



NSW Police Force
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OFFICE OF THE COMMISSIONER

EDMS | 08/593

15 APR 2008

Ms Rachel Simpson
Committee Director
Standing Committee on Social Issues
Legislative Council
Parliament House
Macquarie Street
SYDNEY NSW 2000

Dear Ms Simpson

Thank you for your correspondence of 20 February 2008, which was accompanied by a transcript of evidence given by members of the NSW Police Force at hearings of the Standing Committee on 12 February 2008, as well as questions on notice taken on that date.

Documentation with supporting material is attached containing responses to the questions taken on notice on 12 February 2008.

I understand that Mr Tony Jenkins of this office made contact with you concerning a very small number of typographical errors in the transcript.

Inquiries with commands and business units became protracted and I regret the delay in responding to your correspondence.

Yours sincerely

A P Scipione APM
Commissioner of Police



Overcoming Indigenous Disadvantage - Closing the Gap

NSW Police Force response to further questions from the Standing Committee and Questions on Notice from the hearing of 12 February 2008

Question 1

How many Aboriginal non-government organisations have applied for government contracts / licenses / programs in the past three years? How many of these have been successful in obtaining government contracts. How many have applied for “mainstream” funding and how many of these have been successful?

The NSW Police Force does not presently capture information on whether organisations applying for contracts are *Aboriginal* or *non-Aboriginal*.

Question 2

How does each government department ensure their minimum data collection sets and definitions are consistent with all other government departments? Do they have concerns that other governments may be measuring, collecting and analysing data utilising different definitions and data collection processes? For example, what is the disability definitions utilised by each government department and how do they collect information regarding Aboriginal people with a disability?

NSW Police Force collects Indigenous status according to the principles of the Australian Bureau of Statistics Standard Indigenous Question (SIQ). In practice, NSW Police Force asks two questions:

- Are you of Aboriginal origin?
- Are you of Torres Strait Islander origin?

Responses are recorded as Yes/No/Refused/Unknown, where 'Unknown' may relate to the actual answer given and/or to the police having not asked the questions.

The SIQs are mandatory for all alleged offenders and are part of the standard custody questions. They are also often asked in interviews and therefore recorded on video/audio. There are circumstances in which police may decide not to ask, e.g. when dealing with an offender in the field. However, police are encouraged to ask whenever possible and to not limit questions to only those persons they believe are possibly indigenous.

A copy of the NSW Police Force Equal Employment Opportunity (EEO) and Data Collection form is enclosed (**Attachment A**).

Question 3

Since 1997, identify (by name and date of commencement) the programs that have been implemented or continued by the NSW Police Force to advance the health and/or wellbeing of Aboriginal peoples in New South Wales. In respect for each such program, identify the costs of each such program for each financial year in which the program operated.

As the NSW Police Force has explained in earlier submissions to the Inquiry, the nature of the work it performs is not directly concerned with delivering health/wellbeing to Aboriginal people.

The NSW Police Force has implemented all of the recommendations from the Royal Commission into Aboriginal Deaths in Custody for which it was responsible. Also, it has in place a three tier consultative structure to provide Aboriginal people the opportunity to discuss and plan outcomes in relation to crime and violence at the local level.

Question 4

Since 1997, identify (by name and date of commencement) the programs that have been terminated or completed by the NSW Police Force to advance the health and / or wellbeing of Aboriginal peoples in New South Wales. In respect for each such program, terminated or completed, identify the reasons for each such termination or completion, and the date of such termination or completion.

See above under Question 3.

Question 5

What is the total number of female ACLOs in NSW? What proportion of Aboriginal Community Liaison Officers are female?

- Total number of ACLO positions in the NSW Police Force is 56.
- There are 10 females employed in NSW including:
 - 2 in Central Metropolitan Region;
 - 1 in North West Metropolitan Region;
 - 1 in South West Metropolitan Region;
 - 2 in South Region; and
 - 4 in Western Region.

Females currently occupy 18% of ACLO positions.

Question 6

What programs are in place to increase the amount of female ACLOs?

Female ACLOs are typically employed through the usual recruitment process. The Job advertisements currently say that "Applications are encouraged from both females and males".

The ACLO State Coordinator is currently drafting a package to workshop in Aboriginal communities which aims to encourage Aboriginal females to apply when an ACLO position becomes vacant. This package includes information on the role and responsibilities of the ACLO, and information on how to apply for a position in the NSW Police Force. Information on preparing for an interview and on what happens during and after the interview will also be included.

Question 7

What federal funding has been obtained to provide for female ACLOs?

The initial "pilot project" to employ the first intake of ACLOs in 1986 (which started in Walgett and Bourke) was funded by the Commonwealth Government.

The NSW Police Force is currently working in partnership with the Department of Families, Housing, Community Services and Indigenous Affairs (FaHCSIA) to employ four additional female ACLOs. FaHCSIA is set to provide the full funding of these positions for 12 months under the Family Violence Partnership Program.

