA: Thank you for your submission. Has there been a reduction in the number of PCYC centres over the past decade or more, in your opinion?

Mr TEAKLE: No. Actually, it has been the opposite, to be honest. I say that because what is starting to happen is councils are seeing that we offer a pretty good service in the sense that we can go in and run a sport-and-rec facility. Our model is: If we go in, we have to make sure we have longevity. Because if we go in, we go in with police, and you cannot mess around postings. You have to have someone who is going to be there for the long term. Since my time, we have opened Hawkesbury and we have opened Grafton.

Grafton was a proceeds of sale. We have opened that up. We have put $6.5 million into rejuvenating that. We are opening it this Friday. We went there because there is a high youth suicide rate. There are three mobs with fairly major youth issues around Indigenous youth and high youth unemployment. We thought that was an area of need. We went in and we were backed by the Commissioner to put in two police officers. We know that we have gaps down in the Monaro area, so we are looking at that with the council at the moment. Thankfully our reputation—I do not say it with any degree of finalisation, because I think we have a lot of work to do, but we are not the only ones to do it. We have to be better collaborators. I think councils are seeing that if we take over, we take the risk and we take the pluses and minuses.

We do not ask them for anything more; we run the facility as our own. They are happy because they lose the cost. Councils lose all the cost of running and managing it. We take it over and we use it hopefully to drive a surplus for purpose. We cannot everywhere, but I think there are pockets where there is still probably a need for a PCYC. I sent a letter last night to a lady in Delegate who wants a PCYC. Everyone wants a PCYC. Glen Innes wants a PCYC. We have to get better at outreach too, so we have done a bit of that as well. To answer your question, Mr Atalla, we have expanded a bit. We probably have another two in the shorter term. I think there is a rationalisation that could occur and an emergence, but it is about funding police, because you cannot have a PCYC without them.

Mr EDMOND ATALLA: Are there any stats as to how many centres you had 10 years ago and how many you have now?

Mr TEAKLE: I can get that for you and report it back if you wish.

Mr EDMOND ATALLA: If you could take that on notice, that would be good.

Mr TEAKLE: Yes, I will do that.

Mr EDMOND ATALLA: The reason I ask is I had two in my electorate and I no longer have them. I have heard similar situations from other members of Parliament about PCYC centres shutting down in their electorates over the years. That is the reason I am interested to know whether there has been a reduction or a shift from the Sydney metro to the regions. I do not know, maybe it is because of the numbers that they have relocated elsewhere. It would be interesting to get that stat.

Mr TEAKLE: Yes, 100 per cent. I will cover off those that have closed, because I understand where your question was going. For example, Burwood closed, but we opened up in Auburn. Burwood closed because the building should probably have been condemned. The average age of our fleet is 47 years old. They need a lot of maintenance and it costs us a lot of money.

Mr EDMOND ATALLA: My other question is in relation to the programs that you mentioned are run by PCYC. Have those programs changed over the last decade? If so, how?

Mr TEAKLE: Yes, they have. I would have to check. I can get you more specifics on the answer, but I think given it is 10 years ago that would be anecdotal rather than factual. I can tell you the change that has occurred in my three years. I do not think the intent of the programs has changed at all. They have always been around criminogenic factors or factors that have been identified, whether it be around disengaged kids at school or in the community et cetera. I think what we have been able to do under the Commissioner's RISEUP strategy is condense them into subject areas that make sense and put more effort into getting more young people into them. I know at times—again, it is anecdotal—that the numbers were not as strong as they are now. We are measuring the outcomes. In some of our programs we actually use the Department of Justice's measurement for change, which is the youth level of service/case management inventory tool, to actually try to measure change. If we are getting either donations or funding, we need to better measure change. We have employed someone to do that.

Mr EDMOND ATALLA: Growing up in my local area, I used to remember when PCYCs had a number of police officers working with youth. Now if I walk into a PCYC I might see one or I might see none. Do you believe there has been a reduction in the number of police engagement with those centres?

Mr TEAKLE: Not in my experience, no.

Mr EDMOND ATALLA: In relation to PCYC engaging with schools, what percentage of schools are you engaged with overall in New South Wales?

Mr TEAKLE: Not enough, and I do not know the percentages. One of the key things coming out of COVID is I have asked my club managers to do so. On the police side, they have school liaison police that they control, command and allocate. I could not answer the question around the regularity. For us, I would have to take on the responsibility that we do not engage enough. I think we engage regionally because the number ratio is different. I know Hornsby does an exceptional job with engagement of local schools, because there are always

schoolkids there—well, not recently, but obviously before COVID. But we probably need to up our game on that, I would suspect.

Mr EDMOND ATALLA: Just going back to my memory of growing up in the area, I feel that 20 years or 30 years ago young people showed more respect towards police officers as a result of these programs in the PCYC. I see that less and less now in society and I am just wondering whether the programs or the quantum of PCYC engagement has reduced and created this gap between young people and police engagement. Have you got any comments on that?

Mr TEAKLE: I do not think there is a direct correlation, although your experience is your experience and I cannot change that. From my perspective, I can only reflect on the fact that when I went to school I was required and it was compulsory to do singing, theatre and sport. I do not think that level of engagement from young people is necessarily mandated as part of a curriculum. As a consequence of that engagement, I was far more engaged in the community. So 10 years ago I think what interested young people or what motivated them was because they had been in some ways mandated into doing certain activities. That created more engagement opportunities than there are now, because everyone has a choice now. Young people have more choices than ever before. They can Google it and they always have an answer.

What we have to do is make it interesting for them. We have to think about the activities we run. We have to do programming classes. We have to do Indigenous art. If it is a particular thing like we did with tribal warriors, we have to make it relevant to young people. I do not think it is just about PCYCs or not. I think we have enough in certain areas. Yes, we could probably have some more, but that is a different question. I do not necessarily feel that there is a direct relationship between what you are saying in your experience on whether or not there are enough PCYCs or programs. I think it is the attitudes of young people towards the authorities or the fact that they are not conditioned as part of their education.

Mr EDMOND ATALLA: I have a question in relation to funding. How is PCYC funded?

Mr TEAKLE: So 12 per cent of our funding comes from a club managers grant, which is a legacy of the memorandum of understanding when civilianisation occurred in 2004. That has stayed, although it has not necessarily kept pace with the number of clubs that we have. That is a matter for me to address. We then fundraise, that is another percentage of our revenue base, through workplace giving primarily around service workers. We have a lot of police, nurses and educators who are part of that workplace giving as a consequence of us going out there. In fundraising we also run a lottery four times a year. That brings in a fair bit of revenue. Where we are under-indexed and where we have to get better is corporate partnerships.

We have had some very good ones in the last three years because we have a strategy. Corporate partners will not invest in you unless they see a return. We have upped the ante there. We have Snowy Hydro on very good terms and it helps us sponsor our Indigenous programs. We are looking at several others moving into the new year. The majority of our funding comes from what we are running in the clubs. We have to run sustainable clubs. We have to run activities that young people and the community want. We are running pickleball for older people. We do gentle exercise classes when we are at low periods of youth use.

We are trying to revolutionise how we look at our clubs, but to do that they have got to be warm, welcoming and contemporary. That is part of the modernisation that we are trying to go through. That is where we are. Do I feel we could—above and beyond that, we get a lot of good grants. We have to bid for the grants. The State Government has been very generous and we have been able to do a lot of programs through that. The number of police programs that we do has certainly been from State Government funding and securing communities. We also get funding through the Federal Government. That is pass-through funding. That is where our funding comes from.

Mr EDMOND ATALLA: What percentage of funding comes directly from the State Government, not taking into consideration the grants that you apply for?

Mr TEAKLE: Some 12 per cent.

Mr EDMOND ATALLA: So 12 per cent is directly from the State Government. What is the percentage from Federal?

Mr TEAKLE: None if it is not a grant. Federal is additional where we justify it.

Mr EDMOND ATALLA: The other remaining 88 per cent is really coming through corporations and fundraising and so on.

Mr TEAKLE: That is correct and other grants that we can get to offset the programs that we need run.

Mr EDMOND ATALLA: Right. Can we get a breakdown of the direct funding from the State Government as far back as you can go? What was it five or 10 years ago? What is it now? Do you have that statistic? You are saying that it is now 12 per cent. What was it 10 years ago? Was it 50 per cent or 60 per cent? Was it 5 per cent?

Mr TEAKLE: The level of funding is always based on the number of clubs that we have and on the agreed amount we pay a club manager. It was a direct correlation. If we had 50 clubs you would pay 50 times the amount that a club manager was earning in 2005 or 2006. It has obviously gone up with the consumer price index. It has gone up with our enterprise agreement and it is related to the clubs. What has happened over the last three years with RISEUP is we have moved a couple of clubs up. Funding was already predetermined. We are in a funding cycle, so now we have to put the business case up to say, "Well, we have now got an extra X, Y, Z clubs and we need the funding to correlate to that."

The CHAIR: So it is hard to compare.

Mr TEAKLE: Yes.

Mr MARK TAYLOR: You might find there was significant change in 2004, Mr Atalla, if you go down that line of questioning.

The CHAIR: Indeed.

Mr EDMOND ATALLA: I am interested in seeing where we are heading with this mostly in terms of—

Mr MARK TAYLOR: Yes. Where we were and where we ended up.

The CHAIR: Yes. That would be interesting. Thank you very much for your attendance today and for your submission. We may send you some further questions in writing. Are you happy to respond to those questions?

Mr TEAKLE: Yes. I am happy to.

The CHAIR: We would probably be looking at a one-week turnaround, which is a little bit of pressure, but I am sure you will be able to cope. I would like to also acknowledge your time today and thank you very much for participating.

Mr TEAKLE: Thank you very much. We would not be where we are without the support the whole of the New South Wales Government. I appreciate it. We have long turned around. I hope we continue to deliver what you need for youth.

(The witness withdrew.)

MELISSA WISE, Regional Manager, Wesley Youth Hope Western Sydney, affirmed and examined

KATE MUNRO, Chief Executive Officer, Youth Action, affirmed and examined

The CHAIR: Would either of you like to make a short opening statement before we begin the questions?

Ms MUNRO: On behalf of Youth Action, I wanted to thank you for inviting us to have this opportunity. It is wonderful as the peak body representing young people and the youth sector to be able to have an opportunity to speak with a Committee and inquiry such as this and to speak to the submission that we put.

Ms WISE: Same. We are very much grateful.

The CHAIR: What kind of training do you see as necessary in ensuring all police officers are able to engage with young people in an appropriate, sensitive and effective way?

