

## Chapter 2 Policing issues

The terms of reference require the Committee to examine policing strategies and resources in Redfern and Waterloo. Several issues associated with policing were examined in the Interim Report and an update on these is provided at the end of this chapter. The Committee examines further matters relating to policing in this Final Report. During the course of the Inquiry, many participants raised concerns about the relationship between the police and the Aboriginal community in Redfern and Waterloo. The Committee examines this relationship in some detail in this chapter. We also examine policing strategies and resources to deal with drug related crime in the area and briefly explore the interaction between police and the Department of Community Services.

### Relationship between the police and the local Aboriginal community

- 2.1** The Committee considers it important to examine the relationship between the police and the Aboriginal community in Redfern and Waterloo for a number of reasons. First, the Committee received a large amount of evidence in submissions, hearings and forums about that relationship, much of which indicated that it was problematic and needed to be improved. Second, the terms of reference for this Inquiry were triggered by the riot that occurred in Redfern in February this year, involving a large number of Aboriginal people. The Committee is also aware that the relationship has a long history of turmoil in the area. In addition, as noted in a recent Parliamentary Library Research Service briefing paper, ‘the quality of the relationship between various Indigenous communities and the local police force is important as the police form the first point of contact with the criminal justice system. Indigenous persons are arrested at a much higher rate than non-Indigenous persons.’<sup>9</sup>
- 2.2** During the Inquiry the Committee sought the views of members of the local Aboriginal community and relevant Aboriginal organisations to ensure that the community had the opportunity to raise their concerns with us. Subsequently, submissions were received and oral evidence was taken from approximately 30 Aboriginal organisations and individuals. The Committee also held a private briefing with approximately 20 members of the Koori South Eastern Sydney Interagency (hereafter referred to as the Koori Interagency). The Committee is aware, however, that even the wide range of views expressed by these participants cannot be interpreted to cover everyone of Aboriginal background in the community and we have been mindful of this fact throughout our analysis.
- 2.3** The Committee also received a considerable amount of evidence from NSW Police in a number of hearings, including witnesses representing NSW Police State Command, the senior command at the Redfern Local Area Command (LAC) and three Aboriginal Community Liaison Officers. Submissions were also received from eight officers stationed at the Redfern LAC, as well as the NSW Police Association. The views of many members of the community and representatives of community organisations regarding the relationship between the police and Aboriginal people were also expressed in submissions and in oral evidence.

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<sup>9</sup> Drabsch T, *Indigenous Issues in NSW*, NSW Parliamentary Library Research Service, Briefing Paper 2/04, p29

### **Aboriginal community in Redfern and Waterloo**

- 2.4** The history of the Block and the Aboriginal community in Redfern and Waterloo was examined in our Interim Report. In terms of population, in 2001 311 people from an Indigenous background lived in Redfern and 411 lived in Waterloo, which represents approximately 2.8 and 7.1 % of the population of those suburbs respectively.<sup>10</sup> Redfern and Waterloo have a significantly larger Indigenous population living within their boundaries compared to the rest of Sydney, as Indigenous people account for only 1% of the total Sydney population.
- 2.5** Several inquiry participants emphasised the strength of the Aboriginal community in the area. For example, the Metropolitan Local Aboriginal Land Council (LALC) stated:
- Metro LALC feels that it is important to acknowledge that the community of Redfern & Waterloo is in fact a community with much to be proud of. The history of the community has heralded many significant political movements ... and maintains and honours both the traditional owners of the Sydney area and respects and honours the families that have long held historical links with the area.<sup>11</sup>
- 2.6** The Committee also notes that the Aboriginal community is difficult to define, with its members coming from various traditional backgrounds. There is also a large transient population of Aboriginal people who visit the area frequently, but do not reside there, who are nonetheless considered to be part of the community in a number of ways.

### **Historical relationship between the Police and the Aboriginal community**

- 2.7** The Committee considers that it is important to acknowledge that the historical relationship between the police and the Aboriginal community, which has largely been negative, has a significant impact on the current relationship, as noted by Talina Drabsch in her research paper:

The historical relationship between the police and Indigenous community has largely been negative. The report of the Royal Commission into Aboriginal Deaths in Custody described the genesis of a relationship that can at times be hostile: 'Police officers naturally shared all the characteristics of the society from which they were recruited, including the idea of racial superiority in relation to Aboriginal people and the idea of white superiority in general; and being members of a highly disciplined centralist organisation their ideas may have been more fixed than most; but above and beyond that was the fact that police executed on the ground the policies of government and this brought them into continuous and hostile conflict with Aboriginal people. The policeman was the right hand man of the authorities, the enforcer of the policies of control and supervision, often the taker of the children, the rounder up of those accused of violating the rights of the settlers.' [RCADC, National Report – Volume 1, Australian Govt Publishing Service, Canberra, 1991, p6] The relationship between the Indigenous community and the police in the past can have

<sup>10</sup> *Redfern-Waterloo Community Safety Plan*, 10 March 2004, pp18-19 (information based on the 2001 Census)

<sup>11</sup> Submission 61b, Metropolitan Local Aboriginal Land Council, p1

an impact on the way police are viewed by the Indigenous population today and vice-versa.<sup>12</sup>

- 2.8** Many inquiry participants called on the Committee to acknowledge this long history of conflict between the Aboriginal community and the police and, more broadly, the government. For example, one participant from the Koori Interagency stated that ‘what the government needs to do is to address colonisation, address the Stolen Generation, address those issues because it’s our past history that still affects us today.’<sup>13</sup> Ms Tanya Plibersek MP, Federal Member for Sydney, emphasised that the current difficulties in the area must be viewed in context of the history of conflict between the two groups:

Policing issues must be approached with a thorough understanding of the long history of conflict between the local community and police. There is clear evidence that in the past some police have been racist and have harassed the Aboriginal community. Many people in the Aboriginal community mistrust the police because of past personal experiences with police, or because of issues such as black deaths in custody which have touched the whole community. This history combined with the entrenched racism experienced by the Indigenous community makes the development of positive relationships between the police and Aboriginal residents difficult but not impossible.<sup>14</sup>

- 2.9** Mr Kevin Smith, a member of the local Aboriginal community, described one aspect of the relationship between police and Aboriginal people in the seventies to illustrate the longstanding history of conflict between police and the community:

Towards the end of my apprenticeship I got involved with the Aboriginal land rights movement because of the continual arrests that were taking place outside the then Empress Hotel in Regent Street, Redfern, where the police wagons used to line up. There would be eight or nine of them. You would walk out of the pub and you would not even commit an offence and they would just grab you and throw you in the back of the van. Then they would not only charge you with the *Summary Offences Act*, which was in place then, they would also rob you of your weekly wages if you happened to be working. They charged you with being drunken and disorderly and took your wages. That was a common thing that took place, and everyone knew it. Everyone was aware of it.<sup>15</sup>

- 2.10** In 1990, as part of the National Inquiry into Racist Violence, Mr Chris Cuneen prepared a paper on Aboriginal/police relations in Redfern. His analysis is most instructive for an understanding of the history of the relationship, with many of the stories and experiences set out in his paper echoed in evidence before this Inquiry.<sup>16</sup>

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<sup>12</sup> *Indigenous Issues in NSW*, p29

<sup>13</sup> Participant, Koori South Eastern Sydney Interagency, 15 October 2004, p6

<sup>14</sup> Submission 49, Ms Tanya Plibersek MP, Federal Member for Sydney, p10

<sup>15</sup> Mr Kevin Smith, Evidence, 19 May 2004, p46

<sup>16</sup> Cuneen C, *Aboriginal-police relations in Redfern: with special reference to the ‘police raid’ of 8 February 1990*, report commissioned by the National Inquiry into Racist Violence, Human Rights and Equal Opportunity Commission, May 1990

- 2.11** The Committee also notes that there are long term attitudes held by some Aboriginal people toward police that are important to an understanding of how the relationship plays out today. In this regard, Assistant Commissioner Mark Goodwin, Operations Support Command, NSW Police, stated:

[W]hat I think the NSW Police struggles with is detractors who have an inbred hatred of police. They leverage on opportunistic incidents or jump on single inflammatory incidents. Unfortunately, the longer-term very good work that the police do down there—fuelled by alcohol particularly, and fuelled by highly volatile opportunistic inflammatory persons with a very long history of contacts in a negative manner with police—is overridden. I suppose a very good example is of the kids involved in the riot who were charged. A number of those were involved in PCYC programs at the South Sydney PCYC. In speaking to the police down there, they almost could not believe some of the footage that they saw because on a longer-term basis they have dealt with these kids in camps and in structured programs and in mentorship programs, and are dealing with that quite successfully. However, they are driven and fuelled by these opportunistic, single unit, inflammatory-type people that occupy the Block. That is what has fuelled the incident on the night there, I believe.<sup>17</sup>

- 2.12** The Chief Executive Officer of the Aboriginal Housing Company (AHC), Mr Michael Mundine, expressed similar views:

[T]here are always going to be our people who are negative towards the police situation. You still have the early seventies radicals that will just hate police for the rest of their lives.<sup>18</sup>

### **Current relationship between the police and the Aboriginal community**

- 2.13** Over the nine months of this Inquiry, the Committee has heard a great deal of evidence about the current relationship between local Aboriginal people and the police, much of which was polarised. On the one hand, many witnesses, largely but not exclusively Aboriginal people, argued that the police commonly behave inappropriately towards Aboriginal people. On the other, some police officers and non-Aboriginal local residents argued that the police are merely responding appropriately to criminal behaviour. A summary of the range of views is set out below.

#### ***Overview***

- 2.14** In May, one witness described the relationship between police and Aboriginal people in the area as being at ‘boiling point’, as distinct from the relationship several years ago:

It is at a bit of a boiling point at the moment I would say. I do not know why it has changed but back about eight years ago when we were doing the garbage run around the area if we found a bag that someone had stolen and discarded we would always pick the bag up with its contents, put it in a box and wait for the police to drive down the street. We would say, “Look, mate, someone has got ripped off. There are the

<sup>17</sup> Assistant Commissioner Mark Goodwin, Assistant Commissioner Operations Support Command, NSW Police, Evidence, 24 September 2004, pp24-23

<sup>18</sup> Mr Michael Mundine, Chief Executive Officer, Aboriginal Housing Company, Evidence, 19 May 2004, p22

particulars.” They would say, “Oh, good. Thanks mate. We will take it back up to the station and get in touch with these people.” We formed a relationship with these police ... When we get into a good relationship with the local police they move them on. I do not know why they do that. It starts all over again. Within the last two years our boys will not even pick up a bag any more. They have picked up a bag a couple of times and have given them to the police saying they have found it in a lane and all of a sudden the notebook comes out and, “What is your name? Have you got any ID? Where are you from?”<sup>19</sup>

**2.15** The Redfern Legal Centre described a ‘generally hostile’ relationship:

Many people feel that there is generally a hostile relationship between the police and the community, especially among young people. This perception exists despite acknowledged attempts by police at some levels to improve the relationships. It was noted that for many young Aboriginal people, a police car is something to run away from.<sup>20</sup>

**2.16** The extent of the feeling among some Aboriginal people toward police was highlighted by Mr Lyall Munro who stated, ‘I think if you pull up any Aboriginal child, they will tell you they hate police, the majority of them. That is the sad reality.’<sup>21</sup>

**2.17** In our Interim Report the Committee examined the issue of the high rate of turnover among police officers in the area. One of the impacts of this turnover is that relationships between members of the community and individual officers are difficult to establish and maintain, as one representative of an Aboriginal organisation noted:

I think it is a big turnover. I do not know why they move police on when they strike up a good relationship with the community. Years ago you would be on a first-name basis with several of the constables at Redfern police station but not now. They all seem to be cowboys when they come down here.<sup>22</sup>

**2.18** South Sydney Youth Services indicated that the problems in the relationship, and the way to remedy them, lay on both sides:

The relationship between police and the Aboriginal community, both historically and currently, is fraught with tension. This is very likely due to the vast majority of contact between the two groups being of a negative nature; the community only sees the punitive aspects of police activity, the police see only the criminal fringes of the community. Unless both groups are exposed to the substantial positive elements within the other, this situation is unlikely to change. Programs or events focussing on the helpful role of police delivered in conjunction with cultural awareness activities ... may prove beneficial for both parties.<sup>23</sup>

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<sup>19</sup> Participant, Confidential evidence, 19 May 2004, p9

<sup>20</sup> Submission 50, Redfern Legal Centre, p2

<sup>21</sup> Mr Lyall Munro, Evidence, 19 May 2004, p39

<sup>22</sup> Participant, Confidential evidence, 19 May 2004, p10

<sup>23</sup> Submission 92, South Sydney Youth Services, pp3-4

- 2.19 Since the Interim Report, several inquiry participants have noted that the relationship between police and the local Aboriginal community has improved over the last few months, as discussed further in paragraph 2.39.