NSW Police Force has not received any Commonwealth funding for ACLO positions since 1986.

Question 8

What has been the NSW Police Force contribution to the NSW response to the Breaking the Silence report?

From the commencement of the Interagency Task Force through to the development of the actions items, NSWPOL has provided contributions through submissions, discussions and meetings.

The NSW Interagency Plan to tackle Child Sexual Assault in Aboriginal Communities nominates NSW Police as the lead or partner agency in 31 of the 88 actionable items. A significant number of these actions relate to the activities of Joint Investigative Response Teams (JIRTs). It is noted that the current JIRT Review correlates with the objectives of the Interagency Plan. Additional recommendations in respect of JIRT may be forthcoming from the current Wood Commission of Inquiry.

Of particular note is the significant proactive response being developed in respect of Action Item 1 '*Significantly boost surveillance and evidence gathering to investigate paedophile activity focusing on select rural and remote communities*'. A Strike Force concept is being considered to initially evaluate all available intelligence, identify specific persons of interest,

proactively investigate their activities and initiate criminal prosecutions for any offences detected.

Question 9

How many recommendations made by previous inquiries, including previous social issues inquiries, have been implemented within your department? What were those recommendations and how did you implement them?

See Table at **Attachment B**.

Question 10

How many Aboriginal police officers are employed in NSW?

215 from a total of 15,203 police (as at 29 February 2008).

Question 11

What percentage of police officers are employed by the Force are Aboriginal?

1.4% of all police officers.

Question 12

Identify the programs implemented since 1997 by the Force to increase the number of Aboriginal officers.

The NSW Police Force has had an Aboriginal Employment Strategy in place since approximately 1995. An updated strategy is in preparation that emphasises:

- increasing the number of Aboriginal staff by forming partnerships with Aboriginal and non-Aboriginal organisations;
- retaining Aboriginal staff by providing a supportive environment, targeted skills training and professional development, and creating career pathways.

Various programs are in place to support these results.

Structured Training and Develop Program (STEP)

In April 2006, NSW Police and Commonwealth Department of Education, Employment and Workplace Relations signed the NSW Police STEP Contract 2006 – October 2007. The Contract required NSW Police to:

- Recruit 20 Aboriginal people to Police positions.

- Recruit 10 Aboriginal people to full time administrative positions for at least 52 weeks; and
- Retain 75% of all recruits in ongoing employment.

These targets being met by July 2007 and exceeded by August when a further seven Aboriginal Probationary Constables attested. Over 90% of those recruited under the contract have been retained.

Recruitment Activities

Police Recruitment Branch works closely with

NSW Police Force's main tertiary education provider, Charles Sturt University, to facilitate and expedite placement for Aboriginal applicants into the Associate Degree in Policing Practice (ADPP); and

NSW TAFE, which offers a Vocational Studies Pathways (Certificate III) course to assist eligible applicants to meet the entry requirements for the ADDP. This course is also available through OTEN distance education.

A pilot project is also being established by the Western Region in partnership with Dubbo TAFE to offer more flexible delivery modes, utilising video and teleconferencing to facilitate access for students living in more remote areas.

NSW Police Force Marketing

NSW Police Recruitment Branch has a marketing and media strategy dedicated to attracting Aboriginal recruits. Culturally appropriate advertising material, information packs including flyers and stickers have been designed and are distributed at Career Days, Community Festivals and Job Markets. Koori Career Days feature serving police officers, ACLOs and current students of the Police College. ATSI specific Recruitment stands are featured at community festivals such as "Yarram" at Bourke, "Croc" at Dubbo and ATSI job markets. Advertising targeting Aboriginal applicants appears in the *Koori Mail*, National Indigenous Times, and local and regional print media. During 2007/2008, ATSI specific Police Career Days were held at Dubbo, Griffith and Bourke.

Training

Education Services, which provides training for all staff of the NSW Police Force, has an Aboriginal Lecturer, who provides Aboriginal Cultural Awareness training to all NSW Police Force employees.

Training for Administrative Positions is generally on-the-job and not necessarily Aboriginal-specific, but targeted skills training is offered on a regular basis. Each work area has a dedicated Education Development Officer to assist all staff with their training and development needs.

Murra Project Partnership

The Murra Project commenced in January 2008. It is a partnership formed between Lake Illawarra Local Area Command (LILAC), the NSW Department of TAFE, NSW

Department of Education, DEWR and Warrigal Employment with a view to the establishment of School Based Traineeships in Policing for Aboriginal students in Years 11 and 12.

This project entails students undertaking 100 days paid employment with LILAC and NSWPF partners over the course of the traineeship. At the same time the students complete Certificate III level training to enable qualification for recruitment to the NSWPF College.

Ten (10) Aboriginal students have commenced this project on 29 January 2008.

LILAC has provided a number of trainee mentors both from NSWPF employees and the local Aboriginal Community.