Ms MUNRO: From Youth Action's perspective, there is the training that we would advocate. We advocate it for anyone in positions of authority, so not just police but teachers and youth workers. We would talk about trauma-informed training so that anybody who is working with young people, particularly young people who have significant trauma and issues of trauma, have that understanding and some of the newer thinking around trauma and how it plays out for children and young people. The other one that we talk about at Youth Action is a rights-based approach. That looks particularly at rights for children and young people to be involved in decisions that are made about them, the importance of having their voices heard, the importance of decisions being made in their best interests and also that all children and young people are treated the same. I guess that is a broader systemic approach to rights-based as opposed to individual rights-based.

Ms WISE: Yes. I would absolutely support that and additional support in local services within the community that they can directly refer to and potentially divert young people into different pathways.

Ms TAMARA SMITH: I have read your submissions. I particularly want to ask about the Suspect Target Management Plan [STMP] and those discriminating algorithms that are in the Youth Action submission, because it actually comes out in the Aboriginal Legal Service, the Redfern Legal Centre and the Community Legal Centres NSW submissions. Can you tell us a bit more about that? Have you got any data around the perverse outcomes of that kind of bias and that algorithm?

Ms MUNRO: We have not collected data for this particular submission. We were part of the Youth Justice Coalition submission in regard to the STMP and the report that they put forward around those findings. For us, it is very much that we did not ask the youth sector or young people about that in relation to this submission, but we are very happy to take that on notice to get more information about what people's experiences in the community are, particularly under-18-year-olds. We are very happy to take that on notice if you would like us to provide further feedback from the sector about that.

Ms TAMARA SMITH: That would be great.

Mr MARK TAYLOR: I have just noticed your submission that it says in relation to the Suspect Targeting Management Plan:

> … disproportionately young people and Aboriginal people, and leads to repeated targeting by police regardless if they have committed a crime or not.

Are you saying that that program operates towards young people even if they have not come to the attention of police before?

Ms MUNRO: I think if they have come to the attention, but they may not be—I suppose the crux of what we are saying in our submission is that we are really about creating positive opportunities to bring police into contact with young people, rather than bringing them into the context of a crime environment, so whether they suspect a young person may be about to commit something or whether they are watching a young person because they are on a list.

What we are saying is that there is a likelihood for young people to then have a particular view of police and as either being on that list or thinking that they are on the list,. For us it is about that positive engagement. If we can support the increase in positive opportunities to engage with young people, that is going to have a better flow-on effect in the long run.

Ms TAMARA SMITH: Because it replicates existing bias. Because the statistics—I know with the Amazon hiring app algorithm, it was not targeting women because women were underrepresented in certain professions. It was replicating bias. Is this basically replicating the same sorts of things, where black youths gathered together of a particular age—is that what it is?

Ms MUNRO: I cannot speak to the algorithm and the stated intent of the program. What I am aware of is that young people will speak to us about having been watched or approached by police in an ongoing way and there are particular groups of young people who will say that more often. Again, I cannot say if that is the intention of the program, but that is the experience that young people have. For us, it is about whether there is an opportunity to create better environments for young people to interact with police. That is going to have a better outcome in the long run for them.

Mr MARK TAYLOR: I suppose those young people that are, if I can use word, targeted would be vulnerable in a lot of regards. Is it more about the actual quality of the interaction rather than the fact that there are targeted interactions?

Ms MUNRO: I think you are right. Definitely from the conversations that we have had with young people—in my previous role I worked at the advocate's office and was involved in the juvenile justice report we did, so I am very aware that for young people who are in contact with the justice system, it is about the quality of relationship with any adults. Whether it is police, juvenile justice officers, youth workers or teachers, if they feel that there is a positive connection there, then that is an incredibly powerful relationship for a young person to have. The more of those that we can bring into the lives of those vulnerable cohorts, the better it is going to be for them.

Mr MARK TAYLOR: You could actually have—to be very crude about it—a list of names of local young people. You would deliberately engage with them, but it is about the quality of that engagement. If you saw them riding on the road, you could pull over and go, "Hi, how are you? How are you going today? How is life at home? Any dramas, problems? How is school?" Then you could divert.

Ms MUNRO: Yes, engaging them into other programs. Obviously, if there is a young person who has come to the attention of police because of behaviours, whether those are antisocial or criminal behaviours, then there is an amazing opportunity there to link that young person to something that is going to be beneficial and helpful to them. There are a wealth of programs out there. I know you have just spoken with Dominic Teakle from the PCYC. There are existing programs in the police and the youth sector. There are a huge—I think people having eyes on young people creates an amazing opportunity to actually bring young people to the attention of services that are there to support them.

Ms STEPH COOKE: Where do you therefore see are gaps that we still need to close with respect to those positive interactions between police and young people?

Ms MUNRO: One of the opportunities that we identified in our role as a peak organisation is actually that the youth sector is very open to working more closely with the police, because we are already working with those young people anyway. I think there are some interesting opportunities for collaboration at a local level. Again, I think there are already some great programs that the NSW Police run. The NSW Police strategy is fantastic. It is a really great. I read through that and thought it was a wonderful strategy. Youth Action would be really happy to look at how we can support the—I know that it is already in the process of being implemented—further implementation, if there are bits that are more complicated there. It is that holistic approach to young people. Again, the more people that surround young people with support, the better that is for them. If they see us all as working together, then that is going to make them feel valued, supported and cared for. That is often really where things start to go off the track for young people. If they do not feel valued, supported or cared for, then they start to look for that in all the wrong places.

Ms WISE: I will add that we are currently in conversation with some of the Mount Druitt police and their local area command around what diversions they can directly relate or refer young people to. That includes getting a greater understanding of the services, how they can refer limitations, parental responsibilities and all of those sorts of things that are potentially going to impact their ability to be able to divert those young people out of the justice system and into pathways are going to help them.

Ms TAMARA SMITH: How is Youth Action principally funded?

Ms MUNRO: Predominantly we receive funding through the Department of Communities and Justice. We have some additional project funding from the Department of Health. We are also a membership organisation, so we have income from our member organisations as well.

The CHAIR: In regard to your submission, you talk about a rapid response survey undertaken with the youth sector. You were asking for good examples on good engagement between police and youth. Can you provide the Committee with some additional detail on what the respondents of the survey described as good engagement and what the benefit of good engagement is?

Ms MUNRO: Yes, absolutely. For them it was around opportunities for police to engage with young people in everyday activities. Some of it was health related, so the Fit For Life programs and anything that looks at the—goal setting was a really important one. Health, fitness and that sort of discipline and routine for young people was really important. Then they very much think about the opportunity for young people to see police differently, for police to see young people differently and take them out of that crime context, to see each other as humans, people who are members of the same community, and people who want to support each other and see each other thrive. The employment stuff is really important so, given the COVID context, I think looking for opportunities to engage young people, whether it is in work readiness, employment skills, and any of those things to keep young people focused during this time when it is going to be tough. There are not going to be enough jobs for young people. How do we make sure that this is a meaningful time for them? For young people who are in that more vulnerable end, having that opportunity to engage with the police is incredibly empowering for them.

The CHAIR: Your submission also referred to research examples that describe police challenges in communicating with young people. Can you describe these challenges and what needs to be done to overcome them?

Ms MUNRO: In our submission?

The CHAIR: In yours.

Ms MUNRO: I am sorry. Where have I put that bit?

The CHAIR: That's OK. We can follow up. You also referred to research that indicated that the majority of police interaction with young people is with those that have high prevalence of mental health issues, drug and alcohol issues and disability. What work can be done to ensure that interactions of this kind do not escalate and are resolved safely and appropriately?

Ms MUNRO: In those kinds of contexts, one thing is to run training for first responders, whether that is police, health services, crisis teams or the ambulance service. I think all of those services do that very well, but it is just in understanding how to de-escalate a situation where someone is actively mentally unwell or substance affected. Broader than that, I do not think it is just on the police but on all of us to manage those situations. For services working with police very closely in a local area, it gives you a contact point or a support person to call in to work with the young person to see that as it is unfolding. There is an additional person who knows that young person to be there and can support how those scenarios can unfold.

Prior to being at Youth Action and at the advocate's office, I worked in frontline youth services for 25 years. We would often call police to come because there were young people who were very unwell or drug affected. To have both the service and the police to work with and whether it was scheduling that young person or getting them to a place where they were safe, I think if everybody is trained and has a capacity to support each other that becomes a much better experience for a young person. It is never going to be a great experience, but it is going to be better.

Ms STEPH COOKE: Ms Wise, could you elaborate more about the Breaking Barriers program? Why do you think it has been effective in building good relationships between young people, specifically Indigenous youth, and police in that area? Do you think it is scalable beyond the Mount Druitt area? From my perspective, I have a very large rural seat with 500-odd kilometres from its centre, and I am interested to know whether you think it would be equally applicable and have similar results in a country setting.

Ms WISE: I think it is very similar to what Ms Munro has been talking about this morning. It is that connection. That program is about connecting with young people in a way that allows them to create better relationships with police. They would connect with those people on different levels, so they would be able to have those conversations. They have got positive role models and sometimes positive male role models, which some of our families lack. Then they are able to work through that program and have somebody in the community that is actually there supporting them and shifting some of the negative views that youth may have around police, police officers and what they do. Instead of having just a negative context to be able to refer to, it can shift some of those positive engagements and then allow them to maybe see police and the police justice system in a different way.

I think it absolutely can be replicated in different areas. For rural areas, obviously you are going to have different resources. You are going to have difficulties in terms of how you are going to bring people together and what that would look like and the cost associated with that. That would need to be reviewed and targeted, but I think it can absolutely be replicated across different ways. It is just one of the many programs that we have seen working with young people—going into schools, community events, PCYC and different programs that we can link our young people with that has positive outcomes for them connecting with police.

Mr EDMOND ATALLA: Ms Wise, in your submission you make reference to racial profiling and how that impacts on relationships between police and the community. Can you elaborate on that?

Ms WISE: Yes. We currently work with 47 per cent male clients. I am also involved with a number of different personal community things where I get to talk to young people. I have had many conversations with young black males who will share that they seem to be racially profiled. They will be out in the community. They will be targeted. They will be dressed appropriately. They will be doing normal things. They will be profiled. If they are out at the shops and they go into something, quite often young black males will talk about being profiled when they leave the shop with police. The white person that is with them gets to walk through; they do not. I am married to a native Fijian man. My children are black and they talk about how they are targeted, particularly my son. He will come home and share his experiences when he is out in the community, sometimes where he is targeted or he feels that he is targeted more so than his white friends.

Mr EDMOND ATALLA: What do you see as necessary in addressing these issues and improving the relationships?

Ms WISE: I think training for one. We need to step away from profiling people and having a look at the actual issues that are occurring within the community and not making it a racial thing. It needs to be an identified issue within the community. If it is not there, then we do not need to target it. When you are at specific sites such as the police station, community events and Westfields where young people hang out, there needs to be a different strategy in how they communicate with young people and how they are perceived, because we know that young people's perception is what we need to shift as well. Young people need to see that there is equality when interacting with police. I think that needs to happen as well.