*Police displaying inappropriate behaviour*

- 2.20 The Committee heard from several witnesses who described inappropriate and at times racist behaviour on the part of police, particularly toward young Aboriginal people. For example, Ms Joyce Ingram, one of the Elders in the community, stated:

They are the law of the land but I think if they were fair dinkum with the people and the kids—we have got to show respect to the law and, in return, the police have also got to show a little of respect to us and not drive past in a car and back it down and then swear at a woman and call her filthy names. Now if that woman were to turn around and swear back at the police she would be arrested for abusive language, or whatever. Now that has happened but I cannot mention names.<sup>24</sup>

- 2.21 Others did not share the view that some police officers display racist attitudes. For example, Ms Lesley Townsend, Aboriginal Community Liaison Officer, Redfern LAC, advised the Committee that in her experience none of the police at the Redfern LAC are ‘overly racist’:

I cannot put my finger on anything at Redfern—any of the police there who are overly racist. We did have one officer there who was, but he has been moved too ... I do not think anyone would be game enough to say or do anything racist in front of me because they know that I would not muck around, I would go straight to the boss about it. And they would not be in Redfern for much longer either.<sup>25</sup>

- 2.22 Superintendent Smith has indicated to the Committee that there is no tolerance of racism among police officers in the Redfern LAC:

With 150-200 officers, if something like that happens, and it is brought to our attention, it will be stopped very quickly. We are quite clear in our stand on any type of racism. I have no evidence that it does happen. I have only had one complaint of racism in the past year in terms of people coming forward from any forum and complaining to me, and it could be through the Aboriginal Legal Service, the Medical Service, the courts or the Ombudsman and that person was a non-Aboriginal. In terms of data collection, there is no evidence in front of me to suggest that it is a problem.<sup>26</sup>

*Over-policing*

- 2.23 Several inquiry participants described what they saw as ‘over-policing’ of Aboriginal people, particularly in the Block area. For example, the Mudgin Gal Aboriginal Corporation Women’s Centre (hereafter referred to as ‘Mudgin Gal’) expressed the view that the area was over-policed, but with unsatisfactory results:

<sup>24</sup> Ms Joyce Ingram, Evidence, 19 May 2004, p31

<sup>25</sup> Ms Lesley Townsend, Aboriginal Community Liaison Officer, Redfern Local Area Command, NSW Police, Evidence, 22 October 2004, p9

<sup>26</sup> Superintendent Dennis Smith, Redfern Local Area Commander, NSW Police, Evidence, 3 November 2004, p16

The local Redfern police are over-policing the 'Block' and the wider Redfern/Waterloo area. Despite the heavy presence of Police in the area there is no apprehension of drug dealers in the area. Police target drug addicts rather than drug dealers'.<sup>27</sup>

**2.24** The Redfern Aboriginal Corporation stated:

There is over-policing in Redfern and Waterloo. There is a tendency for Police Officers to search first and ask questions later. At time this has amounted to harassment and the targeting of Aboriginal community members. This would suggest a lack of cultural awareness and understanding in the Police Force.<sup>28</sup>

**2.25** The Redfern Legal Centre noted that 'the whole Block community experiences intense surveillance. There is a continuous police presence at Redfern Station end of Eveleigh Street and frequent police vehicle movements through the area.'<sup>29</sup> In addition, Mr Kevin Smith stated:

[T]he police could adopt a more decent approach to our community and towards our people as individuals. Right now we have this policing in your face situation. They are standing here 12 hours a day on the top of the Block watching us like they are prefects in a schoolyard. We are not children that are still going to school; we are adults. We are citizens of this community and we want to be treated as human beings, not like we are some germs under a microscope.<sup>30</sup>

**2.26** Other, more moderate views were also expressed. For example, the AHC stated that as long as criminals maintain a presence on the Block, a disproportionate level of security by the police would have to be tolerated:

Some criticism has been directed toward over-policing of the Block, but generally speaking those who have complained to the best of our knowledge have in one way or another attracted the attention of police due to their illegal or antisocial activities in the Block. From our perspective, we would eventually like to see a lessening of police activity on the Block, but we are mindful that as long as drug dealers and criminals maintain a presence on the Block we will all have to tolerate a disproportionate level of security by the police that are trying to remove them from our community. Generally, the Redfern command deserves to be applauded for their cooperative, proactive approach to policing in this area.<sup>31</sup>

**2.27** As noted by the Committee in our Interim Report, there is some concern that the location of the new police station in the tower building near the Block may contribute to this feeling of over-policing.

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<sup>27</sup> Submission 53, Confidential (quoted with permission)

<sup>28</sup> Submission 60, Confidential (quoted with permission)

<sup>29</sup> Submission 50, Redfern Legal Centre, p3

<sup>30</sup> Mr Smith, Evidence, 19 May 2004, p52

<sup>31</sup> Submission 42, Aboriginal Housing Company, p2

*Police relationships with young people*

- 2.28** The relationship between young Aboriginal people and police in both Redfern and Waterloo was of considerable concern to many participants in this Inquiry. Young Aboriginal people were seen to be either suffering harassment from police or alternatively, as perpetrating petty crime without fear of punishment because of their juvenile and Aboriginal status.
- 2.29** The Redfern Legal Centre described inappropriate behaviour, especially towards young Aboriginal men on the part of police:

There have been reports to Redfern Legal Centre consistently over the past five years that suggests that at times police display inappropriate behaviour towards Aboriginal people, young men in particular. Several people spoke to us about threatening use of guns, excessive use of physical force and 'drive arounds' where a young person is placed in the rear of a police vehicle for a period of time before being released in an unfamiliar area perhaps some distance from home, without being charged with any offence or having any way to identifying the officers involved. We have also dealt with complaints involving the unnecessarily intrusive use of sniffer dogs, strip searches and video surveillance.<sup>32</sup>

- 2.30** A great deal of frustration and dissatisfaction with the way police interact with young Aboriginal people was expressed to the Committee during our briefing with the Koori Interagency.<sup>33</sup> The forum the Committee held with young people at the Fact Tree Youth Service (hereafter referred to as the Youth Forum) also revealed negative experiences, particularly with young officers. One young person stated:

[A] lot of police around here are a lot of smart-arses. ... They do have respect for people in the community, but they don't have respect for us young people. They've got to understand that we're the next generation, we need confidence and all that, for them to allow us to complete what we do. They have been so negative towards us children, it's not funny. There have been racial slurs – it's mainly racial, what they say.<sup>34</sup>

- 2.31** Ms Sharne Dunsmore, the Executive Officer of the Fact Tree Youth Service, described the relationship as strained, with ongoing tensions. She also noted that 'the darker of the Indigenous kids we deal with seem to find themselves in more difficult situations than the fairer Aboriginal kids that we work with'.<sup>35</sup> She suggested that police need more cultural awareness training and support. Ms Townsend noted that there are perceived problems with police displaying different attitudes towards Aboriginal young people and non-Aboriginal young people:

It has been said that four kids are walking down the road, two of them are white and two of them are black, and the police pull up and they send the white ones on their way yet they search and question the young black ones. That has been said over and

<sup>32</sup> Submission 50, Redfern Legal Centre, p3

<sup>33</sup> Koori South Eastern Sydney Interagency, 15 October 2004, pp7-8

<sup>34</sup> Participant, Youth Forum, 22 October 2004, p1

<sup>35</sup> Ms Sharne Dunsmore, Executive Officer, Fact Tree Youth Service, Evidence, 26 May 2004, pp23-24

over again. I have not seen it personally. I have heard it does go on. But I have not seen it personally, so I cannot really comment on that.<sup>36</sup>

- 2.32** Other inquiry participants, particularly those who live near the Block, detailed examples of a concerning level of petty crime perpetrated by young Aboriginal people and their perception that some young children are ‘untouchable’:

I have witnessed the behaviour of officers dealing with young children on the street. I would say they have a ‘hands off approach’. The children being young and Aboriginal, and the risk of a riot should they handle the situation wrong would be every present in their mind. Most of the children know that they are untouchable. Police and the law do not worry them whatsoever.<sup>37</sup>

- 2.33** Other inquiry participants suggested that some Aboriginal people ‘use their Aboriginality and the reconciliation issue as a shield to hide behind’.<sup>38</sup>

- 2.34** The Committee received further evidence about the basis of the tensions between police and young people. Ms Dunsmore noted that the issue lies with both groups:

[T]here needs to be answerability on both ends. The young people need to be able to answer for their behaviour and take responsibility for their behaviour. That also needs to happen in regards to the Police Service. They do a very, very difficult job. The police these days have to wear so many hats. They have to be social workers, community workers and law enforcers ... I think the difficulty for them is when they come in and try to interact, perhaps say hello, and then they have to turn around and possibly arrest someone for some sort of behaviour.<sup>39</sup>

- 2.35** Ms Townsend noted the difficult job that police have in relation to young Aboriginal people and the historical nature of the tensions between the two groups:

In some areas maybe [young people are over-policed]. Nothing against the police, they are out to do the job. But Koori kids roam the streets at all hours of the night. The police come across them and as soon as the kids see the police, see a police vehicle their first instinct is to run. Then the police see them running so they think they are up to no good, or something like that. But it is just instinct in the kids. Then the police chase after them. They catch them. They ask them questions. The community starts to think that it is over-policing by the police ... But within the Aboriginal community it stems back to the Aboriginal Protection Board era and so forth. It is inbred in us about the Stolen Generations and so forth, and that is one of the reasons, and also because some of the kids are up to no good, so that is why they do run, but not all of them.<sup>40</sup>

- 2.36** Superintendent Smith informed the Committee in November of his view that the relationship between police and Aboriginal people, particularly young people, has improved in recent months:

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<sup>36</sup> Ms Townsend, Evidence, 22 October 2004, p8

<sup>37</sup> Submission 21, Confidential

<sup>38</sup> Submission 13, Mr Stephen Gale, p3

<sup>39</sup> Ms Dunsmore, Evidence, 26 May 2004, p23

<sup>40</sup> Ms Townsend, Evidence, 22 October 2004, p8

I certainly think there are some historical issues that have always, apparently, seemed to be there between young people and Redfern police. We are certainly working as hard as we can with the mentoring program, the PCYC and other activities that we have going to break down those relationships and talk to the kids about what the police role is in society as well. And they talk a bit about cultural training for police, which we are actioning and a perceived issue that the young people get spoken to more because they are of an Indigenous background. We talk to them about the police role and what that might be and why that perception is there. Again, it is ongoing and I think we are certainly making some inroads.<sup>41</sup>

- 2.37** Superintendent Smith advised that where once Redfern LAC had the highest rate of arrests of young people in the State, this rate has now dropped significantly:

I think you will see on some of the later questions that the youth officers and the part-time police on the mentoring program are really starting to make some inroads. Redfern did have some of the highest figures for charging young people, on an evidence base of course. And we have certainly dropped from being number one in the State to about 10 or 11, so that strongly suggests that young people are not getting into trouble as much. Police are using other options in terms of cautions or conferencing or warnings to the young people, so that is a positive step as well.<sup>42</sup>

- 2.38** Police initiatives to promote a better relationship between officers and young people are examined later in this chapter.

### *Recent improvements*

- 2.39** Since our Interim Report, several inquiry participants have noted that the relationship between police and the local Aboriginal community has improved over the last few months. For example, Mr Michael Ramsey, Project Director of the Redfern Waterloo Partnership Project stated that the police 'have made some significant headway in actually addressing some of the concerns that have been raised by the Aboriginal community.'<sup>43</sup> Superintendent Smith also expressed optimism about the improving relationship when he appeared before the Committee in November:

Things are certainly on the mend since the issues of February, and properly getting back to where we were prior to those unfortunate incidents. I am confident that the relationships in the community between the police and the majority of the Aboriginal people are sound.<sup>44</sup>

- 2.40** Superintendent Smith cited the example of a recent weekend in October where approximately 5000 people participated in an Aboriginal football event without any major incidents:

I think a couple of things are important there in relation to the overall cohesiveness of the area. We just had 5,000 Aboriginal people turn up to Redfern for four days in October for the Aboriginal Knock Out on the long weekend, which was perceived as

<sup>41</sup> Superintendent Smith, Evidence, 3 November 2004, p4

<sup>42</sup> Superintendent Smith, Evidence, 3 November 2004, p4

<sup>43</sup> Mr Michael Ramsey, Project Director, Redfern Waterloo Partnership Project, Evidence, 12 November 2004, p22

<sup>44</sup> Superintendent Smith, Evidence, 3 November 2004, p4

going to be a troubled weekend far and wide. We worked with the Aboriginal planners for some three months on that, very tightly, and there was not one major incident to speak of out of that weekend in terms of crimes being committed in and around Redfern, any violence towards either party or anything. So I think that is testimony that relationships have improved.<sup>45</sup>

### **Conclusion**

- 2.41** The Committee remains concerned about the relationship between police and Aboriginal people in Redfern and Waterloo. Some disturbing evidence has been presented to the Inquiry. While the evidence indicates that in recent months there has been an improvement in Aboriginal/police relations in the area, it is clear that this troubled relationship is deep seated and that a consistent and long term approach to its improvement is needed. Against the backdrop of the historical conflict between the two groups, the Committee is aware of the pressing need to break the cycle of tension and disharmony.
- 2.42** The Committee endeavoured to establish whether the relationship between the police and the Aboriginal community is different in Redfern and Waterloo than other parts of New South Wales. During our meeting with the Koori Interagency, mixed views were expressed on this issue, with some participants saying that it is different, while others stated that the relationship is the same on the Block as it is 'in the bush'.<sup>46</sup> Assistant Commissioner Goodwin indicated that the transient nature of some of the Aboriginal community does make it a more difficult area for police.<sup>47</sup> The Committee notes that while there are other areas within the State where the interaction between the police and Aboriginal people is also a major concern, the Redfern and Waterloo areas have their own unique experiences and locally based solutions are required.
- 2.43** In the following section the Committee examines the current policing strategies and organisational structures designed to improve the police service's relationship with the Aboriginal community. Recommendations are made to address deficiencies highlighted in the evidence.
- 2.44** The Committee also notes that the relationship will only improve with the commitment of the Aboriginal community and its individual members, as well as that of the police. While the Committee has no capacity to make recommendations in relation to the community, we would like to strongly encourage community members to work toward a more constructive relationship with police, for example by joining police on the community committees and activities discussed in the next section.

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<sup>45</sup> Superintendent Smith, Evidence, 3 November 2004, p4

<sup>46</sup> Participants, Koori South Eastern Sydney Interagency, 15 October 2004, p6

<sup>47</sup> Assistant Commissioner Goodwin, Evidence, 24 September 2004, p25

## NSW Police approach to Aboriginal issues

### Overview

**2.45** NSW Police has introduced a range of strategies and organisational structures over the years to improve the relationship between police and the Aboriginal community, particularly since the recommendations of the Royal Commission into Aboriginal Deaths in Custody (RCADC). These strategies and structures include those noted below, some of which are examined in the context of the Redfern LAC later in this chapter:

- a statement of Aboriginal Reconciliation and the May 1998 apology to members of the Stolen Generations and all Aboriginal and Torres Strait Islander people for the police's role in enforcing unjust laws on Aboriginal people<sup>48</sup>
- the continued implementation of the recommendations of the RCADC
- the establishment of an Aboriginal Coordination Team within the Operational Policy and Programs Unit of the Operations Support Command<sup>49</sup>
- the publication and implementation of three Aboriginal Strategic Direction documents<sup>50</sup>
- various strategies to increase employment of Aboriginal people within NSW Police<sup>51</sup>
- the ongoing Aboriginal Community Liaison Officer program
- the establishment of Local Area Command Aboriginal Consultative Committees.