Aboriginal Employees Support Conference

A conference was held in October 2007 which, amongst other things, resulted in the election of an Executive to lead the Aboriginal Employees Support Network. The Network:

- supports and assists Aboriginal employees;
- provides a forum for Aboriginal staff to discuss issues of mutual concern regarding workplace matters such as conditions of employment and discrimination;
- provides assistance and support to staff in resolving issues raised by them;
- provides staff networking and communication opportunities;
- provides the NSW Police Force with a mechanism for consultation with Aboriginal staff on key policies and issues;
- provides Aboriginal staff with an effective voice on key policy and procedures.

Question 13 - (from pg. 75 of the Transcript)

On page 7 of the submission delivered today you refer to the JIRT officers undergoing cultural awareness training. Where are you up to with those JIRT teams undergoing that training?

Of the total of 113 JIRT officers throughout the State, 42 have completed the cultural awareness training. There is provision for further staff to be trained before the 30 June 2008.

Question 14 - (from pg. 76 of the Transcript)

With regard to the late reporting, is it the case that for some of the late reporting that is now being disclosed consists of reports made by males in the context of assessments done as part of the sentencing process when they have been charged with sexual assault?

Pre sentence reports (assessments) are undertaken by Probation and Parole. This process includes the interviewing of the accused. A disclosure (complaint) may be made during this interview that the accused was a victim of a sexual assault. Subject to the desire of the victim,

this matter may be reported to Police for investigation. As Information of disclosure during pre sentence assessments is not readily known to police, an informed response cannot be provided to this question. In respect of any matters referred to Police for investigation, the manner in which disclosures are made is not captured within the COPS database. Anecdotally, reports made to police as a result of disclosure during these interviews are considered to be very rare.

Question 15 - (from pg. 77 of the Transcript)

Let us concentrate on the criminal infringement notices. Is it the case that about a third of the notices issued remain unpaid?

This is a question that is most appropriately directed to the Office of State Revenue, which enters details of Criminal Infringement Notices (CINs) issue and payment onto its database.

When issued by police, CINs are recorded as a Legal Process in the Computerised Operational Policing System (COPS). A copy of the CIN is forwarded to the Office of State Revenue (OSR) where details are also entered onto the SDRO database. OSR electronically transfer information to NSW Police Force regarding the status (payment, court election, agreement to payment by instalment, etc) of each CIN.

The payment or otherwise of CINs is important to NSW Police Force insofar as:

- the destruction of fingerprints if payment made;
- the initiation of proceedings when the recipient court elects, and any necessary court attendance by police.

Question 16 - (from pg. 77 of the Transcript).

Will you provide us with the policy document (criminal infringement notices policy) in regard to that?

A copy of the CINs Policy is enclosed (**Attachment C**).

Question 17 - (from pg. 77 of the Transcript).

In terms of your Local Area Commands, are all police stations now covered by appropriate video equipment?

All 80 of NSW Police Force's Local Area Commands (LACs) have charging sites (i.e. police stations) fitted out with CCTV systems. Some LACs have more than one such charging site.

There are police stations that serve as charging sites that are not covered by CCTV systems. Their installation is dependent on the volume of prisoners and on the capacity of staff to monitor the CCTV system. Monitoring is a particular issue at one and two person sites.

The NSW Ombudsman monitors and reports on NSW Police Force CCTV systems.

Question 18 - (from pg. 80 of the Transcript).

Firstly, what training on cultural awareness is compulsory for all officers in their ongoing professional development?

All police officers attested since 1988 received cultural awareness training as a foundational component of their study.

The professional development of officers in cultural awareness, whilst not compulsory, is strongly encouraged. Over the past three years 1764 officers have completed the Aboriginal Cultural Awareness Workshop.

For the current class of recruits the workshop material has been adapted for use in a two-hour master lecture. This master lecture is additional to foundational cultural awareness training for recruits referred to above.

Secondly, what percentage of officers has had no training in cultural awareness?

All officers attesting since 1988 have received foundational training in cultural awareness.

NSW Police Equal Employment Opportunity (EEO) and Data Collection

Dear Colleague

Equal Employment Opportunity (EEO) is an initiative, which seeks to ensure fair practices occur in the workplace.

Why EEO data is important

The collection of equal employment opportunity data is fundamental to the development of human resource policies and strategies. The information that employees provide is voluntary and strictly confidential.

However, it needs to be emphasised that this information is essential if NSW Police is to implement fair and equitable human resource policies and strategies that meet the needs of all employees.

It is clearly in the interest of all employees to provide EEO data. NSW Police strongly encourages employees who have not previously provided their EEO data to do so, or if they have provided data previously, to update it if there have been any changes.

What happens to the EEO data you provide

The information that you provide allows NSW Police to generate statistical reports for purposes such as strategic planning, program evaluation, EEO and legislative reporting requirements. To maintain the integrity of this information, it is important that any change to the EEO status of any individual is updated.