Ms TAMARA SMITH: Ms Wise, you talked about the racial profiling but you also talked about a really positive suggestion around transit police—does that mean that they are not there all the time or relieving? What are transit police?

Ms WISE: Young people catching the train often incur fines.

Ms TAMARA SMITH: So the police that jump on trains. We do not have any trains in my area.

Ms WISE: Yes.

Ms TAMARA SMITH: So it is the transit police. I see. The suggestion is that they could have an allotment of Opal cards to assist young people on the spot to avoid further fines.

Ms WISE: Absolutely.

Ms TAMARA SMITH: I think that one my area commanders talked about, in the context of homelessness, something as simple as being able to provide a bus ticket for some folk to head back up to the Gold Coast. Obviously with homelessness I am not suggesting that there are not a lot of things that we need to do in terms of supporting people to transition into secure and safe homes. What I am saying is that is a really practical suggestion. What do you think would be the barriers to introducing something like that?

Ms WISE: Financial barriers, of course, and then educating young people on why it is important to have those tickets and why we want them to use that. My experience is that young people get fined and they do not realise that their fines accumulate. That then transfers into thousands of dollars of debt, carries with them into their adulthood and then impacts them socially in so many different ways. I think it would be educating them around why it is important to use that and what the consequences are. Then it is the question of who is going to provide that financially. Then it is training the people that are going to have those conversations to really engage with young people and share that this is a way of us being able to support you. It is not shaming. It is not belittling or that sort of stuff. It is a genuine attempt to be able to support them to not continue with antecedent behaviour.

Ms TAMARA SMITH: So that could be a warning and this is where this goes.

Ms WISE: Yes.

Mr MARK TAYLOR: Can I just go back to the profiling commentary? It is a scenario where the police officer obviously makes the decision to go and take an action. You have outlined some scenarios where you say that decision-making is flawed or unjustifiable. I suppose to improve that police officer's decision-making, one way of doing that would be to encourage engagement with that particular group of youths that you highlighted. Is that the point that you are making?

Ms WISE: Yes, I think so. I think there could be better connections with specific communities that are targeted or feel targeted, absolutely.

Mr MARK TAYLOR: Because one would assume that the police officer making a decision is adding their experiences into that decision-making process.

Ms WISE: Correct.

Mr MARK TAYLOR: I suppose if the police officer had different experiences, they would make a different decision. One of the ways to overcome the issue that you raised would be to broaden their experience.

Ms WISE: I think that would be a great idea. Going to multicultural functions, events—

Mr MARK TAYLOR: Different communities to broaden—

Ms WISE: Correct. So not going to just the typical ones that police go to but really branching out into the different communities that we have. In our area we have a high population of Indigenous, culturally and linguistically diverse and islander communities. I think it would be great if there could be greater connection and therefore expanding views.

Mr MARK TAYLOR: They would have a broader range of experiences and then may not necessarily make the decisions that they make or carry out the actions that they carry out.

Ms WISE: They would understand the underlying cultural components that go along with that, for example, matriarchal, patriarchal, all of those things that have an underlying perception when there is that engagement.

The CHAIR: Thank you so much for your attendance and making the effort to put your submissions in. We may send you some further questions in writing and your replies will form part of your evidence and may be made public. Would you be happy to provide written replies to any further questions? That will probably need to be done within the week.

Ms WISE: Yes.

Ms MUNRO: Yes.

The CHAIR: Thank you so much for your time.

(The witnesses withdrew.)

(Luncheon adjournment)

SAMANTHA LEE, Solicitor, Police Accountability and Administrative Law, Redfern Legal Centre, affirmed and examined

SARAH CRELLIN, Principal Solicitor, Criminal Law Practice, Aboriginal Legal Service, affirmed and examined

The CHAIR: Thank you for your attendance today and for your submissions. Would either of you like to make a short opening statement before we begin the questions?

Ms CRELLIN: Yes, I would. We thank the Committee for inviting the Aboriginal Legal Service [ALS] to give evidence today. This inquiry raises an important workplace safety issue for NSW Police. The ALS is a community-controlled organisation that provides legal advice and representation in the areas of criminal law, children's care and protection law and family law. We have offices all over New South Wales, including in remote and regional parts. We hope that we can offer some insight into the experience of First Nations Australians in dealing with NSW Police and our suggestions or strategies to ensure that everyone in our community can feel safe. The Police Association of NSW highlights in their submissions that the number of police-assault offences have remained stable or actually decreased in real terms. That is pleasing to hear. The ALS acknowledges that any assault on a person in our community is not OK, especially those tasked with protecting our community safety. The ALS would recommend an increased emphasis on developing therapeutic responses to improve community relations and reduce harm.

The history of our nation has led to an understandable distrust and fear of the police by Aboriginal and Torres Strait Islander people. The ALS suggests improved training in relation to the social and historical factors that have contributed to the disadvantaged position of so many First Nations people. We recommend that that training be ongoing and mandatory. The numbers show that many police-assault offences occur in the process of arrest or restraining an offender. This is why we recommend the repealing of the offence of offensive language from the Summary Offences Act to do away with the need for arrest. The ALS also welcomes the use of body-worn cameras by police. We reiterate the futility in increasing prison sentences to address the causes of these offences. I hope we can be of some assistance to the Committee today.

The CHAIR: Ms Lee, would you like to make an opening statement?

Ms LEE: Thank you for having Redfern Legal Centre as part of this inquiry. Redfern Legal Centre is of the view that any form of violence is abhorrent and violence in the workforce should never be tolerated. We are of the view that this inquiry raises important issues and assaults against police should be discussed. We are here because we are one of the oldest community legal centres in New South Wales. We were also the first established New South Wales police accountability practice. Our police accountability practice hears a range of different stories from different angles and perspectives. Some of those stories are distressing. This is why we are here today, because we believe that there is a need to address a prevention strategy in regard to any violence against police. We would like to see violence against police reduced in any way possible. Redfern Legal Centre is of the view that reducing violence against police may come about through de-escalation strategies and strategies around prevention that would mean that police would not be the only first responders when it comes to emergency services.

We are of the view that you cannot talk about policing without talking about people of First Nations background. We are also of the view that arrest should be a last resort. This may also assist to reduce the number of assaults against police. An important issue is that there is a need for continuing data collection around assaults against police. This may help to prevent other forms of violence in the future. This includes understanding what type of matters come in regard to police and are brought forward, what those case studies look like and learning from these case studies and using those case studies to form strategies. As Sarah mentioned, we believe that body-worn video footage should be operated at all times. This footage can also help to inform what is impacting on assaults against police and also help inform the need for systemic changes in regard to any form of violence in the community. Thank you.

The CHAIR: I have questions for both your organisations. Your submissions noted that you have experience with advising and representing clients in relation to their interactions with police, including those that have been charged with or are convicted of assaulting police officers. In your experience are there any common factors such as age or gender, for example, in the cases that you represent?

Ms CRELLIN: Anecdotally, I could say that—I think the statistics from the Bureau of Crime Statistics and Research [BOCSAR] show that it is generally men that are charged with assault-police offences. Unfortunately, the number of women being charged with criminal offences is increasing. In terms of age, I think there are probably BOCSAR statistics around this, but I could not say. I would have to take that on notice.

Ms TAMARA SMITH: One of the things I wanted to ask Ms Crellin was—it has come out in other submissions—about the Suspect Target Management Plan. Is it fair to say that they are talking about algorithmic bias against certain demographics? In your submission you have suggested that they do away with that method of—I do know how you would describe it. But you have suggested that they abolish it for people under 18 years. Can you explain a bit how that is happening? What is the problem with it?

Ms CRELLIN: Unfortunately, we do not know the algorithm or the way that the police come up with who they particularly target but, from what we understand, it is an algorithm in that you punch the data into the police system and it pumps out who they should be targeting. In our submission, whatever that does unfortunately leads to the targeting of young Aboriginal people. I believe there is a case study in our submission in relation to a young person who was targeted purely because his father was incarcerated. You can imagine that, as a young person, being targeted by police on a daily basis will only further your distrust of police, which leads to an animosity towards police.

Ms TAMARA SMITH: Both of the Redfern Legal Centre and Aboriginal Legal Service submissions in regard to mental health—we have heard today that the police are often increasingly interfacing with people who are having extreme mental health conditions or events. We also heard today that they are then expected to transport those people and do not necessarily have anywhere to take them. What do you think about that? I noticed that in the Redfern Legal Centre submission you welcomed a program where there are nurses on police staff. Can you maybe talk a little about it? If you had all the will and money in the world, what would you like to see? I guess there is a choice. We can either resource health more so that it is literally diverted away from the police—or do we need expertise at police level into psychology and nursing?

Ms LEE: Yes, thank you for the question. I will highlight it by using an example of a matter that we had in our practice. It had involved a middle-aged woman. She was subject to a mental health order. She had allegedly breached that order and the psychologist had then arranged for the police to be called because she was having a psychotic episode. Now, it is not the police's fault that they are the first responders in these matters, but they were called to her residence. She did not know this. I highlight that she had not actually committed any sort of criminal offence. Once she saw police at the door, she was hysterical. She did not understand what was happening.

Having police at the door suddenly put her in fear. She got very agitated. Police moved into the apartment. She then lashed out and also found a weapon. The matter escalated. Luckily there was no serious injury to the police officers at that time, but when she did act in fear she pushed against a police officer, who then fell backwards. She was then taken by the police to a mental health facility. I understand that she was released next day. The next day police did go back to see her, but they also issued her with a court attendance notice for assault to police. To me, that example does highlight that police should not be put in those situations and that there are more experienced people out there who can deal with mental health scenarios. That would be better for the whole community, including that woman who had to go through that terrible psychotic experience.

It is not anyone's fault that they suffer from a mental illness. I and Redfern Legal Centre are of the view that they should not be punished for having mental illness. I was quite welcoming when I read about the New South Wales Government's project that was highlighted maybe three or four months ago, where mental health workers went in with police to these types of scenarios. I would probably welcome something a little bit further where police are removed initially from that scenario and for trained mental health crisis workers to be the first responders. I think that may help to de-escalate the situation and prevent it from going any further.

Mr MARK TAYLOR: In the Aboriginal Legal Service submission, one of your recommendations is to immediately discontinue the STMP for all children and young persons under 18. I think you give an example. My concern around its disbandment seems to be—you mentioned the young person that was being constantly stopped by police, but I would consider that person would be a vulnerable person within the community. That young person would be classified as a vulnerable person because of their home circumstances, you would agree with that. So is the point directed at the actual system or is it the way that the system is conducted? Is it the quality of the questioning by the police? If a young 10-year-old there had one parent in jail, having someone from a service agency within the town looking over them—if I could use that term—would actually assist that young person.