### Review of the implementation of recommendations of RCADC

**2.46** Several inquiry participants raised the RCADC, indicating its ongoing importance to the community and its understanding of policing.<sup>52</sup> Assistant Commissioner Goodwin advised that NSW Police is currently conducting an audit of the implementation of the RCADC recommendations that relate to police:

The Aboriginal Coordination Team and the Audit Group are currently conducting a review of the implementation of the 82 recommendations that relate to police. The organisation is confident that the 82 recommendations have been addressed. However, the structure of NSW Police has changed significantly since the

<sup>48</sup> See NSW Police, *Aboriginal Strategic Direction 2003-2006*, pp3-4

<sup>49</sup> The role of the Aboriginal Coordination Team is set out in Appendix 3

<sup>50</sup> NSW Police, *Aboriginal Policy Statement and Strategic Plan 1997-2000*, NSW Police, *Aboriginal Strategic Direction 2003-2006*. Note that the 1997-2000 plan was evaluated in June 2000: Cuneen C, *Evaluation of the Implementation of NSW Police Service Aboriginal Strategic Plan*, commissioned by the NSW Police Service and the NSW Ombudsman, June 2003

<sup>51</sup> For example, NSW Police, *Aboriginal Employment Strategy 2002-2005*, discussed later in this chapter

<sup>52</sup> For example, Ms Brenda McDonnell, Co-ordinator, Aboriginal Catholic Ministry, Evidence, 7 June 2004, pp23-24 and Participants, Koori South Eastern Sydney Interagency, 15 October 2004, pp4-5 and 23

implementation, requiring a comprehensive review. The audit will determine how effective the implementation has been and whether there are any outstanding matters for NSW Police to address. The audit is expected to be completed in 2005.<sup>53</sup>

### Aboriginal Strategic Direction 2003-2006

- 2.47** In the Interim Report the Committee briefly discussed the NSW Police document titled *Aboriginal Strategic Direction 2003-2006* (hereafter referred to as the ASD), making two initial recommendations relating to its implementation.<sup>54</sup> We examine the ASD further in this Final Report.
- 2.48** The ASD was published in June 2003 and ‘represents the third document of this type developed by NSW Police to manage Aboriginal affairs’.<sup>55</sup> The document contains a statement on Aboriginal reconciliation and sets out several objectives for NSW Police, including strengthening communication between police and Aboriginal people, improving community safety by reducing crime and violence within the Aboriginal community, reducing Aboriginal peoples’ contact with the criminal justice system, increasing Aboriginal cultural awareness throughout NSW Police and targeting Aboriginal family violence and sexual abuse. The ASD then sets out 44 strategies relating to the objectives.
- 2.49** Various time frames are identified for the implementation of the ASD’s 44 initiatives. The ASD was ‘rolled out’ across 29 LACs in July/August 2003.<sup>56</sup> The Committee is aware that many strategies, such as the establishment of a Local Area Command Aboriginal Consultative Committee, are yet to be implemented in the Redfern LAC (see paragraph 2.110 for further discussion).
- 2.50** The evidence of several witnesses and forum participants indicates that there is a reasonable level of awareness within the Aboriginal community of the ASD, as well as frustration that it has not been fully implemented. For example, during our briefing with the Koori Interagency, one participant stated:

I would like to say in June 2003 the police in NSW brought out a policy on how to implement issues for the Aboriginal community and that was their plan on how to deal with working with the Aboriginal community and what I see as the trouble in Redfern is that if Redfern police implemented the policy and the strategies that they handed down, that they developed themselves in June 2003, I think TJ would have been alive today ... It is a good policy, but they don’t implement it.<sup>57</sup>

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<sup>53</sup> Answers to questions on notice taken during evidence 24 September 2004, Assistant Commissioner Goodwin, NSW Police, Question 12, p12

<sup>54</sup> NSW Legislative Council, Standing Committee on Social Issues, Report 32, *Inquiry into Issues Relating to Redfern and Waterloo: Interim Report*, August 2004, Recommendations 15 and 16, p95 (hereafter referred to as *Interim Report*)

<sup>55</sup> NSW Police, *Aboriginal Strategic Direction 2003-2006*, June 2003, p2. The document can be downloaded from: [www.police.nsw.gov.au](http://www.police.nsw.gov.au)

<sup>56</sup> Answers to questions on notice taken during evidence 24 September 2004, Assistant Commissioner Goodwin, NSW Police, Question 7, p6

<sup>57</sup> Koori South Eastern Sydney Interagency, 15 October 2004, pp5-6. See also Ms McDonnell, Evidence, 7 June 2004, pp23-24

- 2.51** In our Interim Report the Committee recommended that the Minister undertake an audit of the implementation of relevant ASD initiatives within the Redfern LAC, and that where initiatives have not been implemented, the Minister make their implementation a matter of priority.<sup>58</sup> Superintendent Smith advised the Committee in November that the Minister's six month review of the initiatives he announced in July will include this audit:

The six-month review of the 32 initiatives for Redfern in the enhanced policing package will pick up this audit. I understand it has started. The enhanced policing packages were announced on 16 or 17 July, so the six-month review process will pick up the review on the Aboriginal Strategic Direction of 2003-06. I imagine the people doing that review will undertake the Redfern review of the project. I am not sure who that is.<sup>59</sup>

- 2.52** The Committee has been advised that the ASD undergoes review by the Aboriginal Strategic Direction Steering Committee which 'is auditing/reviewing responses on the implementation of the ASD from all LACs'.<sup>60</sup> In addition, the NSW Ombudsman undertakes audits of its implementation in certain areas.<sup>61</sup> The Committee hopes that the process of these audits and reviews, including the audit recommended by the Committee, will precipitate the full implementation of relevant initiatives in the Redfern LAC.

### **Employment of Aboriginal people within NSW Police**

- 2.53** The Committee was advised that NSW Police employs approximately 138 sworn Aboriginal officers and 54 unsworn Aboriginal officers across the State.<sup>62</sup> The NSW Police *Aboriginal Employment Strategy 2002-2005* aims to increase the number of Aboriginal people recruited and retained by NSW Police. Its goals are to 'enhance awareness of Aboriginal issues throughout NSW Police and increase the number of permanently employed Aboriginal women.'<sup>63</sup> Other strategies aimed at attracting Aboriginal persons to NSW Police are set out in Appendix 4.
- 2.54** Several inquiry participants commented on the number of Aboriginal officers within NSW Police and the lack of Aboriginal officers in the Redfern LAC.<sup>64</sup> For example, the Redfern Aboriginal Corporation stated that an 'Aboriginal and Torres Strait Islander presence in the

<sup>58</sup> Recommendation 15, *Interim Report*, p95. The Committee also recommended that, as part of the Minister's six month review of the initiatives announced on 16 July 2004, the Minister should consider the impact of the initiatives on the local Aboriginal community with reference to the ASD: Recommendation 16, *Interim Report*, p95

<sup>59</sup> Superintendent Smith, Evidence, 3 November 2004, p13

<sup>60</sup> Answers to questions on notice taken during evidence 24 September 2004, Assistant Commissioner Goodwin, NSW Police, Question 8, p8

<sup>61</sup> Answers to questions on notice taken during evidence 24 September 2004, Assistant Commissioner Goodwin, NSW Police, Question 8, p9

<sup>62</sup> Submission 55, NSW Government, p302

<sup>63</sup> NSW Police, *Annual Report 2002-2003*, pp52-53

<sup>64</sup> The Committee notes that the number of Aboriginal police officers has also been raised in other forums in recent time, such as the NSW Alcohol Summit 2003, where several recommendations developed by the Summit referred to the need for more Aboriginal officers: New South Wales Summit on Alcohol Abuse 2003, *Communique*, 29 August 2003, paragraphs 2.16, 7.40 and 8.47

Police force is important'.<sup>65</sup> Ms Townsend stated that more Aboriginal officers were needed in Redfern:

Yes, right across NSW we need more Aboriginal police officers, especially in Redfern. At the moment we only have one and over the years we have only had the odd one or two. When I first started in 1997 it was just after the January riots and they seconded Aboriginal police from other areas to come into Redfern. They were only there on secondment for six months and that was a bandaid solution, which should not have been done. They need to bring more Aboriginal police into Redfern on a permanent basis.<sup>66</sup>

**2.55** The Committee is aware that Aboriginal police officers have experienced difficulties in their relationships with both non-Aboriginal police officers and the community. For example, in its submission, South Sydney Youth Services stated that Aboriginal officers have been subject to racism from other police officers:

In the past five years I have got to know four of the Aboriginal Officers stationed in Redfern and all of them have felt alienated and unsupported by other Police. Many have had to endure racism and taunts from Anglo workers.<sup>67</sup>

**2.56** The Committee also notes that the sole Aboriginal police officer stationed at the Redfern LAC in the past few years had to be relocated this year after being subject to threats from some people because of his position as an Aboriginal officer. The NSW Coroner commented on this issue in his findings in relation to the death of TJ Hickey:

It is sad to see an Aboriginal police officer, of which there are so few, virtually forced to leave a heavily populated Aboriginal area. He should now be given every chance to get on with policing.<sup>68</sup>

**2.57** The Committee was extremely concerned about this issue and raised the matter with Assistant Commissioner Goodwin, who told us:

I am advised that one Aboriginal police officer in Redfern was subject to threats and was transferred. Redfern LAC has one new Aboriginal police officer and he has not been threatened in any way. The LAC will closely monitor his wellbeing. NSW Police has several programs designed to assist officers experiencing difficulties on the job because of their Aboriginality. These include the peer support officer program, access to the Employee Assistance Program and the Aboriginal Employees Network.<sup>69</sup>

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<sup>65</sup> Submission 60, Confidential (quoted with permission)

<sup>66</sup> Ms Townsend, Evidence, 22 October 2004, p4

<sup>67</sup> Submission 92, South Sydney Youth Services, pp3-4

<sup>68</sup> John Abernethy, NSW State Coroner, *Inquest into the Death of Thomas James Hickey*, Glebe, NSW, 17 August 2004, p25. See also 'Wrong path leads to fiery requiem', *Sydney Morning Herald*, 18 August 2004

<sup>69</sup> Answers to questions on notice taken during evidence 24 September 2004, Assistant Commissioner Goodwin, NSW Police, Question 11, p11

## Education and training of police officers in Aboriginal issues

- 2.58** The level and effectiveness of training that Redfern officers receive in Aboriginal cultural awareness issues was raised by several witnesses and in submissions. Given the degree of tension between the Aboriginal community and police, the Committee has explored the type and level of training provided to officers in the Redfern LAC to enable them to appropriately police and interact with the Aboriginal population in the area.

### *Diploma of Policing Practice*

- 2.59** Dave Madden, Deputy Commissioner of Operations, NSW Police, informed the Committee that police recruits undertake cultural awareness training that addresses Aboriginal issues as part of their Diploma of Policing Practice:

Whilst the recruits are going through the police college they undertake generic cultural awareness training specifically targeting Aboriginal issues, which is based on the Redfern design education programme, the induction package, so prior to leaving the college they have undertaken a degree of cultural awareness training but, more specifically, in trying to achieve their diploma they do a whole lot of study on societal relations, sociology, psychology and a whole range of things in dealing with what we would call vulnerable communities, and so they undertake that training and education.<sup>70</sup>

- 2.60** The Committee was advised that students attend lectures and tutorials in relation to inter-cultural communication and Aboriginal issues and that both sworn and unsworn Aboriginal staff from NSW Police assist in the delivery of the classes.<sup>71</sup> The Committee notes, however, that the lecture and tutorial combined lasts only three hours.<sup>72</sup> In relation to the amount of training new recruits receive, Assistant Commissioner Goodwin advised that the training is designed to provide a basic level of awareness that can be supplemented with local training:

It is designed to provide a basic level of awareness of the range of significant and complex issues facing Aboriginal communities in NSW, and the way in which NSW Police responds to these issues and the needs of the community. However, every Aboriginal community in NSW faces its own needs. In some LACs there is not a single, identifiable Aboriginal community as such, but several communities each with their own issues. It is therefore most effective for community-specific training to be organised at a local level so that it can deal directly with those issues and how local police might best respond to and work with the local community in dealing with the problems ... Local training appears to be effective and draws together local agencies, police and community members to address local issues.<sup>73</sup>

<sup>70</sup> Deputy Commissioner Dave Madden, NSW Police, Evidence, 18 May 2004, p58

<sup>71</sup> Answers to questions on notice taken during evidence 18 May 2002, Deputy Commissioner Madden, NSW Police, Attachment F7

<sup>72</sup> Answers to questions on notice taken during evidence 24 September 2004, Assistant Commissioner Goodwin, NSW Police, Question 5, p3

<sup>73</sup> Answers to questions on notice taken during evidence 24 September 2004, Assistant Commissioner Goodwin, NSW Police, Question 5, p3

***Specialist courses with an Aboriginal component***

- 2.61 The Committee was informed that officers can also receive additional training in Aboriginal issues through specialist courses that have an Aboriginal component. Such courses include: Safe Custody; Detectives Education Program; Child Sexual Assault Investigator Course; Operations Refresher and Rejoinee Course.<sup>74</sup>

***Aboriginal cultural awareness workshops***

- 2.62 The Committee was advised that Aboriginal cultural awareness workshops, facilitated wholly or in part by the Lecturer in Aboriginal and Multicultural Studies at the NSW Police College in Goulburn, Mr Barry Williams, are also available. These include a one- and two-day standard workshop and modified classroom/field based two-day workshops. The aims of the workshops are to recognise the effect of historical attitudes of non-Aboriginal people towards Aboriginal people, to examine and discuss contemporary attitudes between the Aboriginal and non-Aboriginal community, and to examine NSW Police policies and strategies in relation to policing the Aboriginal community.<sup>75</sup>

- 2.63 The workshops are provided to LACs that have been prioritised by the Aboriginal Coordination Team. Redfern has been recognised as a priority LAC:

The focus area for delivery of Aboriginal Cultural Awareness Workshops by Education Services to Local Area Commands is prioritised. This is based on those Commands which have been identified by the Aboriginal Coordination Team, Operational Support Command, for the implementation of the *NSW Police Aboriginal Police Statement and Strategic Plan 1997-2000*. Examples include Redfern, Mt Druitt, Shoalhaven, Orana, Barrier and Barwon ... Fifteen workshops are budgeted for each year. Optimum attendance is 15, but attendance ranges from 12 to 22 participants ... Discussion in the workshops is focused around a number of themes. These broadly speaking are: self-sufficiency; criminality of Aboriginal people, prejudice and racism, to and from the Aboriginal community; the Stolen Generation; social indicators and current programs, measures and initiatives.<sup>76</sup>

- 2.64 Superintendent Smith advised the Committee in November that approximately 35-40% of Redfern officers have gone through that training and that he aims to have 100% of his staff attend.<sup>77</sup>

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<sup>74</sup> Answers to questions on notice taken during evidence, 18 May 2002, Deputy Commissioner Madden, NSW Police, Attachment F7

<sup>75</sup> Answers to questions on notice taken during evidence, 18 May 2002, Deputy Commissioner Madden, NSW Police, Attachment F7

<sup>76</sup> Answers to questions on notice taken during evidence, 18 May 2002, Deputy Commissioner Madden, NSW Police, Attachment F7

<sup>77</sup> Superintendent Smith, Evidence, 25 May 2004, p28. The Committee was been advised that four Aboriginal Cultural Awareness Workshops were conducted in October and November 2004: Answers to questions on notice taken during evidence 24 September 2004, Assistant Commissioner Goodwin, NSW Police, Question 6, p3

### *Induction training at Redfern LAC*

- 2.65** Superintendent Smith advised the Committee that new officers undertake a four day induction period when they start at the LAC and that the induction includes ‘some hours spent talking to ACLOs about local Aboriginal issues.’<sup>78</sup> The training was explained by Ms Townsend who developed the package:

[W]hen I first started back in 1997, I put together an ACLO induction program for probationers and transfers. The probationers or transferred officers would come with the ACLOs for one or two days. We would talk to them, see what socioeconomic background they were from. We would give them a talk on what to expect at Redfern from the Aboriginal community, show them videos such as *The Secret Country*. We would also take them around to the community organisations, introduce them to key people within the organisations, such as housing, health, schools, preschools, and so on. They would get a talk from the key person, a spiel about what the organisation is about. At least in that way, the officer could go away—say, if he had an offender in custody, or a victim or whatever, and it was to do with housing, health or childcare, for example, they could contact the person they have met and tell them they have a problem. As far as I am concerned, that has been successful. It has gone by the wayside over the last 12 or 18 months, but we have got it back on track now.<sup>79</sup>

### *Cultural awareness training at Tranby Aboriginal College*

- 2.66** The Committee was also advised that Redfern LAC is undertaking further Aboriginal cultural awareness training with the Tranby Aboriginal College:

What was identified following a visit by the Commissioner and a discussion with Superintendent Smith and the Aboriginal elders and people from Tranby College early this year was that there was an opportunity for even additional Aboriginal awareness training to be provided. The matter is being coordinated through Barry Williams, who is the Aboriginal officer working through the Police College, the Tranby College and the local area command and in April a number of officers undertook that specific training, so that is an ongoing training course in Aboriginal awareness.<sup>80</sup>

- 2.67** The Committee visited Tranby College in September 2004 and received a briefing from its Chief Executive Officer, Mr Paul Knight. The Committee was impressed with the content of the course Mr Knight planned to deliver. We are aware that many Redfern officers have already attended the Tranby training, with several courses conducted in October and November. Superintendent Smith told us that ‘the remaining staff will be picked up early in 2005.’<sup>81</sup> He also indicated that early feedback on the course was positive, with requests for more localised content to be taken up with Tranby.<sup>82</sup>

<sup>78</sup> Superintendent Smith, Evidence, 25 May 2004, p28

<sup>79</sup> Ms Townsend, Evidence, 22 October 2004, p9

<sup>80</sup> Deputy Commissioner Madden, Evidence, 18 May 2004, p58

<sup>81</sup> Superintendent Smith, Evidence, 3 November 2004, p9

<sup>82</sup> Superintendent Smith, Evidence, 3 November 2004, p9

*Effectiveness of training*

- 2.68** Several inquiry participants expressed the general view that the level of understanding of Aboriginal cultural issues among officers in the Redfern LAC was insufficient and that further training was required. For example the AHC recommended that ‘a greater emphasis be placed on cultural training for new police recruits to Redfern command.’<sup>83</sup>
- 2.69** The Committee was advised that the level of training received by police officers as part of their Diploma is viewed with some degree of cynicism among some members of NSW Police. In this regard, Mr Paul Knight of the Tranby Aboriginal College advised the Committee that the component relating to Aboriginal awareness issues is not viewed as ‘serious’ by some and a ‘non-core’ aspect of training.
- 2.70** Other inquiry participants were critical of the training new recruits received as part of their Diploma. Ms Marcia Ella-Duncan, Chairperson of the Regional Council of the Aboriginal and Torres Strait Islander Commission, commented that the training provided as part of the Diploma does not prepare new recruits adequately for a posting within an LAC with a large Aboriginal community:

It does not really do anything to a new officer that has been posted to a place with a strong Aboriginal community, it does nothing to help them understand the community, the community’s history, its dynamics, its politics, how the community solves its problems or how it does not solve its problems. That new officer does not come in and suddenly understand who the elders are in that community and how to identify them. That is all fly by the seat of your pants.<sup>84</sup>

- 2.71** Similarly, Ms Townsend suggested that students should receive more intensive cultural awareness training:

I think that when the officers are students at the Academy they should have more intensive cultural awareness training ... It does not matter if they are going to the North Shore or where they are going, all officers will eventually go to a station where there is at least one Aboriginal family, and they should be put through intensive cultural awareness training at the Academy, even before they go into a station.<sup>85</sup>

- 2.72** The NSW Police Association recommended that as well as an in-depth orientation, officers selected to work in areas such as Redfern should be trained in the unique policing strategies required:

Police new to the command should receive a reasonably in-depth orientation to the community and relevant issues. Selection of officers to police in an area with the specific problems of Redfern and Waterloo should ensure that those police are sensitive to the needs of the community and trained in the unique policing strategies that are required. These officers should have an understanding of the cultural differences of the local community. This strategy has been used successfully in other

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<sup>83</sup> Submission 42, Aboriginal Housing Company, p2

<sup>84</sup> Ms Marcia Ella-Duncan, Chairperson, Regional Council of the Aboriginal and Torres Strait Islander Commission, Evidence, 18 May 2004, p40

<sup>85</sup> Ms Townsend, Evidence, 22 October 2004, p9

commands such as Cabramatta, where local community cultural mix requires particular understanding from police.<sup>86</sup>

**2.73** South Sydney Youth Services suggested that training should be on-going, rather than one-off:

One off training in cultural awareness is not adequate. It needs to happen on a regular basis, as do events and activities of a cultural nature. Developing respect for difference and embracing it as the way forward is crucial.<sup>87</sup>

**2.74** In terms of the kind of issues that should be included in the training, one representative of a local Aboriginal organisation stated that police training should address:

How to understand Aboriginal ways, like the transient population. I think it is inbred in the kids now. Once they can walk they seem to be fearful of coppers. If they were more friendly towards the kids that will grow and grow and grow and that will change the attitude. One of the main problems with police around this area is the undercover police. They just ride roughshod. They are real cowboys. There will be five in a car and drive down the street and see someone. The five of them will fly out of the car bang bang bang and it creates panic among the kids. That is when they start singing out and everyone gets involved in it.<sup>88</sup>

**2.75** The Committee notes that one of the findings of the Coburn Report is that ‘re-enforcement of cultural awareness for Redfern Police and continuation of partnerships with [the] local aboriginal (sic) community is essential’. The report recommended therefore: ‘Local Cultural Awareness programs, including issues associated with the Traditional Grievance process, to be continued with the assistance of Doreen Peters, State Coordinator for Aboriginal Community Liaison Officers.’<sup>89</sup> The evidence presented to the Committee during this Inquiry supports this recommendation.

### ***Conclusion***

**2.76** The Committee acknowledges the comments of Assistant Commissioner Goodwin that the Diploma of Policing Practice is aimed at providing a basic level of training to be supplemented by local training. The Committee is mindful however of the views expressed to us that the level of training received (approximately three hours) leaves new recruits unprepared for policing in commands with large Aboriginal populations. While the problem of new recruits at the LAC having an insufficient amount of training in cultural awareness is currently assuaged by the 12 month suspension on probationary officers being stationed there,<sup>90</sup> this is only a temporary measure. The Committee is of the view therefore that more comprehensive training in Aboriginal cultural awareness should be incorporated into the Diploma to ensure

<sup>86</sup> Submission 59, Police Association of NSW, p8

<sup>87</sup> Submission 92, South Sydney Youth Services, pp3-4

<sup>88</sup> Participant, Confidential evidence, 19 May 2004, p10

<sup>89</sup> NSW Police, Strike Force Coburn, *Final Report – Part B: NSW Police capacity to respond anywhere in NSW to incidents of violent disorder*, 5 July 2004 (hereafter referred to as Strike Force Coburn Report), p17

<sup>90</sup> Standing Committee on Social Issues, *Inquiry into Issues Relating to Redfern and Waterloo: Interim Report*, Report 32, August 2004, p93 (hereafter *Interim Report*)

new recruits have a good understanding of the issues and also to reinforce the importance of such training to police practice.

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### **Recommendation 1**

That the Minister for Police extend the level of training received by new recruits in Aboriginal cultural awareness issues as part of their Diploma of Policing Practice.

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- 2.77** A great deal of evidence was presented to the Committee about the effectiveness of training in Aboriginal issues at the Redfern LAC. The overwhelming view expressed to us was that more cultural awareness training is needed. The Committee is also of the general view that the strained relationship between police and Aboriginal people in Redfern noted in the preceding discussion points to some deficiencies in training.
- 2.78** Superintendent Smith stated that he encourages ‘as much Aboriginal cultural training as we can get’ and indicated that all Redfern officers will undertake the Tranby training course and the Aboriginal Cultural Awareness workshops run by Mr Barry Williams from the Goulburn Academy.<sup>91</sup> The Committee notes that there does seem to be, in the last months of 2004, quite a considerable amount of training in cultural awareness being undertaken by Redfern officers; Ms Townsend even described it as ‘starting to feel like overkill’.<sup>92</sup>
- 2.79** The Committee strongly supports this increase in training and believes it is crucial to the improvement of the relationship between police and Aboriginal people. The Committee is aware that the increase in training has come about due to the February riots and the subsequent review and inquiries, including this Inquiry. We encourage the Redfern LAC to continue with the training program it has now introduced to ensure that future recruits are inducted appropriately and trained in cultural awareness issues, and that longer-term officers are provided with refresher courses as required. The potential overlap in training between the Aboriginal Cultural Awareness Workshops and the Tranby training should also be examined in order to develop the best model for officers at Redfern.
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### **Recommendation 2**

That the Minister of Police ensure that the Aboriginal cultural awareness training provided to officers at the Redfern Local Area Command is reviewed in 2005 in order to develop the most appropriate training program for the Local Area Command.

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### **Aboriginal Community Liaison Officer program**

- 2.80** One crucial role in relation to the interaction between police and Aboriginal members of the community in the Redfern LAC is that of Aboriginal Community Liaison Officers (ACLOs). The Committee has therefore examined this role in some detail. The Committee would like to thank the three current and former Redfern ACLOs who provided submissions and gave oral

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<sup>91</sup> Superintendent Smith, Evidence, 25 May 2004, p28

<sup>92</sup> Ms Townsend, Evidence, 22 October 2004, p10

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evidence. Their contribution has enabled us to gain a greater understanding of the role and experiences of ACLOs at the Redfern LAC.

### *Overview of the ACLO program*

- 2.81** ACLOs are civilian officers of NSW Police and were first employed in Burke in December 1986. Following success there, ACLOs were introduced in other police commands with local Aboriginal communities including Batemans Bay, Lismore, Mt Druitt, Redfern and Wilcannia. There are 56 ACLO positions within NSW Police, with 52 ACLOs currently working in 27 LACs, seven of whom are women.<sup>93</sup>
- 2.82** The role of an ACLO is to ‘assist police in resolving issues affecting Aboriginal people by establishing a positive partnership and maintaining rapport between police and Aboriginal people.’<sup>94</sup> ACLO responsibilities include: establishing effective communication between police and local Aboriginal communities; mediating disputes involving police and Aboriginal people; establishing and maintaining close personal rapport with Aboriginal community Elders; providing assistance on visiting procedures to relatives of Aboriginal prisoners; and fostering mutual understanding between police and the Aboriginal community.<sup>95</sup>

### *ACLO program at Redfern LAC*

- 2.83** ACLOs were first stationed at the Redfern LAC in the late 1980s.<sup>96</sup> There are currently four ACLO positions at the Redfern LAC, but for most of this year only one ACLO has been on active duty. The Committee has been advised that this is due to the fact that one position has been vacant for almost three years, one ACLO has been seconded to the Marrickville LAC since mid 2003 (and at the time of finalising this report is on leave without pay), and the other ACLO had been on extended sick leave since March 2004 (and at the time of finalising this report is now seconded to the Kings Cross LAC).
- 2.84** The lack of a full contingent of ACLOs in the Redfern LAC for some time was a source of concern to many inquiry participants. For example, frustration at the vacant ACLO positions and the delay filling them was expressed by members of the Koori Interagency, and some participants even called for ACLOs to be available on a 24 hour basis:

We need to start from the ground, we need to start within the Aboriginal community and we need the ACLOs 24 hours, seven days a week, because the kids get picked up at 1 or 2 o'clock in the morning, there is no one there, the mothers can't be found and so the kids get bashed up or whatever.<sup>97</sup>

<sup>93</sup> Ms Doreen Peters, State Coordinator, Aboriginal Community Liaison Officer Program, NSW Police, Evidence, 24 September 2004, p32

<sup>94</sup> ‘Aboriginal Community Liaison Officers’, NSW Police Service Brochure

<sup>95</sup> ‘Aboriginal Community Liaison Officers’, NSW Police Service Brochure

<sup>96</sup> Email from Ms Cheryl McCoy, Director, Operational Policy and Programs, Operations Support Command, NSW Police, 26 November 2004

<sup>97</sup> Participant, Koori South Eastern Sydney Interagency, 15 October 2004, pp8, 5-6. The Committee notes that the number of ACLOs in NSW has also been raised in other forums, such as the NSW Alcohol Summit 2003, where several recommendations developed by the Summit referred to the

- 2.85** The need for a fully staffed ACLO program was also acknowledged by Superintendent Smith who stated that with a full contingent of four ACLOs ‘we will be able to roster at the peak times, which would be across the weekends, and Thursday night has been a bit of a problem for us. So we will have a specific roster for them, and four will be plenty.’<sup>98</sup>
- 2.86** The Committee has been advised that the vacant position has now been filled and a new ACLO commenced in late November 2004. The Committee also understands that the remaining two positions will also be back-filled when suitable candidates are found.<sup>99</sup> The Committee is aware that the recruitment processes for ACLOs at the Redfern LAC have been difficult. In this regard, Superintendent Smith advised the Committee that previous recruitment processes earlier this year did not produce any applicants of sufficient standard. Also, in the most recent process in October/November, not enough suitable candidates were identified to fill the two temporary positions.<sup>100</sup>
- 2.87** The Committee noted that the difficulty in recruiting ACLOs may have something to do with the lack of a career path in the role, as Mr Wilson, one of the ACLOs who worked at the Redfern LAC, acknowledged to the Committee.<sup>101</sup> Mr Charlie Richardson, Coordinator of the Inner Sydney Regional Council for Social Development, also stated that one of the difficulties of the job may be that ‘the role is seen as a dead end as far as the ladder of potential promotion is concerned.’<sup>102</sup>

### *Difficulty of the role*

- 2.88** Each of the three ACLOs who presented evidence to the Committee discussed the inherent difficulties of a role that places them between the police service and Aboriginal people. As one ACLO put it:

[T]he ACLO is the meat in the sandwich. Some of the community mistrust the ACLOs. They think we are giving them up to the police and vice versa, and that is going to happen anywhere. We are there to do a job, and to do a job to the best of our capabilities. And that does not mean everyone is going to like us.<sup>103</sup>

- 2.89** The difficult position of ACLOs was also acknowledged by other inquiry participants. For example, Mr Mundine, Chief Executive Officer of the AHC, stated that if ACLOs are seen working with the police they are considered to be ‘dogs’.<sup>104</sup> In addition, Mr Richardson stated:

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need for more ACLOs, particularly females: NSW Government, *NSW Summit on Alcohol Abuse 2003: Communique*, 29 August 2003, paragraphs 2.16, 7.40 and 8.47

<sup>98</sup> Superintendent Smith, Evidence, 3 November 2004, p8

<sup>99</sup> Email from Superintendent Smith to Committee Secretariat, 29 November 2004

<sup>100</sup> Superintendent Smith, Evidence, 3 November 2004, p5 and email from Superintendent Smith to Committee Secretariat, 29 November 2004

<sup>101</sup> Mr Derek Wilson, Aboriginal Community Liaison Officer, Redfern Local Area Command, NSW Police, Evidence, 24 September 2004, p11

<sup>102</sup> Submission 70, Inner Sydney Regional Council for Social Development Co-operative, p2

<sup>103</sup> Ms Townsend, Evidence, 22 October 2004, p7; Mr Wilson, Evidence, 24 September 2004, p4

<sup>104</sup> Mr Mundine, Evidence, 19 May 2004, p21

Aboriginal Community Liaison Officers are in perhaps the most difficult position of any police officers. There is the potential to be seen as a traitor by the community or by other police or both. Some have stayed in place for only a few months.<sup>105</sup>

- 2.90** One witness from Mudgin Gal expressed a view common to many people in the community, that the ACLOs are there to help the police ‘whereas we feel that they should be there to help us navigate problems with the police.’<sup>106</sup> Another difficulty of the role was identified by Ms Peters, who spoke of the diversity within the Aboriginal communities:

We talk about the Aboriginal people being able to help all Aboriginal people. What I would like the Committee to understand is that we are a very diverse group. Within a particular area, township whatever you like to call it—this is past history—Aboriginal people were just plonked into an area with a different language group, different ideas and different tribes. It is no different today. Even though we speak English, the Aboriginal language is our first language, of course. Some of us do still speak that language. The demands of different diverse Aboriginal groups can impinge on the role of the ACLOs. Expecting them, because they are Aboriginal people, to look at all Aboriginal issues shows a lack of understanding of the makeup of the Aboriginal people. That is one area.<sup>107</sup>

***Relationship between ACLOs and sworn officers***

- 2.91** The Committee heard that ACLOs have also experienced difficult relationships with police officers in the Redfern LAC. For example, Superintendent Smith informed Strike Force Coburn (see from paragraph 2.100 below) that Redfern Police officers were sceptical of the ACLOs.<sup>108</sup> In November, Superintendent Smith advised the Committee, however, that the relationship between Redfern Police and the ACLO currently working at the LAC has improved:

There was some scepticism with some police about the role of the ACLO. We have been working on that with our remaining ACLO to improve the relations. She has been going out with police on particular jobs more often. I am confident that that has improved relations—maybe not to 100 per cent, but it has improved and will continue to improve relations once we get the other three ACLOs.<sup>109</sup>

- 2.92** In evidence to the Committee, one former Redfern ACLO made allegations of violence perpetrated against him by members of the police force. While an allegation such as this does not fall within the Committee’s mandate, the Committee views the allegation very seriously and has consequently referred the evidence to the NSW Police Commissioner and the Police Integrity Commission.

<sup>105</sup> Submission 70, Inner Sydney Regional Council for Social Development Co-operative, p2

<sup>106</sup> Participant, Confidential evidence 19 May 2004, p8

<sup>107</sup> Ms Peters, Evidence, 24 September 2004, p35

<sup>108</sup> Strike Force Coburn Report, p84

<sup>109</sup> Superintendent Smith, Evidence, 25 May 2004, p7. See also Answers to questions on notice take during evidence 3 November 2004, Superintendent Smith, although the Committee notes that Ms Townsend has advised that she has not experienced the scepticism noted by Superintendent Smith: Ms Townsend, Evidence, 22 October 2004, p7

*Effectiveness of the ACLO program at Redfern LAC*

- 2.93** Evidence presented to the Committee casts doubt on the effectiveness of the ACLO program at the Redfern LAC. In particular, the Government's submission states that 'the overall effectiveness of the ACLO program is reported by NSW Police to be of concern to managers at Redfern LAC and is subject to ongoing review.'<sup>110</sup> Superintendent Smith acknowledged in May that the program is not working at its capacity and outlined some measures designed to improve this situation:

It is a very difficult job though for Aboriginal people to work alongside police, and sometimes they receive mixed messages from other Aboriginal people. Having said that, we have asked the two ACLOs at Redfern for some increased productivity and we have gone a way to improving their skills in a few areas and we will continue to do that. When a third person comes along—they come under the leadership of Darren Bennet, who is here—basically we will just sit down and work out some productivity and improvements that we think we can achieve in Redfern and Waterloo. So it is probably not working to its capacity, and we can improve it and we will... I think I would like to see them interacting more amongst members of the community on a day-to-day basis and certainly providing the police with information about some of the issues that may not be reported directly to the police by Aboriginal people. So in some of the meetings that they attend, Aboriginal forums and so forth, I would like them to come back and just tell me what are the issues out there that may not be spoken to openly about the police that we can improve on, things like that.<sup>111</sup>

- 2.94** The Committee also heard positive comments about the ACLO program from members of the community. For example, one witness from Mudgin Gal stated that her organisation works well with the ACLOs.<sup>112</sup>
- 2.95** While the Committee acknowledges that the effectiveness of the program is in some part dependent on the abilities of the particular people employed as ACLOs, there also seem to be more systemic reasons behind the limitations of the program in the Redfern LAC.
- 2.96** In part, this may be due to the fact that Redfern has not had its full contingent of four ACLOs for some time, as noted above. It is not reasonable to expect one or two ACLOs undertaking the work of four people to maintain an effective program.
- 2.97** It has also been suggested that the training received by the ACLOs may be insufficient. Mr Wilson, a Redfern ACLO currently on secondment to the Kings Cross LAC, informed the Committee of the training he received:

There was a course down at the Police Academy that I went to. It went for 4-5 days. It was more or less an intro to the Police Service. There would be one session on

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<sup>110</sup> Submission 55, NSW Government, p276. In terms of the 'ongoing review' Ms Peters stated that both the Redfern LAC and the Aboriginal Coordination Team provides monthly reports to the Deputy Commissioner's Office and that a six monthly review is also undertaken: Ms Peters, Evidence, 24 September 2004, p32. The Committee was unable to determine whether the reports and reviews referred to by Ms Peters are part of the normal reporting process for ACLO programs, or specifically required in relation to the Redfern LAC.

<sup>111</sup> Superintendent Smith, Evidence, 25 May 2004, pp34-35

<sup>112</sup> Participant, Confidential evidence, 19 May 2004, p7

domestic violence. So that was basically an intro to it. But it was not particularly effective at the time because I did not really know what they were talking about. Since then I have done the same course again as a refresher and it was more valuable in terms that I was able to understand it. But then I was able to pick a lot of holes in it as well...I have not had any training. They are the only two courses I have done in four years.<sup>113</sup>

**2.98** Mr Wilson also noted that he had difficulty obtaining additional training at the Redfern LAC:

I have asked if I could do the custody management course, which custody managers do at the police station, so that I can learn the procedures and I know when things are legit and when they are not. But I have difficulty getting training. I would like to learn how to use the computer that sits on my desk.<sup>114</sup>

**2.99** Ms Doreen Peters, the State Coordinator of the ACLO Program, advised the Committee in September of the local induction program now undertaken by ACLOs:

[T]o help the ACLOs to come into the role and focus in one direction, we have developed a two-week, local induction program for the ACLOs so that they are getting hands-on training in the police station they will be working from. Attached to that is a 12-month training and development plan as a guide for ACLOs and also for the local area command.<sup>115</sup>

### *Coburn Report*

**2.100** In reviewing the ACLO program at the Redfern LAC, it is necessary to consider the report of Strike Force Coburn (see below) which made a number of relevant findings and recommendations. The Strike Force found that there was an inability among ACLOs to identify unrest in the Block before the riot occurred and that there had been a breakdown in the relationship between Redfern Police and the ACLOs.<sup>116</sup>

**2.101** The Coburn Report therefore recommended that the State Coordinator for ACLOs liaise with the Redfern Local Area Commander to upgrade their performance and direction.<sup>117</sup> The Strike Force also recommended that the Redfern LAC devise strategies for the most effective use of ACLOs in forging community links, to ensure they complete their duties in compliance with the Standard Operating Procedures for Management of Aboriginal Incidents and promote a productive relationship with police.<sup>118</sup>

**2.102** The Committee notes that concern has been expressed to us about the conduct of Strike Force Coburn in relation to the ACLOs stationed at the Redfern LAC. The Committee understands that the two ACLOs stationed at Redfern at the time of the riot did not make submissions to Coburn as they were unaware that they were able to; nor were they interviewed

<sup>113</sup> Mr Wilson, Evidence, 24 September 2004, p9

<sup>114</sup> Mr Wilson, Evidence, 24 September 2004, p9

<sup>115</sup> Ms Peters, Evidence, 24 September 2004, p31

<sup>116</sup> Strike Force Coburn Report, p90

<sup>117</sup> Strike Force Coburn Report, p91

<sup>118</sup> Strike Force Coburn Report, p91

as part of the process.<sup>119</sup> The Committee was also advised that the Coburn Report was not distributed to the ACLOs; nor were they briefed on its findings.

- 2.103** Superintendent Smith advised the Committee that Strike Force Coburn and the ability of police employees to make submissions was communicated at ‘parades and briefings at Redfern LAC’ and that, further, ‘a state wide memorandum went out on the police computer system - and the ACLOs are part of the service - calling for anybody who wanted to make a submission, report or claims to do so’.<sup>120</sup> Superintendent Smith also indicated that he did not feel it to be his responsibility to provide the ACLOs under his command, whose performance was criticised in the Report, with a copy of it. He stated, ‘not being a [Strike Force Coburn] committee member, I am not privy to how copies of the Coburn Report were handed out.’<sup>121</sup>
- 2.104** The Committee is concerned that the senior management at the Redfern LAC did not speak specifically to the ACLOs about the Coburn investigation or provide them with support to make submissions. Since the Strike Force centred on the police response to a major incident involving Aboriginal people, it is clear to the Committee that the role and performance of ACLOs would be relevant to the investigation, and as such their input would be important.
- 2.105** The Committee finds it difficult to take on face value the findings of the Coburn Report in relation to the ACLOs as, without input from the ACLOs themselves, they are based on an unbalanced account of the events. We note that in evidence to the Committee, the ACLOs concerned have disputed several aspects of the Report’s findings.<sup>122</sup> The Committee also notes that one ACLO told the Committee that she was not rostered on that entire weekend and was not recalled into work. The other stated that he was not briefed adequately when he arrived for his shift on the day of the death of the Aboriginal boy, and despite coming into work voluntarily on his day off the next day, he was told he was not required.<sup>123</sup> The finding that the ACLOs failed to identify unrest in the Block before the riot needs to be viewed in light of this information.

### *Conclusion*

- 2.106** The evidence presented to the Committee indicates that the ACLO program has not been operating effectively in the Redfern LAC. The lack of a full contingent of ACLOs for several years, in what must be one of the most difficult LACs in New South Wales in terms of Aboriginal issues, is an important factor in this context. It also appears that improvements can be made by the Command’s senior management in the way that they communicate with and support the ACLOs.
- 2.107** The Committee notes that steps have been taken in the Redfern LAC in recent months to improve the ACLO program, including the recruitment of one additional ACLO, as noted above. In addition, the State Coordinator of the ACLO Program has visited the LAC as a

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<sup>119</sup> Ms Townsend, Evidence, 22 October 2004, p5

<sup>120</sup> Superintendent Smith, Evidence, 3 November 2004, p8

<sup>121</sup> Superintendent Smith, Evidence, 3 November 2004, p8

<sup>122</sup> Ms Townsend, Evidence, 22 October 2004, p12; Mr Wilkinson, Evidence, 24 September 2004, p2; Mr Wilson, Evidence, 24 September 2004, p8

<sup>123</sup> Ms Townsend, Evidence, 22 October 2004, p6; Mr Wilson, Evidence, 24 September 2004, p7

result of the recommendations of Strike Force Coburn and the following strategies are to be implemented:

- daily tasking/review by the Crime Coordinator - ‘we will provide them a number of tasks to complete each day, and at the end of the day they will sit down with the duty officer and go through those taskings and tick them off. So we will be tightening up the tasking and deployment’
- the Duty Officer is to take the ACLO on patrols each night and weekend that ACLOs are rostered – ‘the ACLOs will work with the duty officer on shift—who is basically the senior inspector on shift—so they can be tasked with the duty officer to go to certain functions’
- more project involvement
- more community involvement across the Command – ACLOs are to attend all major community meetings with Commander/Duty Officer and ‘they will be coming to many of the forums in the community that [the Superintendent of the Redfern LAC] attends, which are about that relationship and bonding’
- ACLOs will be assigned to particular community groups to have stronger connections with, for example, Mudgin Gal Women’s Centre.<sup>124</sup>

**2.108** The Committee strongly supports these strategies and believes their effectiveness should be reviewed within six months to determine whether any additional changes to the ACLO program should be made.

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### Recommendation 3

That the Minister for Police ensure that the Redfern Local Area Command review its Aboriginal Community Liaison Officer program within six months to determine whether the new strategies that have been recently implemented have improved the program and whether any additional changes to the program need to be made. In addition, the results of that review should be included in the Government’s response to this Report.

**2.109** The Committee notes that the Government’s response to the recommendations of the NSW Alcohol Summit 2003 gave the undertaking that ‘NSW Police will examine what support structures and training programs are available to ACLOs and increase support services for these positions.’<sup>125</sup> The Committee encourages NSW Police to undertake this examination.

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<sup>124</sup> Superintendent Smith, Evidence, 3 November 2004, p9 and answers to questions on notice taken during evidence 3 November 2004, Superintendent Smith, NSW Police, Question 3

<sup>125</sup> NSW Government, *Outcomes of the NSW Summit on Alcohol Abuse 2003: Changing the Culture of Alcohol Use in New South Wales*, May 2004, p191

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**Recommendation 4**

That the Minister for Police expedite the promised examination of the support and training structures available to Aboriginal Community Liaison Officers, as contained in the Government's response to the NSW Alcohol Summit 2003, to determine whether additional support structures and training are required.

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**Redfern Local Area Command Aboriginal Consultative Committee**

**2.110** The establishment of Local Area Command Aboriginal Consultative Committees (LACACCs) was one of the many recommendations of the ASD.<sup>126</sup> The purpose of a LACACC is to facilitate regular meetings between Police and Aboriginal people, to identify and discuss issues of concern. Many of the other strategies contained in the ASD are to be conducted through the LACACCs.