The Premier's Department also collects data from public sector agencies on the characteristics of NSW public sector employment (the Workforce Profile) to assist decision-making and policy development for the NSW public sector as a whole. The workforce profile includes EEO data such as group membership. The individual names are not collected.

Employee Self Service (ESS)

Employee Self Service allows all NSW Police employees to record or update their own personal details through "ibiz". This includes your equity and diversity details. To access ESS all employees must first obtain a password through the BTS help desk on 54711.

An ESS Employee Self Service Updates User Guide has been prepared and added to the ibiz intranet site and can be accessed via <http://hrdbi001/ibiz/ess>.

EEO data collection and your right to privacy

Your privacy is protected in accordance with the *Privacy and Personal Information Protection Act 1998* and the NSW Police Privacy Code of Practice. It should be noted that publicly available reports do not identify any individual.

Completing the form

Please answer the questions on the EEO form and return them to your Staff Administration Officer in an envelope marked "confidential" or with the other forms that were completed at the time of commencement with NSW Police. Alternatively, please enter your EEO data through ESS. Thank you for your co-operation.

Yours sincerely

Ken Moroney
Commissioner of Police

NSW Police

Equal Employment Opportunity (EEO) Data Collection

STRICTLY CONFIDENTIAL

The provision of your specific EEO details is **voluntary**. However, we ask for your co-operation in providing this information. To assist employees to accurately complete the EEO Data Collection Form annexure "A" provides explanations of questions 1, 2, 3, 6 and 7.

Name Serial/Employee No

Q 1. Are you an Aboriginal or Torres Strait Islander?

- Yes, Aboriginal
 - Yes, Torres Strait Islander
 - Yes, Aboriginal and Torres Strait Islander
 - No
 - I choose not to provide this information
-

Q 2. Are you from a racial, ethnic or ethno-religious group, which is a minority in Australian society?

- Yes
 - No
 - I choose not to provide this information
-

Q 3. What language did you first speak as a child?

- English
- Other Language (please specify).....
- I choose not to provide this information

Q 4. What is the main non-English language spoken?

Please specify

I choose not to provide this information

Q 5. What is your country of birth?

Please specify

I choose not to provide this information

Q 6. Are you a person who identifies as having a disability?

Yes

No

I choose not to provide this information

If you answered "no" to this question you do not need to answer question 7.

Q 7. If you identify as having a disability, does some aspect of your work situation require adjustment in order to accommodate your needs?

Yes

No

I choose not to provide this information

Thank you for taking the time to complete this form. Please forward the form to your staff administration officer (SAO) or alternatively, enter this information through employee self service (ESS).

Your privacy is protected in accordance with the *Privacy and Personal Information Protection Act 1998* and the NSW Police Privacy Code of Practice. It should be noted that publicly available reports do not identify any individual.

EXPLANATIONS ON EEO QUESTIONS

To assist employees to complete the EEO Data Collection forms the following explanations are provided in relation to EEO questions 1, 2, 3, 6 and 7. It should be noted that the explanations provided below, are consistent with the NSW Public Sector Workforce Profile descriptions on EEO groups.

Q1. Are you an Aboriginal or Torres Strait Islander?

Explanation: Person of Aboriginal and/or Torres Strait Islander descent, who identifies as such and is accepted as such by the community in which he/she lives.

Q2. Are you from a racial, ethnic or ethno-religious group, which is a minority in Australian Society?

Explanation: A person who identifies as belonging to a designated EEO group consisting of people who are members of a minority group in Australian society by virtue of their racial, ethnic or ethno-religious background.

Q3. What language did you first speak as a child

Explanation: The language the person first spoke as a child (as distinct from the preferred language, or language usually spoken at home).

Q6. Are you a person who identifies as having a disability

Explanation: A person who identifies as having a disability i.e. as having one or more of the following limitations or restrictions:

- . a long-term medical condition or ailment;
- . disfigurement or deformity;
- . head injury, stroke or any other brain damage;
- . incomplete use of any part of their body;
- . restriction in physical activities or physical work;
- . any other condition resulting in a restriction.
- . speech difficulties in their native language;
- . a psychiatric condition;
- . loss of sight or hearing;
- . blackouts, fits or loss of consciousness;
- . slowness at learning or understanding;

Q7. If you identify as having a disability, does some aspect of your work situation require adjustment in order to accommodate your needs?