Ms CRELLIN: It would assist if that was the motivation. But I understand it is used as a policing tool. What I mean by policing is that it is a surveillance tool. Those interactions with police are not positive interactions. I think it is twofold. Whatever the data system is that is deciding who needs to be on the STMP is creating a racist system, because it is targeting people from certain socio-economic backgrounds and unfortunately Aboriginal people still fall into lower socio-economic circumstances. While it does that, it is going to target a certain group of people. I think you are right in saying that that young person may be vulnerable; we do not know. He or she

might have a perfectly able mother looking after them and be doing really well at school. Just on the basis of having an incarcerated parent does not ultimately make you vulnerable. It would be nice if we knew the police were coming at it from an angle that they were concerned about that young person's welfare. I think in this circumstance, if they were concerned about that, then there are other organisations that should be looking into the welfare rather than the police.

Mr MARK TAYLOR: So you say it is not the role of the police to have that welfare protective role of the people in the community.

Ms CRELLIN: I do not think so. I think they are tasked with protecting the community and community safety but, in a broader welfare sense and in terms of going in, checking and knowing the welfare of every individual in the community, I think that is beyond any police officer. It is beyond them to know if every single child is safe at all times. They should certainly know what is going on in their community and trending in terms of crime but this circumstance—we are not saying that this young person has committed any offence. We are saying that this young person has a parent who has obviously committed an offence and found themselves in custody. That would make them credibly anxious. It would probably lead to social problems in school and life. But does that mean a police officer needs to get involved? I do not think so.

Mr MARK TAYLOR: You say that is a role for some other agency.

Ms CRELLIN: Yes.

Ms LEE: Or even not just one person. It could be the role of many people. They often have committees that are formed to help and school sometimes do this. They bring in a whole range of stakeholders to make sure that they are covering all bases rather than just going to the police as a first port of call.

Mr MARK TAYLOR: Yes. I suppose that is one of the difficulties we have where the police are seen to be the 24-hour welfare agency, as you said.

Ms LEE: Yes, that's right.

Mr MARK TAYLOR: From your experiences, what would you outline as some engagement strategies to improve the relationship between the police and the community in those type of scenarios?

Ms CRELLIN: I think the Police Aboriginal Consultative Committees [PACC] that have formed in some parts of New South Wales—there is one and Redfern and I attended the meeting on one occasion. I found that a lot of members of different Aboriginal organisations attended the committee, as well as police officers from the PCYC and police officers from general duties. There was a very poignant moment when the police officer from the PCYC looked at the general duty police officers and said, "Can you stop stopping the kids on the side of the street for not wearing a helmet? We are trying to engage with them at the PCYC daily and get them back on track and every time you pull them over and give them a fine for not wearing a helmet, you do not know what is going on at home and you do not know how hard it is for that young person." I think those types of groups where everyone is at the table and talking honestly about the issues are really positive because that is a committee trying to look after its own community and trying to better themselves and all the young people as well.

Mr MARK TAYLOR: Are you saying they should not be stopping them on the side of the road or they should stop them but their quality of engagement should be better?

Ms CRELLIN: The good thing about this meeting was that they discussed what they should be doing instead and whether that was saying, "Hey, why don't you head down to the PCYC? They have got a box full of helmets. If the problem is that you don't have a helmet, we have got some. We can give them to you." There was a discussion around, "Well, what should I do? Because I also have to think about that young person's safety if they do get hit by a car and I hear they were not wearing a helmet" There was a lot of discussion and that way we all came up with or the police themselves within the organisation talked about a solution that would engender trust from the community and from these young people so that they too would look to the police when they are in trouble, rather than not calling the police when they are in trouble.

Mr MARK TAYLOR: Yes, that is true.

Mr EDMOND ATALLA: [Audio malfunction] is it assaults on members of the New South Wales police force. I am hearing the inquiry is now going the other way: assaults by the police force. I am just a bit confused about the scope of the inquiry. But my question is whether you believe that there is a genuine concern about assaults on the New South Wales police force by a particular group being more evident than other cultural groups.

Ms LEE: I think we need more data to even make that conclusion. Obviously those who have been policed more it is probably coming into the sphere more. We do need more data to understand what is behind these assaults and looking at ways to address it systemically.

Mr EDMOND ATALLA: Is your submission more about assaults by police on vulnerable people?

Ms CRELLIN: No.

Ms TAMARA SMITH: No, they have not mentioned that at all. It is not in either submission.

Ms LEE: Prevention before cure is why we are here. We believe that there may be some assaults that can be avoided by looking at alternatives such as de-escalation strategies and ensuring police are not always the first responders.

Mr EDMOND ATALLA: Chair, I missed the first 14 minutes. The hearing was muted, so I did not get the first 14 minutes. Who is in the witness box at the moment?

The CHAIR: We have Redfern Legal Centre, that is Samantha Lee, and Aboriginal Legal Service, Sarah Crellin.

Mr EDMOND ATALLA: So the Aboriginal Legal Service is there as well.

The CHAIR: Correct, yes.

Mr EDMOND ATALLA: In relation to the Aboriginal Legal Service, I note that one of the recommendations in the submission is to repeal section 4A of the Summary Offences Act in relation to offensive language. Can we have an elaboration as to why you believe that particular Act should be repealed?

Ms CRELLIN: I think in relation to offensive language, society has changed as to what is offensive. If you watch TV or go to the footy you will hear language similar to that which you will see written in a police fact sheet as being offensive. This is legislation that was written many moons ago and I believe society has changed as to what its view is as to offensive language. The reason that we put it in this submission is in relation to the arrest that follows from an arrest for offensive language.

Mr EDMOND ATALLA: Offensive language just generally or offensive language towards the police officers?

Ms CRELLIN: Both of those things.

Mr EDMOND ATALLA: So you believe it is okay for a person to attract a police vehicle and say they should not at all be dealt with? Is that your view?

Ms CRELLIN: No. I believe that society's view in relation to what is offensive language has changed. I think it is difficult to say what I would consider would be going across the line in terms of what language should be put up with by police. I think it is difficult to say. I think we all encounter what could be considered offensive language in our day to day.

Ms TAMARA SMITH: Can you talk about then that that leads to—was that the one, or were the strip searches were like 47 per cent Aboriginal or Torres Strait Islanders had increased? Are you saying that that offence is the accumulation of those things? How is that contributing to assaults on police, is what I am trying to understand?

Ms CRELLIN: I think if you looked at the data, most of the assault police offences have come about as a result of arrest or restraining an offender. So if a police officer is forced to arrest somebody because they can hear them swearing on the street, then that means that the likelihood is obviously increased if they have to arrest them, whereas if they were able to just walk away from that person then there will be no need for arrest and then the possibility of an assault police offence.

Ms LEE: It is the trifecta. I do not know if you have heard about that.

Ms TAMARA SMITH: Yes.

Ms LEE: We have cases that come through our door with someone actually is maybe walking down the street around 2 a.m. in the morning, police see them, they then stop them, they get agitated and do not know why they have been stopped, frustration starts to build up, the person stopped then swears at the officer, the officer then grabs the person, the person then lashes out and then may allegedly have assaulted the officer and then they get arrested. So they get charged with offensive language, assault police and resist arrest. There are some scenarios like that that can be avoided through different de-escalation strategies or by police using caution. So we are just

saying that these types of assaults can or may be prevented through police having more informed or better training around how to avoid situations from escalating.

Ms TAMARA SMITH: And was that the same with the strip searches? Is it a similar logic around that?

Ms CRELLIN: It is a similar logic.

Ms TAMARA SMITH: Because I think that was the one that was a 47 per cent increase in strip searches. The other thing you talk about is quotas, specific quotas. I know with the drug testing with my party, The Greens, we found it very bizarre that there are targets set of how many people are tested with sniffer dogs but you have got to have a show cause before you can even have that. Could you talk a little bit about targets and how you see the impact? How would changing that help keep police officers safe?

Ms LEE: Targets put undue pressure on police. I do not think they are beneficial for police or for the community. They put enormous pressure on police to clock up the number of stops and searches or offences that have been charged, and what it does mean is that police may not be meeting the required legal thresholds because of these quota pressures placed on them, which then leads into what I just talked about, the trifecta, because people are stopped for reasons which they do not understand or may not be according to law. And police may not want to be stopping these people either. I think, as I pointed out, it places huge pressure on police to stop and search.

Redfern Legal has done a lot of work around strip searches and we have heard from some police officers who do not want to be conducting strip searches, but there are quotas in regards to strip searches and they feel pressure to undertake these searches. So quotas are not beneficial to anyone in the community and not beneficial to the police.

The CHAIR: How do you know there are quotas?

Ms LEE: We are basing that on freedom of information documents obtained by David Shoebridge from The Greens and it was also, I understand, spoken about in budget estimates last year or early this year by the police—I will have to check that, but possibly by the police commissioner, I think it was.

Mr MARK TAYLOR: Can I just ask about repeat offenders? You have dealt with a large number of people who have been charged with assault police over the years. Is it fair to say that those people who have been charged— when I say "fair to say", is it an assessment, your assessment, that those people who are charged with assault police have got a history of violence already on their criminal history?

Ms LEE: I think the example of mental health is no, not necessarily. Also, with young people it is not necessarily they have a history of violence. There certainly will be people who have, and that is where data is needed. I think there is only a layer of understanding in regards to this issue. The stats are very general; they need to be drilled down more and at this point I do not think we can say too much about what are the specifics in regards to assaults against police.

Mr MARK TAYLOR: So you are saying from your experience that anyone who is charged with assault police it would not be common that they have got a history of violence already?

Ms LEE: I am saying that I do not know. We would need more information.

Ms TAMARA SMITH: The only other thing with regard to data—we have also heard today from academics that there is not enough specificity. You outline a whole range of things that you would like to see more nuance on, ranging from the number of convictions for assault against police right through to a breakdown of police area commands where assaults are occurring. It is an open question about how more detailed and nuanced information would assist in terms of understanding and reducing assaults on the police.

Ms CRELLIN: If you can find out exactly the cause of why this is happening, whether that be mental illness, whether that be alcohol, whether that be a certain part of New South Wales where alcohol, ice or whatever might be a problem leading to this kind of aggressive behaviour then you will be better able to find the answers or the solutions to reducing assaults against police.

Mr EDMOND ATALLA: It is a fact that the Indigenous people are over-represented in our prison system. Do you believe there is a correlation between the escalation that you were talking about, in terms of interaction with the police, and the over-representation in the prison system? What I am getting at is a situation quickly escalates from offensive language used or the interaction with the police, and that leads to a charge which then leads to a prison sentence, where there are repeat offences and so forth. Do you believe that there is a correlation between the two? And if we were to remedy the first part, that would help the second part in terms of lowering the prison sentences?

Ms CRELLIN: Yes.

Mr EDMOND ATALLA: How can we help with that? What strategies are needed?