**2.111** In our Interim Report the Committee expressed support for the concept of LACACCs and we reiterate our support here. The Committee is aware that there is some support among the Aboriginal community for the establishment of a LACACC in the Redfern LAC. For example, one participant from the Koori Interagency stated:

What it is that we need in the community - and it is in that police strategy - is a committee of community people mixed with service providers, all Aboriginals, to address the issues, because until you do that there is no relationship going anywhere...<sup>127</sup>

**2.112** According to the ASD, LACACCs were to be established within two months of the ASD's rollout in June 2003.<sup>128</sup> The Committee notes that the Redfern LAC has not been quick to implement this strategy. We were advised by Superintendent Smith in November that the LACACC will be established by the end of the year after difficulties recruiting people to participate, and that it is likely to be a *senior* advisory committee:

The LACACC will probably be the senior advisory committee; it will be one and the same. We have had a little difficulty recruiting eight elders from the community for the senior team. We had a meeting date planned with some indication that eight would come, but only four intended to participate. We have now tried to recruit an additional four people so that I can start that committee. I have not started the senior advisory team. I will have it operational by the end of December this year. I have made approaches to other people in the community who have indicated that they will form part of the group. I have outlined the charter and they have indicated that they will come on board.<sup>129</sup>

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<sup>126</sup> *Aboriginal Strategic Direction 2003-2006*, p11

<sup>127</sup> Participant Koori South Eastern Sydney Interagency, 15 October 2004, p6

<sup>128</sup> *Aboriginal Strategic Direction 2003-2006*, p11

<sup>129</sup> Superintendent Smith, Evidence, 3 November 2004, p13

### Youth strategies

- 2.113** There are a number of strategies in place at the Redfern LAC designed to improve the difficult relationship between young people and police, some of which are targeted at Indigenous youth. Many of the programs have a broader focus than just dealing with young offenders and try to address related and contributory issues, including school attendance and academic performance.

#### *Youth Liaison Officers*

- 2.114** There are currently two full time Youth Liaison Officers ('YLOs') stationed at Redfern LAC. The YLOs are charged with managing and coordinating the various youth programs. They also liaise with the community and service providers in order to build relationships with services that young people attend. As Superintendent Smith told the Committee:

[T]hat is what I have asked the youth officers to do: to go back to the various youth interagency groups and talk generally about the young people, have discussions and see if some of the local youth agencies can also give us some solutions, as well as some of the problems sometimes. They might give us some ideas about how we can move forward with the young people.<sup>130</sup>

#### *Youth Mentoring Program*

- 2.115** The Youth Mentoring Program, established in December 2002, partners young people from Redfern and Waterloo who are 'at risk' with a police officer from the Redfern LAC who provides an ongoing one-to-one mentoring role.<sup>131</sup> Superintendent Smith informed the Committee that approximately 12 police participate in the program part-time, and that the young people are mainly Aboriginal people from Redfern and Waterloo.<sup>132</sup>
- 2.116** The aim of the program is to establish trust, improve school attendance and reduce the likelihood of the participating young people engaging in criminal behaviour. Deputy Commissioner Madden advised that the program includes 'camps and trips and other things and mentoring them to try to give them options.'<sup>133</sup> The camps, targeted at children from 7-12 years who have been identified as being at risk, aim to provide a neutral yet stimulating environment away from Redfern, in which young people and police can interact positively. Since January 2003 there have been three camps for young people from Redfern and Waterloo.
- 2.117** The Committee heard mixed reviews of these programs, the camps in particular, although overall, the response seems to be positive. For example, Ms Townsend advised the Committee that this initiative had improved the relationship between police and young Indigenous people:

I think they were very successful. Beforehand none of the kids in the area would even venture into the police station, not unless they were being brought in for getting up to no good or so forth. After our first camp, taking the kids to the football and all other

<sup>130</sup> Superintendent Smith, Evidence, 3 November 2004, p14

<sup>131</sup> Submission 55, NSW Government, p157

<sup>132</sup> Superintendent Smith, Evidence, 3 November 2004, p14

<sup>133</sup> Deputy Commissioner Madden, Evidence, 18 May 2004, p58

different activities that the Redfern police were doing with them we were actually having the kids come into the police station, come in and ask for any of the constables or anyone they wanted to talk to, and we were having a really good rapport with the kids.<sup>134</sup>

- 2.118** One Aboriginal organisation commented that the success of the mentoring program is hampered by the lack of continuity among participating officers associated with the turnover of staff at Redfern LAC:

So the problem that we have ... is that the on-rolling, how they move in and out of the Redfern police station, as they get to know the community they are then pushed off and moved along. So you can set up and structure mentors but you are going to have to do it on an annual basis basically because the police are just rolling in and just moving on: bringing them into Redfern to train off their cadetships, give them the quick, fast-learning experience of dealing with the Aboriginal people in Redfern and then pushing them off to somewhere else. So the mentor process through the police I think is going to be very difficult to maintain, unless you keep a main structural police then for a number of years, or you target five or 10 years where they are going to be there, so the youth know that face, and get more familiar with that officer, with that face, and build up their trust with the police.<sup>135</sup>

- 2.119** The Committee notes also that one of the participants in our Youth Forum indicated that while the camp itself was good, the friendly relationship with participating officers at the camp did not continue when they returned.<sup>136</sup>
- 2.120** Superintendent Smith told the Committee that results from these programs are having an effect more generally, in a way that is difficult to quantify:

Probably the unmeasurable is that interface that cops are having with young people in Redfern, and it is not always on an antagonistic basis or a perceived harassment basis. We are actually trying to break down some of the barriers and talk to them and take them away.<sup>137</sup>

### *Youth Advisory Committee*

- 2.121** The Youth Advisory Committee (YAC) is a committee developed by the Redfern LAC involving police Youth Liaison Officers, ACLOs, Aboriginal Elders, representatives of ATSIC and the Premier's Department, and young people from schools within the community. The YAC is designed to provide a forum for communication between police and young Aboriginal people. It was established on 22 September 2004 and will meet bi-monthly through 2005.<sup>138</sup>
- 2.122** Superintendent Smith advised the Committee in November that the first meeting of the YAC was very productive:

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<sup>134</sup> Ms Townsend, Evidence, 22 October 2004, p8

<sup>135</sup> Mr Robert Welsh, Chairperson, Metropolitan Local Aboriginal Land Council, Evidence, 25 May 2004, pp10-11

<sup>136</sup> Participant, Youth Forum, 22 October 2004, p1

<sup>137</sup> Superintendent Smith, Evidence, 3 November 2004, p15

<sup>138</sup> Superintendent Smith, Evidence, 3 November 2004, p13

The Youth Advisory Committee has started. It has met and we are using the PCYC as the venue. Aboriginal Elders come along and work with the young people. The first meeting was very productive. They want police to understand more about Aboriginal culture, which we are doing. They also want to work through perceived harassment. We are talking about the police role and what that means to the young people. I am happy that those issues have been raised. We can get to the crux of the issues. They will meet bi-monthly through 2005. The committee involves a cross section of young people—some go to school, some are street kids and some are employed.<sup>139</sup>

### ***South Sydney Police and Community Youth Club***

- 2.123** A Police and Community Youth Club (PCYC) is ‘a state wide partnership between young people, the community and NSW police, to assist young people develop the qualities of responsible citizens and leaders and to avoid becoming offenders or victims of crime.’<sup>140</sup> The South Sydney PCYC provides a number of activities and programs for young people aged five to 16 from both Redfern and Waterloo, and provides opportunities to interact with police through various programs, including sporting activities.

### ***Conclusion***

- 2.124** Superintendent Smith expressed the view that the youth programs, as well as cultural awareness training being received by officers, will assist police to improve the current situation:

I am confident the cultural awareness training, the interaction with the mentor program, the greater interaction with the PCYC and the kids in general should provide police with a greater understanding of what the issues that these young people face are, and have greater appreciation of that fact.<sup>141</sup>

- 2.125** While it is clear that there are the beginnings of some very constructive youth programs developed by the police service, the Committee also notes the views expressed that some of the programs in place, such as the Youth Mentoring Program, have struggled to have a long-term impact. The Committee believes ongoing mentoring is an important part of maintaining and developing the constructive relationships developed during the camps.
- 2.126** The Committee believes that the police commitment to improving relations with young people in Redfern and Waterloo is extremely important. Although many programs are relatively new, with the ongoing support of police management, the Committee believes these initiatives will be of great future benefit to the community. Building a constructive relationship with young Aboriginal people should be a priority for police.

## **Interaction between NSW Police and DoCS**

- 2.127** One government agency that attracted particular comment from inquiry participants in relation to policing was the Department of Community Services (DoCS). The Committee has

<sup>139</sup> Superintendent Smith, Evidence, 3 November 2004, p13

<sup>140</sup> Submission 55, NSW Government, p156

<sup>141</sup> Superintendent Smith, Evidence, 3 November 2004, p16

therefore briefly examined the way police officers interact with DoCS in the Redfern and Waterloo area in this section. A further examination of the role of DoCS in Redfern and Waterloo, including police views about DoCS (which were largely critical), is contained in Chapter 4.

**2.128** The role of police officers in relation to DoCS was described by Dr Neil Shepherd, the Director General of the Department, as follows:

In terms of the reporting of matters to DoCS, police, as you would be aware, are the major mandatory reporters statewide; they put in 36 per cent of the reports that are made to DoCS statewide, and for Eastern Sydney Community Service Centre [CSC] the figure is 34 per cent in 2002-03. It is right on the State average so there is nothing that would suggest that they are not reporting in line with the State trends. Of course, they do not just report, they do a wide range of other things to assist DoCS: they provide support for home visits for staff and clients; they do joint work with case workers around warrants; they serve documents on behalf of the CSC; they provide excellent information to us under section 248 in relation to some of the risks that may be faced by staff or clients of DoCS in whatever situation they might be; they certainly obtain apprehended violence orders on behalf of children and on behalf of carers, and they respond very quickly if there are threats of violence to staff or to clients; and they also get involved jointly in seeking missing children when children have been notified as missing. So they do a wide range of things in conjunction with DoCS and independent of DoCS that would indicate that their commitment to child protection is very high.<sup>142</sup>

**2.129** Some inquiry participants criticised the way some police officers undertake their role as it relates to child protection, suggesting that some officers may not be trained sufficiently in welfare practices to understand their mandatory reporting obligations. For example, Barnardos, while expressing general support for the Redfern LAC and the work it does with community policing and young people, stated:

A source of difficulty however is that individual police officers frequently do not understand welfare practice and as a result do not know how to refer families to other agencies for assistance. This appears to be compounded by a belief that they cannot give personal information out about families (for example names and problems/reasons for referral) due to privacy laws. In the early days of the [Intensive Family Support Service], at a meeting between Redfern police, the Premier's Department and Barnardos, it was expressed that Barnardos knew nothing about these families, as a referral had not been received. It has also been Barnardos' experience that agency intervention plans with families have on occasion been overturned unexpectedly and without discussion. In one instance this occurred because police wanted a particular troublesome child temporarily moved out of the area, due to school holidays and potential problems with crime.<sup>143</sup>

**2.130** Ms Lyndal Gowland, Coordinator, Women's Domestic Violence Court Assistance Scheme at Redfern Legal Centre, advised that she is aware of some police officers making inappropriate comments to women in relation to DoCS:

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<sup>142</sup> Dr Neil Shepherd, Director General, Department of Community Services, Evidence, 7 June 2004, p8

<sup>143</sup> Submission 32, Barnardos, pp1-2

I should add that in relation to the issue of police and DoCS that it is reported to us that this fear of DoCS is used by some police as a deterrent to women making complaints about domestic violence crimes. It has been reported to us that on a number of occasions when the police have arrived, perhaps for a second, third or fourth time in response to a call of domestic violence crime, the police officer has said, “If you keep calling us, we will have to report this to DoCS.” Given the level of fear that the Aboriginal community has, rightly so, about interventions from state institutions, it is a great, great deterrent to women making a report, especially given that, in very close proximity, the old children’s court lurks toward the centre of Sydney.<sup>144</sup>

- 2.131** Ms Gowland suggested that, in relation to these issues, police ‘need to be given much clearer guidelines about what to do.’<sup>145</sup> Reverend Bill Crews, Chairman of the Exodus Foundation, indicated that there are good and bad sides to the way police interact with DoCS, stating ‘I have seen some of the best social work I have ever seen from the police—some of the best—and I have heard some of the most ridiculous statements.’<sup>146</sup>
- 2.132** The Committee raised the concerns of inquiry participants with DoCS and the Redfern LAC. When asked to comment on the level of awareness among officers about their reporting obligations and general welfare related issues, Dr Shepherd described the overall relationship between police and DoCS staff as ‘sound’. He reported that staff of the Eastern Sydney Community Service Centre, the Street Team and the Yallamundi service were also positive about the relationship they had with police. He also noted that ‘there are 150 police in that area command and there are 60-odd DoCS staff, so there will always be some individual tensions that arise, and they need to be sorted out very quickly.’<sup>147</sup>
- 2.133** Similarly, Superintendent Smith was positive about the level of coordination between police and DoCS:

Certainly from the perspective of the management team or the command, I have weekly contact with the acting director of DoCS. If we have any issues they are resolved ... I think [police officer] feel they can put a notification in on a young person and obviously something happens quite quickly. Once you look at the workload and some of the issues that DoCS has to manage, and the priorities of young people they have to deal with, the reality is that sometimes things take time to get done, and there are others in greater need. I think that is something I can communicate back to the staff, after sitting through plenty of meetings of DoCS and getting an understanding of some of the difficulties and frustrations that they do have. Generally, we put in our notifications, we meet with DoCS and I, as the Commander, do not have any complaints at all.<sup>148</sup>

- 2.134** The Committee notes the concerns expressed to it about the way police interact with DoCS. The Committee, did not, however, receive sufficient evidence to fully examine this matter or

<sup>144</sup> Ms Lyndal Gowland, Co-ordinator, Women’s Domestic Violence Court Assistance Scheme, Redfern Legal Centre, Evidence, 26 May 2004, pp46-47

<sup>145</sup> Ms Gowland, Evidence, 26 May 2004, pp46-47

<sup>146</sup> Reverend Bill Crews, Chairman, Exodus Foundation, Evidence, 26 May 2004, p10

<sup>147</sup> Dr Shepherd, Evidence, 7 June 2004, p8

<sup>148</sup> Superintendent Smith, Evidence, 3 November 2004, p15

make recommendations on it. Further discussion of the effectiveness of DoCS in Redfern and Waterloo is contained in Chapter 4.

## **Policing drug related crime**

- 2.135** Over the ten months of this Inquiry the Committee heard a great deal of evidence relating to drug related crime in Redfern and Waterloo, particularly in and around Redfern Railway Station and the Block. This section examines the nature of drug related crime in the area and the policing strategies and resources to deal with it.
- 2.136** The analysis of robbery crime in the Interim Report is also relevant to this discussion as many robberies are perpetrated to fund drug habits. Other aspects of the drug problem in the area have also been examined during this Inquiry. The Interim Report discussed drug use in Redfern and Waterloo, the Redfern/Waterloo Anti-Drug Strategy and the mobile needle and syringe service. Government and non-government drug and alcohol services are examined in Chapter 4 of this report.