Explanation: An employee who identifies as having a disability, may require some aspect of the work situation to be adjusted in order to accommodate his or her needs. Adjustment can involve changes to any aspect of employment including:

- . the tasks of the job;
- . the behaviour of others at work;
- . working hours.
- . the workplace or work area;
- . the equipment used;

SOCIAL ISSUES COMMITTEE
Report Recommendations relating to Aboriginal Issues

1 May 1992

Date	Issue	Rec. No	Recommendation	Response
1 May 1992	Juvenile Justice in NSW	105	<p>That the New South Wales Police Service establish a training program specifically related to policing children and young people which, similar to the Initial Response Officers Course on Domestic Violence, involves pre-residential reading material, a two week residential skills training component followed by six months field work, prior to an appearance before a review panel before graduation, and</p> <p>That the New South Wales Police Service include in its training program at the Police Academy and "on-the-job" or other professional development courses, programs to adequately equip officers with the skills to liaise with and manage juveniles. The skills required include a knowledge of:</p> <ul style="list-style-type: none"> • The circumstances and characteristics of young people. Such training would need to include differences and difficulties relating to sex, physical or intellectual ability, racial and cultural and ethnic background. The effects of poverty, unemployment, sexual abuse, drug dependence and different views toward the police and authority figures held by Aborigines and some migrants would need to be understood; • The techniques and skills needed in dealing and interacting with young people; • The specific laws, rules and policies for the policing of young people; • An understanding and respect of the needs and rights of young people 	<p>Cultural Awareness training is incorporated into a range of subjects within the ADPP (Police Recruit Training).</p> <p>In extension to this Aboriginal Cultural Awareness (ACA) training is incorporated into a wide range of police education and training programs including: ACA specific workshops, the Domestic and Family Violence Program, Youth Program and Child Protection and Sexual Assault Training Courses.</p> <p>The training is an extension of cultural awareness incorporated into recruit training within the ADPP.</p> <p>The ASD Steering Committee in 2007 considered the development of an Aboriginal Community Policing Program by Education Services. This was endorsed in principal by the Corporate Spokesperson and is proposed to be progressed following the executive realignment of the NSWPF.</p>

1 May 1992	Juvenile Justice in NSW	106	<p>especially the right to use public spaces;</p> <ul style="list-style-type: none"> • The nature of the dynamics of the policing of young people; • The legal and human rights of young people; • An understanding and respect for the legal and human rights of young people as well as their need for advice and advocacy; • An understanding of why racial and other prejudices and discriminatory actions are not appropriate to the professional policing of young people; • An understanding of the culture and social relationships of Aboriginal Australians; • An appreciation of the effectiveness of cautioning young people, and the preference of a Caution or a Court Attendance Notice rather than a charge; • Improved awareness of and compliance with the provisions of the Bail Act regarding the presumption in favour of bail and reasonable bail conditions; and • An awareness of the role of other agencies in the Juvenile Justice System, and other reasons for their powers. Policies and programs (5.3) 	<p>especially the right to use public spaces;</p> <ul style="list-style-type: none"> • The nature of the dynamics of the policing of young people; • The legal and human rights of young people; • An understanding and respect for the legal and human rights of young people as well as their need for advice and advocacy; • An understanding of why racial and other prejudices and discriminatory actions are not appropriate to the professional policing of young people; • An understanding of the culture and social relationships of Aboriginal Australians; • An appreciation of the effectiveness of cautioning young people, and the preference of a Caution or a Court Attendance Notice rather than a charge; • Improved awareness of and compliance with the provisions of the Bail Act regarding the presumption in favour of bail and reasonable bail conditions; and • An awareness of the role of other agencies in the Juvenile Justice System, and other reasons for their powers. Policies and programs (5.3)
			<p>That the selection criteria for Police Youth Officers include the:</p> <ul style="list-style-type: none"> • Officer's understanding of and interest in working with youth; • Ability to demonstrate effective and sensitive contact with people from diverse cultural backgrounds, especially Aborigines; • Ability to promote co-operation between individuals, groups and organisations providing services to young people and their families; • Ability to facilitate culturally relevant decision making processes; and • Competence and flexibility in working with 	<p>A presentation on Aboriginal Cultural Awareness in incorporated into the Youth Liaison Officers course and Special Youth Officers Courses.</p> <p><u>Current YLO Position Description</u></p> <p>The position is responsible for dealing with issues such as education, diversionary and inter-agency programs pertaining to youth, with the aim of diverting young people away from criminal activity.</p> <ul style="list-style-type: none"> • Support the Organisation's youth policy statement. • Represent the NSW Police at meetings/Committees both internal and external. • Prepare correspondence and answer telephone