Ms CRELLIN: We outline a few of them in our submission. One of them is decriminalising offensive language. I reiterate what I have already said in relation to offensive language. I also say increased use of diversion. For young people, ensuring that they are diverted away from the criminal justice system rather than into it. Also ensuring that young people are not on the STMP—or the "stamp" as the young people call it—because ensuring that they have less dealings with police means that perhaps they can live a similar life to that of other young people that are not being targeted because they come from a certain background.

Mr MARK TAYLOR: Unless those interactions were positive.

Ms CRELLIN: Unless those interactions were positive, certainly.

The CHAIR: Thank you for appearing before us today. We may send you some further questions in writing. Your replies will form part of your evidence and may be made public. Would you be happy to provide a written reply to any further questions?

Ms CRELLIN: Yes.

Ms LEE: Certainly.

The CHAIR: That time frame will probably be within seven days.

Ms CRELLIN: Thank you.

Ms LEE: Certainly.

(The witnesses withdrew.)

TIM LEACH, Executive Director, Community Legal Centres NSW, affirmed and examined

VERITY SMITH, Solicitor, Public Interest Advocacy centre, affirmed and examined

The CHAIR: Before we proceed, do you have any questions about the hearing process?

Mr LEACH: I do not.

The CHAIR: Would either of you like to make a short opening statement before we begin questions?

Mr LEACH: I confess that it is my first appearance before an inquiry like this, so I am happy to be guided by you. Would you like an opening statement? I have prepared something, but if you would rather get stuck into questions that is also fine.

The CHAIR: I am happy for you to give an opening statement.

Mr LEACH: I thank members of the Committee for the opportunity to address you today and for the time that you have taken to review our submission. Community Legal Centres NSW is the peak for 40 community legal centres around the State. Last year we provided free legal and associated services to over 55,000 people in New South Wales, the vast majority of whom are experiencing financial hardship in combination with some other form of hardship—often violence or discrimination. Our views have been informed by our members and their clients. Many of the issues that we raised in our submission relate to the experiences of First Nations peoples. Our insights here come from our three Aboriginal community-controlled member organisations; our Aboriginal Advisory Group—which includes over 50 Aboriginal people from across our sector—and from our members who have an interest in police practice, including the Redfern Legal Centre who you heard from earlier and the Public Interest Advocacy Centre here with me now.

Community legal centres work mostly in civil and family law, with relatively small criminal practices. Our clients, when they are encountering police, are more be likely to be young people pulled over for not wearing a helmet, for participating in protests or caught at musical festivals with small amounts or prohibited drugs, or drinking in a public space, or homeless and being asked to move on, or using offensive language or experiencing an episode of mental ill health. These are our clients. We all want to reduce the assaults on police. As we say in our submission, we want all workers, including police, to go to work feeling safe and we oppose violence in all its forms. In our submission we have asked the Committee to look beyond simple punitive fixes like increasing fines or prison sentences and instead look to opportunities to reduce unnecessary interactions between the police and communities that give rise to these incidents, particularly for communities that have had long histories of poor treatment at the hands of the State.

Ms SMITH: I am Verity Smith, a solicitor at the PIAC—the Public Interest Advocacy Centre. I assist clients who are most predominantly young people, Aboriginal and Torres Strait Islander persons or people experiencing homelessness with complaints or civil claims against the police. Thank you for the opportunity to appear at the inquiry today. The way that we hope to be able to contribute to the inquiry and the discussion today is mostly focused on the second term of reference, looking at engagement with the community in order to improve the safety of all involved. We see from our clients how some policing practices can negatively impact on relationships between public and the police. We raise this in the hope of providing some suggestions to improve the quality of these police interactions with a view to improving the safety for everyone involved when police officers are interacting with members of the public.

We have raised our concerns about the potential harms of some aspects of proactive policing. We have heard today about the Suspect Targeting Management Plan [STMP]. We are looking at a practice of policing where officers are not responding to a call-out or incident of a crime, but where the police have a plan to initiate the interaction with a member of the public. Our main concern here is in relation to the use of the STMP, which involves the nomination and targeting of particular members of the public for increased police interactions, such as active visible targeting strategies which include patrols of the target's address and stops and searches.

The Law Enforcement Conduct Commission that is investigating the use of the STMP on young people has found in its interim report that the patterns of targeting appear to have led to unreasonable, unjust and oppressive interactions for young STMP targets. The idea of targeting through the STMP appears to be incompatible with the principles of diverting young people away from interactions with the criminal justice system. We suggest the approach of reorientating policing towards a more therapeutic approach that reduces the risk of offending amongst young adults. Our clients have expressed that the targeting of the STMP leads to feelings of stigmatisation and harassment by police.

Some of these negative consequences are not just felt by the person being targeted but also by family members and community members, particularly in circumstances where police are attending the person's home or stopping the person in the street. Exposing these children to even more interactions with police and the criminal justice system can have a serious negative impact on the young person and runs counter to the efforts that are being made to divert young people away from the criminal justice system.

We also raise the concerns of our clients about the engagement with people with a lived experience of homelessness and about how police interact with that group in particular. We hear concerns about police frequently and improperly stopping homeless people or asking them to move on perhaps because they are more visible as they are spending more time in a public space. We talk about the need for appropriate responses to incidents where mental health is a concern and have recommended further consideration of how a health-based response can be provided where police are not able to provide an appropriate health response.

We have already heard today some discussion of what training is received by police and whether more training would assist. While it is perhaps easy to say that police just need more training, we also feel this may be an opportunity for the Committee to consider the quality or effectiveness of the training currently provided to operational police regarding mental health issues and mental health illness crisis, including training in trauma-informed approaches. I hope to be able to be of assistance to the inquiry where we have the relevant expertise.

Ms TAMARA SMITH: Thank you both very much for your submissions. I spoke to Kate, I think. Is it Kate?

Mr LEACH: My colleague?

Ms TAMARA SMITH: Yes, your colleague.

Mr LEACH: Emily.

Ms TAMARA SMITH: Emily, sorry. She reached out, and I think she wanted to get a sense of the sorts of things we wanted to ask. I saw that shocking statistic that 83 per cent of young people in custody met the criteria for at least one psychological disorder in 2017. For me, the mental health themes are coming from the Police Association of NSW, academics and the legal community as well today, and you are talking about therapeutic models.

It strikes me that if someone is having a cardiac arrest you would never send the police, and I feel we have got a long way to go before we really recognise that someone who is having a psychotic episode is as physiological as someone having a cardiac arrest. Do you think that health should be the presumption of support for anyone in the situation of a mental health crisis, and/or that police should have that kind of therapeutic training? In an ideal world, what do you both think?

Mr LEACH: I am not surprised you are hearing this from multiples sources. I think there is some consensus that sending the police as first responders to a lot of those incidents involving mental health crisis is not the best response. It is not the most effective, and, as we have argued, it also creates a dangerous environment and gives rise to the possibility of assault. It is a health issue, so we think that we should be being guided by people with health expertise.

I do note that there is some work that is emerging in this space where there is some recognition that the best providers of services in these circumstances are psych nurses or social workers, or whatever, but I do think they need to be supported and that model needs to be properly resourced. It is not okay to say that is our preferred model and we would rather the police were not there if it is not sufficiently resourced so that they can actually respond. I think, collectively, there is some agreement that there is a better model but it needs to be properly resourced so that it can truly be the first responder that we want.

Ms SMITH: I echo Tim's sentiments. We support the proper allocation of funding and resources to health to provide an appropriate non-policing response where a health response is required. We do also acknowledge that there will be circumstances where the police are called by a member of the public and the training and the mechanisms should be provided for police to recognise firstly where they should be engaging a health response in addition to, or perhaps to take the place of, a police response when a health response is more appropriate, and secondly, in the meantime, and in any event where police will be required to attend, it is critical that they are quickly trained in the appropriate trauma-informed responses so that they are keeping themselves in a position that is safest for them and for the person that they have been called to respond to, and to ensure safety for all of the people involved.

Ms TAMARA SMITH: There is a lot of assessment needed, is there not?

Ms STEPH COOKE: We have heard a lot of evidence today in relation to the interaction between police and young people, and what might be done perhaps a little bit better in that space. I am having a look at the NSW Police Force submission to this inquiry, particularly the offenders by age group. According to the NSW Police Force, from the period 2015 to 2019 the age group 10 to 17 years has declined in terms of the number of offenders who assaulted a police officer.

There has been a decline in the age group 18 to 24, an increase in the age group 25 to 34, an increase in 35 to 44, and the biggest increase was in the age group of 45 and older. I am seeing evidence that there are fewer offenders of those younger age groups and more offenders in the older age groups. Do you have any insight as to why that might be? Do you think that with a focus now for some years on trying to interact with young people better that we are seeing that come through in a declining number of offenders who are assaulting police in those younger age brackets? Am I making sense?

Mr LEACH: You are making sense. Do you want to take that Ms Smith?

Ms SMITH: I agree also. I think you are making sense. I am not sure that I can speak to those statistics more closely though or provide any particular insight as it stands. Mr Leach?

Mr LEACH: Those statistics are really interesting and that question deserves a better answer than I can give, I am sorry. I think absolutely you would want to interrogate that data more. As a general rule, we have to learn from experiments that are working and consider how things might be rolled out more generally. I would make a general comment that the best interventions are usually those that are planned and designed with the community that they are intended to be applied to. I do not know the degree to which particular practices have been developed, for example, working with people who work with young people. In my experience, the best models are those where the police are being advised by the target community what strategies will work here. I think in those environments the interests are aligned. As a general point I would say that that kind of community advice, the peer group advice or whatever that group is, is usually really critical. We should learn from those experiments where they have worked.

Ms SMITH: As Mr Leach has said, using mechanisms or police community engagement methods where they have been designed and then evaluated to demonstrate their effectiveness and to receive feedback from the community about the implications of satisfactions and concerns about those committee engagement practices is particularly important. Where any changes or new police practices are implemented we reiterate the importance of evaluating them to make sure that they are having the consequences that are intended and they are not having hidden or perhaps initially unseen negative consequences both for the police and for the communities being policed.

Mr MARK TAYLOR: From your extensive experience in engaging with people being charged for assault police, is there a correlation with them having previous violence on their criminal histories or do you see people for whom their very first offence is assault police?

Ms SMITH: I would not be able to provide assistance to that from my experience and would look to data collected or analysed by the Bureau of Crime Statistics and Research and the police on that front.

Mr LEACH: Yes, I would have to back that up. I am sorry. I would like to be able to answer that but I do not have the knowledge to answer that.

Mr MARK TAYLOR: In one of your opening statements you mentioned that increasing penalties or mandatory penalties will not work as far as your view is concerned. Are you aware of the domestic violence orders such as apprehended violence orders [AVO] and restraining orders? Would there be any benefit in a court rather than giving penalties, sanctions or mandatory sentences to implementing a system similar to AVOs such as a violence restraining order?