### **Overview of drug related crime in Redfern and Waterloo**

- 2.137** Drug related crime includes drug dealing and ‘opportunistic and low-level [crime], such as bag snatching, theft, break and enters and vandalism.’<sup>149</sup> At the commencement of the Inquiry, the Committee heard that the main areas of concern are on and around the Block, near the Redfern Railway Station, and on the public housing estates of Waterloo. The Government’s submission described drug crime as representing a significant volume of crime in Redfern and Waterloo:

NSW Police has advised that a significant volume of crime in the Redfern area relates to interactions between drug dependence, drug supply on the Block, and its close proximity to the Redfern Station. The Police report that heroin addicts use the train to travel to Redfern to buy drugs at the Block and local and commuting addicts rob some train commuters and steal from local residents to fund their addiction. It is reported by NSW police that the majority of drug activity in the Redfern LAC seems to be at the street level rather than large-scale drug manufacture or distribution.<sup>150</sup>

- 2.138** Similarly, the Deputy Commissioner Madden stated:

[T]here is no doubt in my mind, and I am sure that Commander Dennis Smith would agree, that the drug problem in Redfern is driving a considerable amount of their crime and the point I tried to make earlier is that if you look at the nature and type of crime, street robberies, steal from person and particularly the smashing of windows of cars and removal of available goods which can then be exchanged either for drugs or for money for the purpose of purchasing drugs.<sup>151</sup>

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<sup>149</sup> Submission 55, NSW Government, p232

<sup>150</sup> Submission 55, NSW Government, p266

<sup>151</sup> Deputy Commissioner Madden, Evidence, 18 May 2004, p69

**2.139** Many submissions to this Inquiry voiced concern about drug use in the area and concomitant criminal activity. For example, Ms Mary Gillespie of the Vine and Hugo Action Group stated that ‘clearly drug dealing is a huge issue in that whole area at this particular point. That seems to bring hand-in-hand with it, property theft and crime’.<sup>152</sup> The Government’s submission also noted the level of community concern over drug related crime:

In reporting on community consultations, McCallum (2003) has found that the communities consider there to be a high level of violence (particularly domestic and family disputes) and drug misuse in the area. McCallum also reported that drugs were seen to be the single biggest determinant of crime.<sup>153</sup>

**2.140** Evidence presented to the Inquiry seems to indicate that while a certain level has been there for decades, the problem of drug use and associated crime in the area has increased in the past few years. For example, one local resident observed that ‘in the last seven years, crime has increased in my opinion due to the growth of the drug selling/usage within the Block.’<sup>154</sup> In the same vein, Ms Gillespie noted that:

I actually moved into the area 11½ years ago and quite frankly when I moved in the drug problem on the Block was alcohol. There could well have been some heroin taking on some level, and possibly even some dealing, but it was certainly not at the level that we have seen come up. Five years ago things were certainly better than they are now ... [A]bout two years ago—and it was the ongoing group of events that triggered our formation—we really decided was probably some of the worst times that we had seen. There was widespread dealing. There were easily identifiable drug houses. The police appeared to be powerless or not making a great deal of the impact at that stage.<sup>155</sup>

### **Policing strategies and resources**

**2.141** The Redfern LAC relies on general policing strategies, as well as specific drug crime strategies, to tackle drug related crime in Redfern and Waterloo. General policing strategies that are relevant to drug related crime include:

- high visibility policing
- surveillance operations
- assistance from State Crime Command
- public order management
- the Suspect Target Management Plan
- the Intelligence Response Team.<sup>156</sup>

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<sup>152</sup> Ms Mary Gillespie, Vine and Hugo Action Group, Evidence, 24 September 2004, p38

<sup>153</sup> Submission 55, NSW Government, p232

<sup>154</sup> Submission 21, Confidential

<sup>155</sup> Ms Gillespie, Evidence, 24 September 2004, p38

<sup>156</sup> Submission 55, NSW Government, pp267-269

**2.142** Specific strategies to deal with drug related crime in the area include:

- use of drug detection dogs
- the Heroin Early Warning Indicators Program (which monitors trends in heroin distribution and enables identified LACs such as Redfern to respond to heroin crime)
- various drug related operations such as Operation Players, Operation Fury and Operation Allunga conducted in 2002, 2003 and 2004 respectively that targeted the supply of heroin in and around the Block, resulting in several convictions
- SHARKX (an initiative of the Surry Hills, Redfern and Kings Cross LACs to share information and expertise in relation to drug operations).<sup>157</sup>

**2.143** The Committee notes that policing strategies are at times affected by other government policies and strategies, such as the cooperative arrangements between police and the NSW Health Department in relation to users of the mobile needle and syringe program which was examined in our Interim Report.<sup>158</sup> The Redfern/Waterloo Anti Drug Strategy (RWADS), an integrated drug strategy for the area that focuses on the Block, was also examined in the Interim Report. Relevant to the Committee's discussion of policing strategies to deal with drug related crime, RWADS includes 'proactive policing to target drug dealers and drug houses in Redfern and Waterloo and to 'build a wall' around the area to stop transient drug users from entering.'<sup>159</sup>

## **Effectiveness of policing strategies and resources**

### *Overview*

**2.144** Several submission authors argued that the police are not doing enough to combat drug related crime in Redfern and Waterloo and that more strategies and resources are needed for this purpose. For example, the NSW Police Association recommended in April that 'more attention needs to be given to the very serious drug trade that is operating in Redfern.'<sup>160</sup>

**2.145** Mr Ian Tomkins stated that 'consistently aggressive police action against the dealers is also needed to reduce their local drug business (multiply 1 million syringes by the price of one hit) the associated violence and to reduce their status and local influence.'<sup>161</sup> In addition, the Aboriginal Medical Service stated:

A major strategic objective of policing in Redfern/Waterloo ought to be the arrest of local drug dealers, the identity of whom is known in many cases. In our view, there would be little point in a significant increase in police numbers in the Redfern/Waterloo area unless this happens.<sup>162</sup>

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<sup>157</sup> Submission 55, NSW Government, pp267-269

<sup>158</sup> *Interim Report*, pp115-118

<sup>159</sup> Submission 55, NSW Government, p247

<sup>160</sup> Submission 59, NSW Police Association, p8

<sup>161</sup> Submission 7, Mr Ian Tomkins, p1

<sup>162</sup> Submission 47, Aboriginal Medical Service, p5

- 2.146** Successes and improvements in the ‘fight against drug crime’ were also reported to the Committee. For example, the AHC noted in its April submission that in the months prior to the February riot, ‘police were very successful in discouraging those involved in drug activity from entering the Block from Redfern Station or approaching from Central Station. These operations have been so successful that reports from the Block indicate that the drug business has dropped by 50% from last year.’ The Government’s submission reported that:

There have been a significant number of gains in the last year in relation to drugs and crime through the actions of the Anti-Drug Strategy. A variety of NSW Police operations and activities are disrupting and deterring drug related criminal activity in the Redfern and Waterloo area, including Vikings operations, Operation Players and the use of drug detection dogs.<sup>163</sup>

- 2.147** More recently, Superintendent Smith advised the Committee in November that ‘substantial inroads’ had been made in combating drug related crime in the area:

Since my last visit here we have made some substantial inroads into organised crime in and around the Redfern area, particularly in the drug trade predominantly in and around the Block. As I mentioned last time, Redfern and Waterloo were the two main suburbs where heroin supply was of some concern to us, and we have made some substantial inroads. We conducted a six-month undercover operation [Operation Allunga], which obviously I could not divulge on my last appearance because we were halfway through it. Through that operation we arrested approximately 35 drug suppliers in and around the Redfern and Waterloo area. That has placed a major dent on the drug trade in Redfern and Waterloo. We have subsequently returned to nearby locations and conducted another four search warrants, and we have found nowhere near the amount of drugs. We have found some small-level supply of heroin, but nowhere near the quantity and availability that was there six months ago.<sup>164</sup>

- 2.148** In evidence to the Committee in November, Mr Michael Ramsey, Project Director of the Redfern Waterloo Partnership Project, noted the positive impact on the local community of Operation Allunga. The Operation was conducted over several months and including a series of raids on and around the Block in July:

Operation Allunga was widely praised by the Aboriginal community leaders as being a new day in Aboriginal and police relations in Redfern. The Aboriginal community had been saying for a long period of time that they wanted drug dealing dealt with effectively in Redfern and Waterloo, and they saw Operation Allunga as actually achieving that. The fact that there were five addresses on the Block that were identified and were actually targeted in that and 28 people were identified through controlled drug purchases, was actually really well received and in fact I am still hearing comments about that, and Aboriginal people are very responsive about the fact that police are actually taking action in terms of that.<sup>165</sup>

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<sup>163</sup> Submission 55, NSW Government, p248

<sup>164</sup> Superintendent Smith, Evidence, 3 November 2004, p1

<sup>165</sup> Mr Ramsey, Evidence, 12 November 2004, p22

***The Block – a no-go area?***

- 2.149** It was expressed to the Committee during the first part of the Inquiry that the Block, because of its drug related activities and the large Aboriginal population, is a ‘no-go area’ for police. In this regard, one local resident stated:

As a long term resident I also wish to comment on the ‘No Go Area issues’. Politicians and Senior police often publicly deny that Redfern is EVER a no-go area. I have often been told that police are unable to respond to my call due to some other incident that they ‘do not want to inflame’. This year’s NYE being a recent example. There was a stabbing in Eveleigh Street so no police would come to the area. It needs to be made clear at senior levels that in fact there are times when Police are directed to/choose to stay out of Redfern. This is terrifying to those of us who see the Police as a line of resistance between the criminal element and the majority of the law-abiding Redfern population.<sup>166</sup>

- 2.150** The Committee raised this issue with NSW Police in May and senior police representatives stated categorically that the Block is *not* a no-go zone. For example, Superintendent Smith stated:

I want to state my position on that: there are no no-go zones in Redfern. Police will carry out their duties in all areas to the best of their ability. The Block itself has been mentioned; it can become quite a volatile place when police move in to arrest people. There is no question of that and I do not want to down play that at all. However, police will patrol the Block day and night if required.<sup>167</sup>

- 2.151** The Committee is aware that the Block is a difficult place to police. For example, Sergeant Huxtable identified it as being a particularly difficult place to conduct drug operations:

The problem with dealing with drugs in the Block is that the Block is a bit of a fortress. At other commands I have worked at if someone says, “Bloggs is selling drugs from that house”, we would get a search warrant, send in a couple of police and do the job. Here it takes a couple of weeks to organise. You need 20 to 25 [Operation Support Group] police to act as bodyguards for the officers executing the search warrant. It is a monumental task. Rapid response or rapid reaction is non-existent in Redfern. You cannot do it; it is just too dangerous because of the level of violence and the fortress around the Redfern area. Frank touched on the case of the poor chap who got a \$50 fine for heroin dealing. He has since died from a heroin overdose. The system is failing everyone involved in this process, not just the police but the people on the Block and those who travel through it.<sup>168</sup>

- 2.152** The Committee accepts that there is no official NSW Police policy of the Block being a no-go zone. The Committee also acknowledges that police officers must have concern for their own safety and that this will necessitate, at times, a decision not to enter a particular area in pursuit of a suspect. The Committee is concerned, however, that there seems to be a misconception

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<sup>166</sup> Submission 11, Name suppressed, p2

<sup>167</sup> Superintendent Smith, Evidence, 25 May 2004, p18. See also Deputy Commissioner Madden, Evidence, 18 May 2004, pp61-62

<sup>168</sup> Sergeant Paul Huxtable, Branch Administrator, Redfern Branch, Police Association of NSW, Evidence, 8 June 2004, p9

within the local community and even among some officers themselves about the ability and willingness of police to move about on and around the Block at all times.

***Community frustration at the lack of arrests and the release of offenders on bail***

- 2.153** During our Inquiry several members of the local community expressed frustration that ‘known’ drug dealers are not being arrested. For example, Ms Brenda McDonnell, the coordinator of the Aboriginal Catholic Ministry stated:

From working in the area, I have seen the police parked and watching the Block. Everyone is aware of the problems around the Block, especially the drug problems, and the police do walk and drive around there. But I would like to see action taken. We all know who the drug dealers are—I am sure the police know who the drug dealers are—and it is now 2004 and it is still going on. It needs to be cleaned up ... I am talking about dealers on the Block. I am talking about dealers who come in and out of the Block. It is quite well known in the Aboriginal community who they are. Would that happen anywhere else? Would that happen in a non-Indigenous environment? Would police just sit and watch?<sup>169</sup>

- 2.154** Mudgin Gal also expressed concern about the apprehension of known drug dealers:

Despite the heavy police presence in the area there I see no apprehension of drug dealers in the area. Police are targeting drug addicts rather than drug dealers ... Drug dealers continue to flaunt their presence in the community and it is very frustrating to see the Police do nothing to prohibit this and (perhaps knowingly) ignore dealers on the Block as they travel on and off the Block for deals.<sup>170</sup>

- 2.155** In relation to this perception, Superintendent Smith stated in November that police *are* in fact acting on information provided about drug dealers:

Often when people provide us with information, it is just that: information. It is probably not put up to the next level, what we would perhaps call intelligence. After we receive information from members of the public, we then compile some evidence in our intelligence offices to see whether or not that particular information is worth following through. I might say that there is strong evidence to suggest that we do follow through on the information, because 90 per cent of the information we get about drug arrests does come from members of the community. Last year we arrested 36 people for drug supply in Redfern; so far this calendar year we have arrested over 100 people for drug supply, and there will be more to come before the end of December. I think that those quantitative figures themselves suggest that police are acting on the information that is provided to us.<sup>171</sup>

- 2.156** Frustration was also expressed that many of those people who are arrested for drug dealing are subsequently released on bail. For example, Mudgin Gal expressed concern about the bail practices of the Redfern Local Court:

The local Redfern Court is allowing for cultural connection bail applicants who claim a special connection to the Block. This process needs to be carefully verified and

<sup>169</sup> Ms McDonnell, Evidence, 7 June 2004, p23

<sup>170</sup> Submission 53, Confidential (quoted with permission)

<sup>171</sup> Superintendent Smith, Evidence, 3 November 2004, p2

managed appropriately in consultation with appropriate community local organisations. Mudgin Gal is aware that in the past successful bail applications have focused on drug dealing and/or related charges and it believes these offenders should not be allowed on the streets of the Block.<sup>172</sup>