			<p>children, young persons and their families. (5.3.1)</p>	<ul style="list-style-type: none"> enquiries pertaining to youth. Prepare, evaluate and attend school lectures, crime prevention programs etc. Monitor, review, provide advice and deliver training and direction to LAC police about aspects of the Young Offenders Act. Determine whether a young offender is referred for formal cautions, conference or court. Identify trouble spots/anti social behaviours, through intelligence methods, both in house and external and endeavour to utilise proactive measures to stop perceived problems. Liaise with youths at locations including schools, drop-in centres etc. Liaise with PCYC, identify and assist with programs. Be a contact point for juvenile justice stake-holders ie. Aboriginal Legal Service, Legal Aid, local youth committees etc. Knowledge & understanding of the Young Offenders Act, 1997. Sound interpersonal skills. Demonstrated networking skills. Capacity for community awareness.
<p>1 May 1992</p>	<p>Juvenile Justice in NSW</p>	<p>107</p>	<p>That, in addition to their ongoing training at the Police Academy, the opportunity be created whereby Aboriginal Community Liaison Officers throughout the state could meet once per year, at a venue to be determined by the Aboriginal Community Liaison Officers. (5.3.1)</p>	<ul style="list-style-type: none"> The ACLO State Conference has been held annually since 2001. It is the policy of the NSWPF that these conferences are held at the NSW Police College in Goulburn.
<p>1 May 1992</p>	<p>Juvenile Justice in NSW</p>	<p>108</p>	<p>That the Police Service review the adequacy of Aboriginal Community Liaison Officers with the view to increasing the number of positions throughout New South Wales. In particular, consideration should be given to facilitating the recruitment of female Aboriginal Community Liaison Officers. Where female Aboriginal Community</p>	<ul style="list-style-type: none"> Since 2003 NSWPF have been seeking to employ 12 additional ACLOs which was identified as a previous NSW Government Election Commitment. The employment of additional female ACLOs will address the issues of "women's business" and may lead to improved reporting of violence and sexual assault against Aboriginal women. NSWPF currently employs 10 female ACLOs out of a total of 56 positions. In addition, NSWPF and the Dept. of Family and Community Services and Indigenous Affairs

			<p>Liaison Officers are difficult to attract and retain in positions, consideration should be given to identifying women in the Aboriginal Community who would be willing and appropriate to call upon to assist as required.</p> <p>That access be made available to reliable transport for Aboriginal Community Liaison Officers in order that they may adequately fulfill their role. (5.3.2.)</p>	<p>(FaCSIA) are developing a Memorandum of Understanding to employ 4 additional ACLO positions identified to female only. The MOU is currently with FaCSIA.</p> <ul style="list-style-type: none"> Retention of current female ACLOs have been successful. However, Aboriginal women voluntarily provide a service to Aboriginal women through their involvement in the Aboriginal Cell Support Group and supporting the Night Patrol. NSWPF provides a vehicle for the primary use by ACLOs. NSWPF has developed an ACLO vehicle policy.
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1 September 1995

1 Sept. 1995	Youth Violence in NSW	118	<p>That the Minister for Community Services and the Minister for Police ensure Aboriginal communities are consulted on policing practices, and a report on the outcome of these consultations is prepared.</p> <p>The report should include strategies for the recruitment of Aborigines to the Police Service.</p>	<p>Not clear who report is to be prepared for.</p> <p>Consultation occurs through the LAC Aboriginal Consultative Committees. Police and the Aboriginal community work together to develop LAC Aboriginal Action Plans based on the Aboriginal Strategic Direction, local data on Aboriginal offending behaviour and issues raised by the Aboriginal community in LACACC meetings.</p> <p>Implementation of the ASD is monitored by the NSW Ombudsman's Office and PASAC. In April 2005, the Ombudsman's Office has prepared a Special Report to Parliament re: the implementation of the ASD 2003 – 2006.</p>
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1 April 1996

1 April 1996	Sexual Offences in NSW: Sexual Violence: addressing the crime	75	<p>That the Police Service actively recruit Aboriginal women for Aboriginal Community Liaison Officer positions and provide appropriate support structures (including training and mentoring programs) for the women appointed to these positions.</p>	<ul style="list-style-type: none"> NSWPF currently employs 10 female ACLOs out of a total of 56 positions. NSWPF positively promotes the role of the ACLO to Aboriginal communities through the LACACC forums, and encourages Aboriginal women to apply for vacant positions. In the past NSWPF has exclusively advertised and successfully employed Aboriginal females to the ACLO position.
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				<ul style="list-style-type: none"> An ACLO Induction Program has been developed to induct ACLOs into the NSWPF upon their initial appointment. A Career Development Package has also been developed as a flow on from the Induction Program. Regional ACLO Committees have been established as a support mechanism for ACLOs. The ACLO State Coordinator provides mentoring and support to all ACLOs as well as the NSWPF Aboriginal Employees Support Network.
1 April 1996	Sexual Offences in NSW: Sexual Violence: addressing the crime	76	That the Police Service provide training and information to Aboriginal Community Liaison Officers on issues associated with sexual violence (such as gender power imbalances, myths and societal attitudes).	<ul style="list-style-type: none"> Education Services, Continuing Education Directorate runs a 5 day Aboriginal Community Liaison Officer workshop. Workshops were held in 2005 and 2006. The 2007 workshop was cancelled due to poor registrations. Domestic Violence Definitions, Legislation, Police Policies relevant and available Victim resources are provided to ACLOs in the training. ACLOs have also received training through the Violence Against Women (VAW) programs.
1 April 1996	Sexual Offences in NSW: Sexual Violence: addressing the crime	77	That the Police Service develop a protocol for the appropriate response of Aboriginal Community Liaison Officers to sexual violence including provision for Aboriginal Community Liaison Officers to make available to victims/survivors information on legal rights and appropriate referral services.	<ul style="list-style-type: none"> NSWPF has developed a yellow card for victims of domestic violence to receive confidential follow-up support, counsel and information breaking the silence of violence. ACLOs work with DVLOs to distribute to Aboriginal victims of DV. NSWPF has also developed an Aboriginal specific protocol for ATSI persons to ensure access to appropriate services to Aboriginal people, including Legal Aid. ACLOs distribute these protocols to the Aboriginal community through the LACACC and information forums.
1 April 1996	Sexual Offences in NSW: Sexual Violence: addressing the crime	78	That the Police Service advertise Aboriginal Community Liaison Officer positions with an essential requirement being "knowledge of local Aboriginal women's issues" to ensure Officers are sensitive to the needs and concerns of Aboriginal women.	<ul style="list-style-type: none"> NSWPF ACLOs provide a service to meet the needs of all Aboriginal people, including women, and young people who are victims of crime. A key area of the ACLO position description is to encourage Aboriginal people to discuss with Police, issues surrounding crime and violence in their Aboriginal community.
1 April 1996	Sexual Offences in NSW: Sexual Violence: addressing the crime	79	That the Police Service consider those who have past convictions of offences against women and/or children to be ineligible for employment in the position of Aboriginal Community Liaison Officer.	<ul style="list-style-type: none"> NSWPF conducts a national criminal record and working with children checks on persons applying for ACLO positions.