Mr LEACH: An order against?

Mr MARK TAYLOR: The offender. It is similar to an AVO and avoids your increase in mandatory sentencing and penalties?

Mr LEACH: If I could make a couple of points—

Mr MARK TAYLOR: Yes.

Mr LEACH: The focus of our submission was First Nations people. In general terms, any flexibility that is afforded to divert people out of the criminal justice system into alternative ways of managing the situation should absolutely be supported. I would say that the clients that we speak to have no intention of reapproaching or going anywhere near the police. They tell a different story of a situation where they may have felt quite threatened and they felt that the situation was escalated where it could have been deescalated, which is not an

exact answer to your question. In general terms, if we can have the least interventionist response to those situations, that is probably the best outcome. For our clients, we know the sooner and more effectively we can divert them out of the criminal justice system, the better.

Mr MARK TAYLOR: Or another method of not so much sanctions but another outcome rather than penalty or incarceration?

Mr LEACH: I absolutely think those things are worth exploring. There is really interesting work being done in New South Wales, nationally and internationally about restorative justice programs where the victims get asked, "What do you actually want from this process? What would make you feel better? What does justice look like for you?" We are seeing some really interesting results around that where the victims' sense of how justice will be restored in a situation is not always the same as the criminal justice system. There is great value in exploring those mostly pilot activities. Those collaborations between communities and the State, or communities and police, that we are seeing through Just Reinvest, for example, are really promising. The parties are coming together say, "We can solve this together. This is something that we can all agree to implement." The results are fantastic for the communities but also for the police. Anything that drives down that assault on police is a good thing.

Mr MARK TAYLOR: Because ultimately the community is a victim as well as the police officer?

Mr LEACH: Many of the clients that we see do feel very victimised by the process that they have been caught up in and certainly it is true for Aboriginal communities. They are entitled to say that they have been quite victimised by the criminal justice system stretching back.

Mr MARK TAYLOR: Also, if the police officer is assaulted the community suffers as well from having the lack of the police officer's ability to do the job and the falling down of the justice system.

Mr LEACH: That is right. We want programs and initiatives that build trust. That is why in our submission we talked about the importance of reducing those unnecessary interactions between communities and police where there is nothing to be gained but enormous damage can be done. We are encouraging consideration of strategies that would reduce the frequency of those occasions. And again, we are emphasising those situations where the interaction is unnecessary.

Mr MARK TAYLOR: As I have said previously, unless those interactions are positive.

Ms SMITH: What we might say to the point about unless those interactions are positive, what we hear from clients is where they have had this, as Mr Smith has said, experience of ongoing negative interactions with police as they experience it, there may be a difference between the person's experience as positive and the police officers idea of what is a positive interaction. Further than that, there are some, say, positive supports that could be put in place not by the police. This external positive engagement with the community may be needed certainly for some members within the community, but whether the police are the appropriate person to provide that support or that engagement needs to be closely considered on a case-by-case basis.

Mr MARK TAYLOR: It would be a good example of their protective role in the community though.

Ms SMITH: I guess our concern there is essentially the capacity for it to be experienced at least in the short term within some communities as a positive interaction by the people being policed—whether they feel it as an act of being policed or an act of being supported and engaged with. Police, particularly those who are walking out and about, partly have a crime prevention role.

There is an inherent imbalance in power that is unique to interactions with police that does not exist, say, with other service providers or other potential people that children or vulnerable members of the community engage with. So, there are inherent difficulties there with the police playing the support or engagement role for these young people when their particular complex situations or their, say, disabilities or prior negative interactions with the police could all be so significant that they cannot get through the barrier of the police being the appropriate person to provide that support or play that protective role in their lives. So, we would support consideration of how other service providers or other parts of the community can step in to play that role to provide protective factors.

As Mr Leach says, it is certainly a complex issue and a lot of research and evaluation does need to go into what the effective mechanisms are to create and provide those supportive mechanisms. For example, Just Reinvest has looked to alternative views of the role of the criminal justice system and policing and community policing, and we would encourage the consideration of alternatives to the police playing, as has been said earlier today, that 24/7 all-encompassing role. The police just cannot always be the service provider for every situation and we are looking to other ways of enabling other services to provide those supports and those protective factors.

Mr MARK TAYLOR: Thanks very much.

The CHAIR: Mr Atalla?

Mr EDMOND ATALLA: I want to confirm with Community Legal Centres NSW, particularly noting its submission's focus on First Nation people: Do you believe that most of the assaults on police are provoked by the way the police are interacting or handling interaction with the offenders? Is that your view?

Mr LEACH: We certainly think that many of the assaults result from decisions to escalate rather than de-escalate situations. Hence our support for practices that do not have those engagements occurring where they are not necessary or, where they are necessary, strategies that kind of focus on de-escalation rather than escalation. And we think if those strategies were combined then it would really help to reduce assaults on police, definitely.

Mr EDMOND ATALLA: Do you believe that the escalation is initiated by the police?

Mr LEACH: Look, obviously there is a huge variation in experience so I am not sure I could comment on them overall but certainly our clients tell us their story of those incidents are that those situations were escalated in circumstances where that was not necessary. So, I definitely think that more could be done to focus on de-escalation where that is an option. And in our submission we try to talk to those examples. I have described the kind of interactions that our clients are reporting and in so many of the circumstances there was no crisis; the act had already occurred, there was not a need to restrain a fleeing perpetrator. In those circumstances de-escalation was certainly an option. We would like this issue to just note the importance of de-escalation strategies where they can be applied.

Mr EDMOND ATALLA: Do you believe that de-escalation should be part of the police—when they get qualified. Mr Taylor, what do you call it when they go to Goulburn to do their training?

Mr MARK TAYLOR: I think you mean the recruit training.

Ms TAMARA SMITH: The police academy?

Mr EDMOND ATALLA: Recruit training is what I am trying to get at. Do you think that de-escalation studies could be part of that core training that they get at the academy?

Mr LEACH: I think it would be an incredibly valuable skill to have in those situations; so, yes, to the extent that that training can foster the development of those skills, absolutely.

Mr EDMOND ATALLA: Thank you. I have no further questions.

The CHAIR: Are there any other questions?

Ms TAMARA SMITH: It is really a comment on what we expect police to be able to do. I was thinking then that, especially in regional areas, they are part of the community—they live there as well—and there is all of the good and preventative community policing that we want to see. Then there is the welfare role—interviewing victims, supporting families of victims and supporting the identification of bodies in morgues and all of that, ranging through DV, mental health, youth, all of it. It strikes me that that is a lot of expertise that is required to do that job well. It is a comment. I am a bit floored by realising how much we expect from that workforce. But I take on board all the things that you have suggested today.

The CHAIR: Thank you.

Mr LEACH: Thanks for your time.

The CHAIR: I thank you for appearing today and for your submissions. We may send you some further questions in writing. Your replies will form part of your evidence and will be made public. Would you be happy to provide written replies to those questions?

Mr LEACH: Of course.

Ms SMITH: Of course.

The CHAIR: We ask for those replies within a week, which is a short turnaround but it would be much appreciated.

(The witnesses withdrew.)

(Short adjournment)

CHRISTOPHER QUIRING, before the Committee via videoconference, affirmed and examined

The CHAIR: Thank you for joining us earlier than expected. It is much appreciated. Before we proceed, do you have any questions about the hearing process?

Mr QUIRING: No, I have no questions at this stage.

The CHAIR: Will you tell the Committee the capacity in which you are appearing as a witness today?

Mr QUIRING: Okay. I am appearing today as a private citizen; however, in my role as a police officer.

The CHAIR: Are you a current serving police officer?

Mr QUIRING: Yes. I would like to give an introduction, if I may, that will cover a bit my experience, if that is okay?

The CHAIR: Thank you.

Mr QUIRING: Good afternoon, Madam Chair and Committee members. I would like to thank you for the opportunity to further elaborate on my submission dated 28 August this year and help with any further questions you have in relation to my submission or other matters that the Committee deems relevant to this inquiry. I would like to preface the evidence I give today by acknowledging that it is given in my capacity as a private citizen and does not necessarily reflect the views of my employer. The topics I have discussed in my submission are based on anecdotal evidence and I have not conducted an examination into topics discussed but, rather, have provided a view based on my own personal experience and observations.

I would like to provide some context to my evidence. I have been a member of the NSW Police Force for the last 12 years. In that time I have worked both in metropolitan command, as a single unit officer in an isolated community and in country locations both large and small. My entire career has been spent working in a frontline capacity doing a general duties policing role. I acknowledge my submission to the inquiry does not address the terms of reference. It was intended to convey a personal perspective on assaults on police officers. However, given the lack of submissions from other serving and former police officers I would like to take this opportunity to make some brief points in relation to the terms of reference.

Firstly, while the instances of "assault police" is currently stable and when reviewed in conjunction with increasing numbers can be considered to be improving, my experience is the opposite. The statistics do not take into consideration the following factors which I have experienced firsthand. Firstly, the threshold for violence an officer is willing to accept appears to be increasing. In the past I have witnessed offenders charged with "assault police" for matters that would now be dealt with by alternative charges such as "resist/hinder officers" or "intimidate police". While there is some crossover in many of these offences I think that any statistical analysis of the data on assaults on police needs to cover these alternative offences as well.

The increasing violence of assaults on police I have witnessed, particularly when drug and alcohol are a factor—an increase that has been noted by other professionals who interact with people under the influence of drugs and other substances. The appearance of a greater acceptance of the community of assaults on police and the associated loss of respect for police officers—I have seen on a number of occasions members of the public actively encouraging offenders in assaulting/resisting police, cheering from the sidelines. It is not something I routinely experienced 10 years ago.

I would also like to discuss what I perceive as the bias with many of the other submissions made to this inquiry, the general community and even within the terms of reference for this inquiry against police as victims of these assaults. There is a lot of discussion on how police can modify their behaviour, what the police can do to better educate offenders, officers and the general public, and other actions police can take to reduce assaults on officers. While only the police do play a role, this has the appearance of victim blaming. As a society we do not blame the victims of domestic violence for provoking the attack or look at how they can modify their behaviour to prevent recurrence. The same thing is said for victims of alcohol-fuelled violence within the CBD. You do not blame victims or look at how they can change their behaviour to reduce assaults. A holistic approach with community partners, legislation and education was, to varying successes, undertaken. Why should assaults on police be any different?

In this aspect I feel the terms of reference are too limiting. After all, they fail someone that is coming into contact with police. They have been failed by their families, education, health and so many other people and organisations that should be helping shape their moral compasses, manage their drug and alcohol problems and provide support for their mental health issues. Police are victims of these assaults. It should not rest solely upon

us to solve the problem as well. I did not join the police force to be assaulted. It is not part of my job, it should never be part of my job and we all need to stop accepting assaults on police as just part of the job.