**2.157** Representatives of Mudgin Gal expanded on this issue in evidence before the Committee:

Even if they just barred them from the Block, that would be something but they do not even do that. The police say that they do: They say, “Well, we have spoken to them about it.” The police say, “We do. We put it down on the bail conditions that they are not allowed to be on the Block”, but the magistrates, once the dealers say, “Oh, I have cultural connections to the Block”, the magistrates say, “Okay, they are allowed on the Block.” ... They might very well have a family on the Block, but they are not there for the family; they are there to sell drugs. That is all, and that is true.<sup>173</sup>

I think the thing is that they do bar some people from the area and from streets or from 500 yards away from certain streets, and they have done it to other people. They have certainly done it to some women that we know of, so we cannot really understand why drug sellers are using their claim that they have ties with the Redfern area to come back onto the Block.<sup>174</sup>

**2.158** In relation to offenders released on bail, Superintendent Smith advised the Committee that this is a court issue, rather than police one:

In terms of the people who are arrested for supplying drugs in Redfern, most are refused bail, or placed on conditional bail at the least. The people that the community believe to be on bail would be on bail from the various courts throughout the State, and the majority of police who come into contact with high-risk offenders will say that most of those people are on bail not from a police jurisdiction but from a court of some description.<sup>175</sup>

***Drug houses and shooting galleries on the Block***

**2.159** The Government submission to the inquiry, provided in April, states that it is implementing ‘a highly coordinated approach’ to the closure of known drug houses and shooting galleries on the Block and that:

The demolition of shooting galleries on the Block was a priority for the [Redfern Waterloo Anti-Drug Strategy]. While this is, in the immediate terms, a policing and safety issue, the demolition of these houses will, in the longer term, allow the redevelopment of the area to be realised ... The police view was that demolishing these derelict houses would substantially enhance policing on the Block, make it safer for their officers and seriously disrupt the drug trade.<sup>176</sup>

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<sup>172</sup> Submission 53, Confidential, p4 (quoted with permission)

<sup>173</sup> Participant, Confidential evidence, 19 May 2004, pp5-6

<sup>174</sup> Participant, Confidential evidence, 19 May 2004, pp5-6

<sup>175</sup> Superintendent Smith, Evidence, 3 November 2004, p2

<sup>176</sup> Submission 55, NSW Government, p252

- 2.160** Superintendent Smith advised the Committee in November that the number of ‘drug houses’ on the Block had been substantially reduced:

[T]here probably would not be any under that definition of ‘drug house legislation’. There may still be one or two that people are using to supply a small amount of heroin. We raided the Block probably two weeks ago, and one of the houses that was selling a small amount of heroin was raided, and arrests were made and drugs were seized—but nowhere near the quantities that were moving from the Block six months ago.<sup>177</sup>

### *Resources*

- 2.161** The criticisms about the effectiveness of police measures to deal with drug related crime documented above point to the issue of adequate resourcing. In addition, Sergeant Frank Reitano, the Crime Coordinator at the Redfern LAC, stated in his submission to the Inquiry (provided in April 2004) that ‘there are inadequate resources to tackle robbery and drug related crime within the Redfern LAC’.<sup>178</sup> He argued:

Until recently the Redfern Drug Unit consisted largely of either one or two officers. Whilst both officers worked tirelessly to investigate drug matters the volume of drug cases was simply overwhelming. Recently a component of Operation Concertinas has been designated to investigate drug offences, however, this has caused staffing shortages within operation Concertinas. The Redfern LAC requires that Operation Concertinas becomes a permanent operation and that in addition a Drug Unit of about 8 police officers be created to deal specifically with Redfern’s drug issues ... The Redfern LAC is one of the five key indicator stations for heroin and as such deserves a significant resource allocation to enable proper investigation of drug matters.<sup>179</sup>

- 2.162** With regard to resources, Superintendent Smith advised the Committee in November that as part of the initiatives announced by the Minister for Police in July, the additional officers now working on drug crime and in other areas place the LAC in a ‘strong position’ to tackle drug crime:

In relation to adequate resources, since our last appearance here the Minister has announced the 32 initiatives and strategies for Redfern LAC, and part of that enhanced policing package has provided the Command with additional resources in terms of material and also people. Six additional detectives have been seconded to work on drug and robbery crime in the area, five additional senior police have been recruited to the general duties staff, and Operation Concertina, which is high-visibility policing, has been expanded from 12 to 20 officers. They work basically around the clock in the CBD and the hotspot locations. Taking into account the work we have done and the enhanced policing packages, Redfern command has probably never been in a stronger position to tackle the issues that confront us. We have not dealt with all the problems yet, but we are certainly heading in the right direction.<sup>180</sup>

<sup>177</sup> Superintendent Smith, Evidence, 3 November 2004, p2

<sup>178</sup> Submission 38, Sergeant Frank Reitano, Redfern Local Area Command, NSW Police, p1

<sup>179</sup> Submission 38, Sergeant Frank Reitano, Redfern Local Area Command, NSW Police, p21

<sup>180</sup> Superintendent Smith, Evidence, 3 November 2004, p1

We have three detective sergeant positions currently under advertisement, being interviewed and will be filled by Christmas. Those senior positions in that investigator's office places us in a much stronger position to tackle, basically, the serious crime of drug dealing and distribution, and of robberies. So, yes, much tighter and a more improved and efficient office.<sup>181</sup>

### **Conclusion**

- 2.163** Throughout this Inquiry the Committee has been alarmed at the level of drug use and related criminal activity in the Redfern and Waterloo areas, particularly around the Block and the Redfern Railway Station. Evidence presented during the first stage of the Inquiry, both in submissions and oral evidence, highlighted drug use and related crime as a major area of concern for local residents and organisations. It appears that NSW Police have made some inroads into the drug problem in the area with the successful closure of drug houses and shooting galleries on and around the Block, along with an increase in resources to deal with drug related crime. We note that the RWPP has worked closely with police in the past to target drug use and crime in the area and we encourage the continuation of this work.

### **Update of other policing issues from the Interim Report**

- 2.164** In our Interim Report the Committee examined several issues relating to policing strategies and resources in Redfern and Waterloo. Those issues included violence against police, the upgrade of the Redfern Police Station, the level and experience of officers at the Redfern LAC, a proposal to establish an Operational Support Group, and strategies to deal with robberies. A brief update is set out below.
- 2.165** In the Interim Report we noted with concern the incidence of violence against police within the Redfern LAC and recommended that the Minister for Police establish a system of recording such incidents.<sup>182</sup> At the time of completing this Final Report, the Committee has not been advised as to the Minister's response to this recommendation and is unaware whether any steps have been taken to implement the system that we recommended. Superintendent Smith advised the Committee in early November, however, that in the Redfern LAC, incidents of violence against police and related injuries have reduced in recent months.<sup>183</sup> As for the reason behind this reduction, the Superintendent stated:

We have significantly cleared out a lot of the people who were not living on the Block at Redfern who perhaps were using the Block as a haven to distribute drugs. By removing the majority of those 35 people - most of who never lived on the Block - out of the area, that has left a majority of decent families residing there and going about their business. I suggest that a lot of the troublemakers at the moment are not in Redfern.<sup>184</sup>

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<sup>181</sup> Superintendent Smith, Evidence, 3 November 2004, p3

<sup>182</sup> Recommendation 10, *Interim Report*, p75

<sup>183</sup> Superintendent Smith, Evidence, 3 November 2004, p17

<sup>184</sup> Superintendent Smith, Evidence, 3 November 2004, p17

**2.166** In our Interim Report the Committee noted that the Redfern Police Station is to be upgraded and is expected to be operational in early 2005.<sup>185</sup> On 9 November 2004, the Minister for Police advised the Legislative Assembly of the progress of the upgrade:

Six million dollars has been allocated to this project and I can today announce that a lease for seven floors of one of the TNT towers has been secured and the contract for its fit-out has been signed. I am advised that Redfern police should be able to move into their new home in early 2005—a station that will finally be as good as the police work that is done from it. Trinity Quality Interiors has been contracted to provide this modern headquarters, and work began yesterday. The new police station at Redfern will include secure undercover car parking; extended ground floor space, with security features including bullet-proof glass, airconditioning, a secure van dock, designated lifts for police and prisoners, and an external ramp entry for disabled access.<sup>186</sup>

**2.167** The Committee expressed concern about the impact of inexperienced officers on members of the local community in Redfern and Waterloo, particularly the Aboriginal community.<sup>187</sup> We also noted that the initiatives the Minister for Police announced shortly before the Interim Report was released included a 12 month suspension on the placement of probationary constables at the Redfern LAC, an initiative the Committee strongly supported. Superintendent Smith advised us in November that:

[P]robationers have ceased coming to Redfern. I think we have missed one or two classes already there so we are already gaining in our seniority obviously from the fact that we are not getting probationers. So that has stopped. There is a twelve-month cap on that, subject to further review.<sup>188</sup>

**2.168** In the Interim Report the Committee canvassed evidence presented by a number of Inquiry participants to the effect that the number of officers stationed at the Redfern LAC was insufficient. While we could not draw any definitive conclusions about this assertion, the Minister's initiatives included a number of new positions and secondments to the LAC.<sup>189</sup> An update on these initiatives was provided by the Minister in the Legislative Assembly in November:

At the time of the riot, Redfern Local Area Command had 170 officers working within it. Our plan is taking the number of officers available to the command to around 220. Much of the package has already been implemented, with a number of other initiatives ongoing. Since the Commissioner and I unveiled the Redfern plan in July, 12 additional officers commenced duties as part of the high-visibility Operation Concertinas, which patrols the railway precinct, and officers have begun operation support group training as part of the Vikings street crime unit, which will provide NSW Police with an enhanced public order capacity—24 hours a day, seven days a week ... Five new general duties positions and three new detective positions have been

<sup>185</sup> *Interim Report*, p79

<sup>186</sup> Legislative Assembly, New South Wales, *Hansard*, 9 November 2004, p12384

<sup>187</sup> *Interim Report*, p92

<sup>188</sup> Superintendent Smith, Evidence, 3 November 2004, p10

<sup>189</sup> *Interim Report*, pp82-83

created, and six additional criminal investigator positions have been seconded into the local area command.<sup>190</sup>

- 2.169** The Committee examined the proposal put forward by the NSW Police Association for the establishment of an Operation Support Group (OSG) within the Redfern LAC. We also noted the Minister's announcement in July containing several 'enhanced incident response' initiatives that relate to the Police Association's proposal, including the establishment of a 24-hour, seven day OSG to operate through the Operation Vikings Street Crime Unit and centralised coordination of OSG Policy. In relation to those initiatives, the Minister recently advised that:

Reviews have also begun to assess future operation support group capacity. New and additional riot equipment has been provided to Redfern local area command, while regular inspection of the gear is now mandatory. At the end of October, 80 Redfern officers had undergone additional riot training, while exercises will now take place with police from adjoining commands ... A new command-and-control vehicle has been fitted out and has been used by police at five major incidents across Sydney in recent months.<sup>191</sup>

- 2.170** Finally, in our Interim Report the Committee examined policing strategies and resources in relation to robbery crime in the Redfern and Waterloo area. We were unable to determine whether existing resources were adequate to tackle robbery crime, due to inconsistent evidence presented to us, but we noted the Minister's announcement of additional resources dedicated to investigating robberies. In November, Superintendent Smith advised that the additional resources had been allocated, with some success:

Of the additional police who have been seconded, the detectives, most are working in the robbery unit. We now have the ability to isolate offenders and locations and improve the layout of some of the locations, where those offences were happening, with additional lighting, cutting down trees, and so forth. We have arrested a number of people who we believe were responsible for a few incidents; and the last two months were probably the lowest two months of robbery offences in Redfern for some significant time.<sup>192</sup>

## Conclusion

- 2.171** During this Inquiry the Committee has examined, in our Interim Report and this Final Report, several issues relating to our terms of reference to inquire into policing strategies and resources in Redfern and Waterloo. We have made a number of recommendations to improve various aspects of policing in the area. The Committee also notes that the Minister announced 32 initiatives on 16 July 2004 designed to improve policing in the area, some of which have been implemented, while others are either yet to be implemented or are ongoing.
- 2.172** The Committee notes, in particular, that the 32nd initiative announced by the Minister was a commitment to review the package of initiatives in six months, to determine whether any

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<sup>190</sup> Hon John Watkins MP, Legislative Assembly, New South Wales, *Hansard*, 9 November 2004, p12384

<sup>191</sup> Hon John Watkins MP, Legislative Assembly, New South Wales, *Hansard*, 9 November 2004, p12384

<sup>192</sup> Superintendent Smith, Evidence, 3 November 2004, p17

additional strategies are needed. That review is therefore due to commence on 16 January 2005. The Committee encourages the Minister to undertake the review as soon as possible after that date and to make the findings of the review public.

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### Recommendation 5

That the Minister for Police undertake his six month review of the package of initiatives aimed at addressing policing issues in the Redfern LAC announced on 16 July 2004 as soon as possible after 16 January 2005. In addition, the findings of that review should be made public as soon as they are finalised.

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**2.173** In our Interim Report we also recommended that as well as a six month review of the initiatives, the Minister should also undertake an 18 month review.<sup>193</sup> In addition, Committee recommended that the Minister examine certain matters as part of both the six month review and the 18 month review, as follows:

- the impact of the increase in officers announced as part of the 32 initiatives on the ability of the Redfern LAC to investigate crime and also, the impact on the local community<sup>194</sup>
- the actual and authorised strength of the Redfern LAC, the number of officers on leave and whether the new positions and secondments and the existing vacancies have been filled<sup>195</sup>
- the level of experience among officers stationed at the Redfern LAC, including:
  - whether it is in the interest of the Redfern LAC and the local community to extend the suspension of the placement of probationary constables beyond the initial 12 month period
  - whether any ‘directed transfers’ have been made
  - whether any other measures or incentives to encourage officers to go to the Redfern LAC and/or to remain there for a constructive length of time are necessary<sup>196</sup>
- the impact of the initiatives on the local Aboriginal community, with reference to the *Aboriginal Strategic Direction 2003-2006*<sup>197</sup>
- an assessment as to whether sufficient resources at the Redfern LAC are dedicated to robberies, with regard to crime statistics and the views of the officers working to target robberies.<sup>198</sup>

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<sup>193</sup> Recommendation 18, *Interim Report*, p106

<sup>194</sup> Recommendation 13, *Interim Report*, p84

<sup>195</sup> Recommendation 13, *Interim Report*, p84

<sup>196</sup> Recommendation 14, *Interim Report*, p93

<sup>197</sup> Recommendation 16, *Interim Report*, p95

<sup>198</sup> Recommendation 18, *Interim Report*, p106

- 2.174** The Committee would like to stress, in conclusion, the importance of following through with both our recommendations and the initiatives announced by the Minister, in order to ensure that they have a long-term beneficial effect on policing in the area. The Committee encourages the Minister for Police and the Senior Management of the Redfern LAC in this regard.