2 August 2004

<p>2 August 2004</p>	<p>Issues Relating to Redfern</p>	<p>15</p>	<p>That the Minister for Police undertake an audit of the implementation of the initiatives contained in the NSW Police Aboriginal Strategic Direction 2003-2006 in the Redfern Local Area Command and that where relevant initiatives have not been implemented the Minister make their implementation a matter of priority.</p>	<p>Supported. Ongoing. All initiatives contained in the <i>Aboriginal Strategic Directions</i> have been implemented by the current Local Area Commander with a significant degree of success. All LACs are required to report against the implementation of the Aboriginal Strategic Direction on a quarterly basis. These reports are reviewed by the Corporate Spokesperson for Aboriginal Issues and the Aboriginal Coordination Team. Redfern LAC has received support on the implementation of the ASD by the Aboriginal Coordination Team. The rollout of the new ASD 2007 – 2011 will be scheduled for Redfern LAC. In March 2006, Redfern LAC presented to PASAC on the implementation of the ASD.</p>
<p>2 August 2004</p>	<p>Issues Relating to Redfern</p>	<p>16</p>	<p>That the Minister for Police, as part of the six month review of the initiatives announced on 16 July 2004, consider the impact of the initiatives on the local Aboriginal community with reference to the NSW Police Aboriginal Strategic Direction 2003-2006.</p>	<p>Supported. Ongoing. All initiatives contained in the <i>Aboriginal Strategic Directions</i> have been implemented by the current Local Area Commander with a significant degree of success.</p>
<p>2 August 2004</p>	<p>Issues Relating to Redfern</p>	<p>19</p>	<p>That the Minister for Police release the final report of Strike Force Coburn as soon as possible with, if necessary, parts relating to the Coroner's Inquiry into the death of TJ Hickey or to sensitive operational matters, kept confidential.</p>	<p>See above Rec. for further comment. Implemented.</p>

16 December 2004

16 Dec 2004	Issues Relating to Redfern	1	<p>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.</p>	<p>Implemented.</p> <p>The Diploma of Policing Practice has been replaced by the Associate Degree in Policing Practice. Aboriginal cultural awareness issues (as well as dealing with minority groups and disadvantaged populations) are covered in recruit training through the following subjects:</p> <ul style="list-style-type: none"> • -PPP113 Communication in Policing • -PPP114 Criminal Justice and Policing • -PPP115 Police, Crime and Society 1 (main focus of this subject is on Aboriginal issues) • -PPP122 Police as Investigators 2 • -PPP123 Ethical Reasoning and Policing • -PPP125 Police Crime and Society 2 • -PPP242 Problem Oriented Policing & Vulnerable People • -PPP252 Ethical Values and Leadership
16 Dec 2004	Issues Relating to Redfern	3	<p>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.</p>	<p>Supported.</p> <p>Ongoing.</p> <p>NSW Police continually reviews policing resources and strategy based on operational needs and the needs of the community.</p> <p>The ACLO State Coordinator has provided support and assistance to the Redfern LAC and the Redfern ACLOs to negotiate and implement work plans consistent with the ACLO duty statement and LAC priorities.</p>
16 Dec 2004	Issues Relating to Redfern	4	<p>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.</p>	<p>Supported.</p> <p>Ongoing.</p> <p>Education Services, Continuing Education Directorate runs a 5 day Aboriginal Community Liaison Officer workshop. Workshops were held in 2005 and 2006. The 2007 workshop was cancelled due to poor registrations.</p>