I would also like to thank the Committee for taking the time to hear from me today. In my opinion it is essential that this inquiry hear evidence from serving and former police officers, and I am disappointed more police officers did not make submissions to this inquiry. It is of vital importance that the Committee members, those who made submissions and the community in general see police officers as not just some anonymous figure in a uniform and that they are people too. The victim of each and every assault is not a police officer; it is a person just like them. It is my hope that this is the message I can convey in my evidence today.

The CHAIR: Thank you so much. May I thank you for the service that you give. It is really important. I thank you for coming and giving evidence to the Committee. It is very much appreciated.

Mr QUIRING: It is my pleasure.

Mr MARK TAYLOR: Thank you, sir. Likewise, as the Chair said, thank you very much for coming along today. I appreciate that insight. You mentioned you worked as a single unit police officer in a remote location.

Mr QUIRING: I did, yes.

Mr MARK TAYLOR: Could you expand on that a little bit from the perspective of using communication skills, de-escalating violence or scenarios like that and relate that back to training?

Mr QUIRING: Certainly. So as a single unit police I work in the community wherein my nearest backup was at the minimum 70 kilometres away but as a general rule it would be much longer. In those instances communication becomes so important. I went into that role having worked three years in metropolitan regions as a very junior officer in a lot of ways and it was very much an eye-opener. Communication in that role was essential to police our community effectively. It is a case wherein if something goes wrong there is no backup. Being able to talk to people, de-escalate the situation and even just picking up cues from people you are dealing with as to how the situation might progress becomes very important. It is unfortunately an area where there is not a lot of training but it is also something that is very hard to teach—something that in a lot of ways can only be gained with experience.

Mr MARK TAYLOR: Did you engage with the community outside of your work role more in that scenario?

Mr QUIRING: Most definitely. You have to. I moved with my wife and a very young child to the community. If you do not engage with the community you become isolated. So then it goes as far as just going down and engaging, going to the shops, getting involved in the local organisations—it becomes very much a 24/7 role. In that capacity I was living in a residence that was attached to the police station and people would come and knock on the door rather than go into the police station. So you became very much part of the community. It was the only way to survive.

Mr MARK TAYLOR: You mentioned in your opening about the offences of "resist" and "hinder". Were you implying that when there is a "resist" or a "hinder" offence that there is an assault inside that—that the resistance is an assault on police?

Mr QUIRING: Most definitely. There is very much a difference between the passive resistance and a violent resist and it is very hard to quantify to someone who has not experienced it. Arresting a person is most often not a nice business. It is messy. If they want to resist, they do not want to come into custody so they will pull away from you, they will strike back at you and quite often those offences, in my experience, anyway, 10 years ago they would come in what was the trifecta—the offence they were coming into custody for, and it would be a "resist" and an "assault police" as well. That is something I see much less of now. I think quite often the assaulting the officers gets rolled into your resist arrest. That may be something that happens from the offset. Quite often it is something that happens through representations when the matter progresses for a hearing.

Mr MARK TAYLOR: What do you suggest to the Committee would be ways that you could reduce offenders from assaulting police?

Mr QUIRING: That is a hard question because at the end of the day as police we are there to do a job and violent resistance is not going to stop us doing that job. It starts much before we interact with the person. By the time they are interacting with someone they have committed an offence. Quite often there is drugs or alcohol involved. Quite often there is mental health. I think that until we address the underlying issues there is going to be very little we can do to address the assaults on police itself.

Ms STEPH COOKE: Sir, thank you also for your service. My question is: What initiatives do you think could improve community attitudes towards police? Given that you have given evidence that you have seen a decline in the last 10 years—and I think you used the words where people "egg on" people around them to, to paraphrase, punch on with police—what do you think can be done more broadly to improve attitudes towards police?

Mr QUIRING: I think community policing plays a very big part in that, but the trouble is that, as more and more is demanded of our police, there is less and less time for community policing. It is something officers want to become involved with in the communities. I know police officers who give up their mornings to be involved in PCYC programs and that sort of thing. They are doing this in their own free time to try to develop that relationship with people as they come through; trying to pick up people from when they are a child and developing a relationship with them moving through. But it is so hard, particularly in country areas, where we just do not have the resources. Where I am stationed, my nearest PCYC is 120 kilometres away, and that PCYC has one officer who covers a huge geographical area. Undertaking those community outreach programs is difficult.

Ms STEPH COOKE: I have another question that is a little related. There has been a lot of focus in people's submissions so far about youth, early intervention with youth and what more can be done to improve relationships between youth and the police. However, the data produced by the police itself in this inquiry indicates that offender by age has seen the age bracket 45 years and older—in terms of assaulting police, that age bracket has experienced the highest increase in the number of offenders. Within that, male offenders over 45 has experienced the biggest increase of all. Do you have any insight into why men over 45 are assaulting police more in the period 2015-2020, which is the data we have been given?

Mr QUIRING: Once again, that is probably something that is difficult to quantify. I would agree just in my anecdotal experience that there is an increase in people in that age bracket. But I would argue to a certain point that behaviour has become normalised. If we are looking at a dataset that predates that, the increase may be in the younger generations and it is simply that people who have grown up thinking this sort of behaviour is okay, they are ageing, as everyone is.

Mr EDMOND ATALLA: Firstly, sir, thank you for your service to the community. I just want to reiterate what prior submissions made today have indicated. In their view, they believe that assaults on police are a result of the way police is escalating the situation with the offenders. In other words, the police are provoking by the way they are handling the offenders, they are causing an escalation, and that results in assaults on police officers. Do you share that view?

Mr QUIRING: No, not at all. Yes, quite often there is an escalation. However, in my experience with police, we are not the ones escalating the situation in most instances. When we go to a scene, we are there to do a job, we are there to enforce the law and we are there to potentially apprehend an offender. We do not go in looking for a fight. No officer I know goes in looking to get into a fight with someone or wanting to be assaulted. We would be quite happy if people would come along happily with us and hop into the back of the police truck. That is the ideal. That is what we want to happen as much as they do. However, we are still there to do a job, at the end of the day. If that softly, gently approach is not working, escalation is required.

Mr EDMOND ATALLA: I just wanted to get your point of view as a serving police officer in relation to that prior submission that we have heard today. There was also a suggestion from the Aboriginal Legal Service to repeal section 4A of the Summary Offences Act in relation to the use of offensive language. They are saying that is just the Australian culture. You go to the footy and you hear offensive language, yet if someone is being offensive to the police they get arrested. What is your view on that proposal?

Mr QUIRING: I would be very interested. In my view, offensive language use as a standalone offence does not happen. Yes, I am sure there are instances where it does occur, but personally for me and the officers who I supervise, in many, many years I have not seen action taken on the basis of offensive language. Yes, there might be a move on. Someone who is yelling abuse either at the police or other people might be issued a move-on direction. They may then fail to comply with that direction and it may escalate from there. But simply the removal of that offence is not going to make a difference. I would be interested if you see what the data says in relation to the number of assaults on police that are solely related to an instance of offensive language.

Mr EDMOND ATALLA: Do you believe, as a serving police officer, if that particular repeal of section 4A did occur, would we see an increase in how people are interacting with police in terms of, "Go and get so and so"? Do you think that might cause an increase or would it make a difference?

Mr QUIRING: I think it would make no difference. I can tell you, I am told to “go and get fucked” daily. I take no action in relation to it. Driving past someone who yells it, that may be an indication to go and interact with that person to try and turn that into a positive interaction, but it is not a defence that I would use

myself as a general rule. If I am taking action in relation to it, it is something that I would be dealing with by way of a criminal infringement notice. I think, in the grand scheme of things, removing that offence would have no impact on assaults to police.

Mr EDMOND ATALLA: You have indicated you have been a police officer for 12 years now.

Mr QUIRING: That is correct, yes.

Mr EDMOND ATALLA: Knowing what you know now, do you believe the training you received at the academy was satisfactory to arm you with the training, communication and escalation? Reflecting back on what you learned at the academy and what you know now, would you make any recommendations as to what should be changed in the academy?

Mr QUIRING: It is difficult, because a lot of the communication skills are something that you learn throughout your career. The world that the academy is a very insulated world. Even as far as communication goes, at the end of the day, if you are training in a situation and you are being greeted by a hostile offender, it is still a police officer and it is still very insulated. The scenario is still played out in a certain way. The reality is that, especially with people with mental health issues, or people who are facing issues with drugs and alcohol, until you interact with those people when they are at their worst, it is very hard to teach those sorts of skills.

Mr EDMOND ATALLA: You indicated in your opening remarks, in a response to one of your questions, that you feel over the last 10 years there has been a loss of respect for police officers. Why do you think that is the case?

Mr QUIRING: From my personal perspective, that could be from two angles. One, when I was a junior officer I was working within a large population group within Sydney. Quite often the people I was dealing with were, as a general rule, for lack of a better term, and I do not mean to sound in any way, they were good people. They were people who showed respect. I then moved into smaller communities, and in those communities it is intergenerational within families where there is a loss of respect. There is no respect for police. Quite often the family feel they were slighted by a police officer 30 years or 40 years previously and that animosity remains. But I also think a lot of it comes down to people involved in the criminal justice process who would, say, progress through court. They see it at every stage. It becomes a combative thing. It is them against the police.

In my experience offenders do not see it as they are committing an offence against the laws in New South Wales. They are seeing that it is police who are making and enforcing the rules. Involvement within the criminal justice system is all because of the police. That progresses through the court. When you give evidence in court, you cross-examine. Quite often there is a police officer being cross-examined. They are cross-examined harsher than the offenders, if they choose to give evidence, and the victims of offences. In every aspect they see police as the adversary and consequently they have no respect for police. They consider that if an offence is withdrawn and if they are acquitted of an offence, it is a victory against the police. Every part of it leads to a loss of respect.

Mr EDMOND ATALLA: You have mentioned that many of your colleagues offer their private time to assist the PCYC and do some work there. Do you believe that the PCYC—as a person who grew up in your local community and probably was associated with the PCYC—has changed over the years?

Mr QUIRING: I had very little to do with the PCYC growing up, aside from the old blue light disco. I think that, yes, they have changed to an extent, especially with some of the programs they are running now like the Fit For Life program and those sorts of things. I think the trouble with the PCYC is that they are only effective within the location they are in. It is very hard, particularly in remote community and country areas, to get involvement from the PCYC. It is not that they do not want to help. The geographical distance makes it harder. You cannot run a 6.00 a.m. boxing class when you have to drive two and a half hours before it starts. While they do their best, unfortunately there are not enough resources and officers assigned to the command to be effective.

Ms TAMARA SMITH: I really hear you around what other workforce would we be discussing and asking questions along the lines of "What are you doing to incite being injured?" It does strike me that the question we have got into today is what the role of modern policing is, because what you are expected to do is so diverse. You have one welfare hat or one lock-up-crooks hat. It really is quite overwhelming for me to just see all the different aspects. I did feel that we are talking about systems and things in the system that are certainly not assisting police. Do you think when police had just a baton, so 30 years ago compared to today, where it is very much—my father was in the air force and he did several tours of duty. There is a lot more gear; it is very different. Do you have any comments about the role of modern policing? What do you think it is? It seems like we are asking way too much of a particular workforce that is not very well paid to wear all those hats interchangeably hour to hour.

Mr QUIRING: I agree entirely. In policing we have a common saying, "Whenever it is too difficult for anyone else to handle, they ring us." That is across health through mental health, drug and alcohol, family and community services. We sort of become a backstop for everyone. Yes, we do provide a 24-hour response. However, we take 19-year-old officers fresh out of the academy and we put them into a role where they are expected to solve all these problems. They are expected, one minute, to help and go in and counsel a couple who have been married for longer than they have been alive on how to deal with the issues in their relationship. The next minute they are expected to respond and deal with someone having a mental health crisis. The next minute they are responding to someone who is having an episode after inducing drugs. It is certainly a lot of hats, but by the same token, especially in small communities, there is no one else who can do it. We can't throw our hands up and say, "That's too hard." I have never come across a police officer who would. At the end of the day we get the job done.

The CHAIR: Mr Quiring, in regard to the attitudes that we are seeing towards police, how can we improve that? What do you think are initiatives to making that better?

Mr QUIRING: I think in a lot of ways it comes back to being able to humanise the police force. Until people start seeing us as something other than a police officer, then community attitudes are not going to change. As to how we go about that, I cannot say. I think a lot of it comes from that young age. A lot of it comes too from removing some of those extra duties that we have been discussing that police have to do. Once we get out of that core role of policing and we are expected to solve everyone else's problems, we also become the crux of all those problems. People see us—for example, take family community service interaction. I can guarantee you most of the people I deal with blame police for the interactions with family and community service. We just become the scapegoat for everyone. I think until we can move away from that, it is going to be a very hard attitude to change.

The CHAIR: Or move towards a more holistic and a team approach.

Mr QUIRING: I definitely think that is important.

The CHAIR: What about deterrence? How do you see deterrence in regard to some of the serious assaults?

Mr QUIRING: It is hard. In my experience—and it is only anecdotal—the sentencing of people for assaulting police is viewed rather lightly. I mentioned an instance in my submission where there were two people for a court on the same day. Both offenders had similar criminal histories. One offender had spat on a bartender who refused to serve him a drink and the other person kicked an officer in the testicles while they were trying to arrest them. The person who spat on the bartender received serious punishment. From memory they had a $2000 beaten compensation order made to the bartender. The person who kicked the officer in the testicles was let off on a bond. I think even that goes to shaping community views of how assaults on police are dealt with when they look and see that the judiciary will even give you far less of a sentence for assaulting a police officer. In a way, that makes it alright.

The CHAIR: Good point.

Mr MARK TAYLOR: From your experience, have those people who have been charged with assault police or resist and hinder had previous offences for violence? Do they have a propensity for violence?

Mr QUIRING: I definitely think there is an underlying propensity there. In my experience, it is very rare that someone who is having their first interaction with police will assault police or resist arrest. It is quite often those with lengthy criminal histories who are involved in these offences but, in saying that, quite often when you look at someone who has those offences, it is not the first time. There is every interaction. I have offenders who I deal with quite regularly. Every single interaction they have with police leads to an assault on officers and a violent resist.

Mr MARK TAYLOR: In relation to court outcomes—and you talk about increased sentences—there is the apprehended violence order system for domestic violence, which is like a restraining order against violence. Do you think something like that in relation to assaulting police and those with a propensity to violence would have some merit?

Mr QUIRING: That system already exists. I am aware of a number of police officers who have personal violence orders against offenders. Most recently I am aware of an incidence within my staff where the officer was living in a police residence—I cannot go into much detail about that—and had an offender arrive about 10 o'clock or 11 o'clock at night on their front doorstep with an axe and a tomahawk. There is now an assault violence order in place between that officer and that offender. So I think something specific to police is only going to serve to alienate the police; it is only going to lead to that further loss of respect. I think it is appropriately dealt with within the current mechanisms.

Mr MARK TAYLOR: Thank you very much, Chair.

The CHAIR: Obviously, you have had your fair share of incidents in regards to assaults as a part of your duty. What support have you received to help you deal with it?

Mr QUIRING: Very little, if any. Within the police we run a program called the Employee Assistance Program [EAP] and that program relies on referrals from either the officer who has been assaulted making that referral themselves or an EAP provider, but that system, in my experience, at the very least is woefully inadequate. Quite often I have been in instances where I have been involved in a traumatic incidence of some kind at 3 o'clock in the morning. Common sense would say that if someone needs counselling at 3 o'clock in the morning, you do not ring them at 10 o'clock the next morning, but that is not the case.

Ms STEPH COOKE: Just further to that, Mr Quiring, when there is a team of two officers or more officers that are involved in an incident that results in an assault on police, when you return to the station after such an incident is there at that time or at some later stage a bit of a review of what just happened and did that go well or not so well and what we might have done differently?

Mr QUIRING: There is lots of informal review, being the people who you work with within close proximity. You will be in the car next to someone for 12 hours a day and there is quite often then—I encourage it with my staff—a debrief after something happens; we will sit back whether it be at the end of that shift, whether it be when we are next on duty, and review what happened, why it has escalated that way, is there anything we could have done differently, what was done well. But there is no formal mechanism for that as such. There is a review process when someone is injured where an officer will be assigned an investigation to that, but that is generally a cursory look at the circumstances; it is not something where the officer involved it will be discussed with them and they will be spoken to about the outcomes and that sort of thing.

Ms STEPH COOKE: Just a separate question. Do you feel as though the information provided to you in real time about a situation that you are about to go into is adequate in a lot of cases so that you know exactly what you will be confronting and whether you do employ de-escalation techniques or whether you need to respond in a different way?

Mr QUIRING: It think it is as adequate as it can be. We receive information when we are responding to a job from a number of sources. In small towns one of the biggest things is our own personal knowledge of the people we are dealing with. We receive information from our radio communications centre attending a job; we also have data terminals within the car that we will receive information on, but the information is only as good as the person relaying it at the scene. These are people who may be a victim, they may be scared themselves, they may not have a full grasp of what is happening, it maybe someone who is observing the scene from 50 metres down the road. Providing accurate information is next to impossible in those situations and that is just part of what we deal with. We arrive at every scene knowing full well that the information that we have may be incorrect and we have to judge it on the merits and we have to react accordingly.

Ms STEPH COOKE: Thank you.

The CHAIR: Can you just relay your experience in regards to body-worn video?

Mr QUIRING: I am a big supporter of body-worn video. I encourage all my staff to use it. My experience with body-worn video generally is I have not seen any changes in my officers' behaviour. What I have seen is a very easy means in which an incident is better reviewed when a complaint is made. When excessive force is mentioned we can go back and look and see exactly what happened. Every incidence where I have dealt with a complaint that has come in where they say there has been bullying, I can say that the body-worn video has shown what has been alleged by members of the public is not correct.

The CHAIR: So it is a good tool?

Mr QUIRING: Most definitely. I think that there could be more use of it. I think, if nothing else, the other thing it shows to the courts through the legal process is exactly what the police officers were facing at the time. It is very hard to convey exactly what is happening in a situation from a statement written sometimes six months after an incident.

The CHAIR: It is my understanding that it is not compulsory to wear, is that correct?

Mr QUIRING: It is not compulsory to wear, no. It is very much encouraged that staff wear it and I very much encourage my staff to wear it, but it definitely is not compulsory.

The CHAIR: And what about actually turning on the video? What are the parameters around when that occurs and when you stop and—

Mr QUIRING: The way I encourage my officers to use the videos is to have the cameras working on a stand-by mode and then once a button is pressed on the camera it will activate and start recording. If the camera is kept in a stand-by mode there will be a certain lag in back-capture; on that footage it will not back-capture audio, it will back-capture video, but my encouragement to all staff is to have that camera on stand-by at all times and activate it when they are in the vehicle.

Ms STEPH COOKE: Just further to that, anecdotally, or in your experience, what are the concerns of officers who do not like to activate these cameras?

Mr QUIRING: I have not come across any officers who do not like to activate the cameras. In my experience, there are a lot of officers who will wear the camera who do not activate it simply out of force of habit; they have been operating for 10, 15 years without these cameras and they are simply forgetting to press buttons as they get out of the car.

The CHAIR: Are there any further questions?

Ms TAMARA SMITH: It is a very short one, which might be well beyond your knowledge. In terms of post-traumatic stress disorder [PTSD], I was wondering—it would be an opinion really—is there still a culture where officers do not seek out diagnosis from mental health professionals for fear of being diagnosed with PTSD and that affecting their career?

Mr QUIRING: I do not know if it is necessarily fear of being diagnosed. I think there is not enough help really available for officers who need mental health help. But there is also an aspect where officers are very much aware that if they have a diagnosis such as PTSD, it is going to potentially have a detrimental impact to their career. Your ability to be operational while suffering these issues is right at the tail.

Ms TAMARA SMITH: Thank you, sir.

The CHAIR: Can you share any experiences around how difficult it must be for your family, especially in a small community, to deal with your role as a police officer?

Mr QUIRING: I certainly can. As I said earlier in my evidence, we moved to a very small country town as a single unit officer when my wife had a very young baby. In that town there was one playgroup, and I had a negative interaction as a police officer with the husband of the woman involved in organising that playgroup. When my wife attended that playgroup she was excluded. No one spoke to her. Children were actively encouraged not to play with my child. As a consequence, my wife then had to turn around and drive 150 kilometres each way to attend a different group. There are numerous instances where I have been at the local shops with my family and I have seen someone who I have dealt with in a professional capacity, and in order to keep my family insulated from that I will duck off. I will disappear. My wife is just used to that. She knows that if I have suddenly gone, that is why and we will just meet up later.

The CHAIR: Thank you Mr Quiring for your evidence today. It has been very beneficial and I thank you so much for standing up for your fellow police officers and giving evidence. It is very important that if we hearing from witnesses that we are hearing from every aspect of that policing role, and I congratulate you for doing so. Thank you very much. We may send some further questions in writing. Your replies will form part of your evidence and it will be made public. Would you be happy to provide written replies should those questions be forthcoming?

Mr QUIRING: I am definitely happy to provide replies, yes.

The CHAIR: That concludes our public hearing for today. I thank all of the witnesses who have appeared. I would also like to thank the Committee members, Hansard, the staff of the Department of Parliamentary Services and Committee staff for their assistance.

(The witness withdrew.)

The Committee adjourned at 16:17.