				<p>Aboriginal Community Liaison Officer State Conferences have been held annually since 2002.</p> <p>These Conferences provide education, training and support to all Aboriginal Community Liaison Officers.</p>
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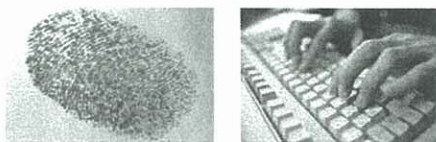
CRIMINAL INFRINGEMENT NOTICES

POLICY

AND

STANDARD OPERATING PROCEDURES
(SOPS)

V.4



June 2007

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Introduction – Part 1

On the 1 September 2002 the *Crimes Legislation Amendment (Penalty Notice Offences) Act 2002* (the *Penalty Notices Offences Act*) amended the *Criminal Procedure Act 1986* to permit police officers to issue penalty notices known as Criminal Infringement Notices (CIN's) for prescribed offences. The *Penalty Notice Offences Act* permits police to serve a Criminal Infringement Notice (CIN) on a person whom they reasonably believe has committed a prescribed Criminal Infringement Notice offence under certain circumstances.

1.1 The Act

The *Crimes Legislation Amendment (Penalty Notice Offences) Act 2002* amended the *Criminal Procedure Act 1986*, *Crimes Act 1900*, *Crimes (Forensic Procedures) Act 2000*, *Criminal Procedure Regulation 2000* and *Fines Act 1996*.

Effect of the Act:

- expands application of fixed penalty notices to a range of offences from the *Crimes Act 1900* and *Summary Offences Act 1988*;
- enables police officers to issue penalty notices (Criminal Infringement Notices – CINs);
- enables police officers to require persons who are to be issued with penalty notices to disclose their identity; and
- gives police officers the power to take fingerprints and palm prints from suspects when serving CINs.

1.2 Aim of the Legislation

The aim of the legislation is to provide police with an alternative legal process to the arrest and processing of suspects via Court Attendance Notice for relatively minor matters. Police can deal with suspects 'on the spot' by issuing them with a Criminal Infringement Notice (CIN). This frees police up from both spending time in the station doing paperwork and attending court for minor matters and enables police to stay on the street, being highly visible and dealing with more incidents. The introduction of CINs does not remove the existing options available to police to deal with minor offences e.g. warnings, cautions and CANs can still be applied depending on the circumstances. It should be reiterated that it still remains the discretion of the officer in charge of the matter as to the type of action to be taken in all the circumstances.

The decision to issue a CIN does not remove the obligation of police to fully investigate the incident, if required i.e. taking statements, collecting exhibits, etc.



1.3 Objectives

The objectives of the Act are to:

- reduce the time that police and the judicial system spends processing minor criminal offences;
- reduce the potential risks associated with arresting and placing a person in custody;
- provide a fairer balance between the time spent in police custody and the final outcome at court which reflects the severity of the offence committed; and
- provide another non custodial alternative for minor offences committed by Aboriginal and Torres Strait Islander (ATSI) people.

1.4 Definitions

1.4.1 Penalty Notices

The NSW Police Force has named these penalty notices Criminal Infringement Notices (CINs).

1.4.2 Adult

A person aged 18 years or over.

1.4.3 Senior Police Officer

- a) A local area commander; or
- b) A duty officer for a police station; or
- c) Any other police officer of the rank of inspector or above.

1.4.4 Suspect

The person who has or is alleged to have committed an offence.



Criminal Infringement Notices – Part 2

2.1 Who Can Be Issued a CIN?

A CIN can only be issued to an adult whose identity has been confirmed and who meets the offence criteria.

2.2 Who Cannot Be Issued A CIN?

CINs are **not** to be issued to:

- a serving police officer;
- a person under 18 years of age. The *Criminal Procedure Act* provides that if a CIN is inadvertently issued to a person under 18 years of age, further proceedings **may** be taken against any person as if the notice had never been served; and
- someone with an unknown or unconfirmed identity.

Police must be satisfied prior to issuing a CIN, that the CIN is appropriate given ALL the circumstances. The CIN option remains the discretion of the police officer.

Refer to sections 2.4 and 2.5 for further information.

2.3 Suspect Identification

Police must be certain of the identity of a suspect prior to issuing a CIN.

Section 341 of the *Criminal Procedure Act 1986* gives police the power to request the name and address of the suspect, and then request verification of those particulars.

Failure of the suspect to supply name and address particulars on request or provision of false details to police is an offence. However, it is not an offence if the suspect fails to supply evidence of their identity (such as a driver's licence) to police.

In the absence of evidence or other verifiable information which confirms a suspects identity (e.g. CNI record via police radio or personal knowledge of person by the police officer), a CIN **cannot** be issued.

If there is any doubt as to the identity of the suspect, you should proceed with other options, i.e., arrest and CAN or charge.



The taking of fingerprints from a person upon issue of a CIN is carried out under *section 138A(1)* of the *Law Enforcement (Powers & Responsibilities) Act*.

The *Criminal Procedure Act* clearly states that **persons under the age of 18 are not to be fingerprinted or issued with a CIN.**

2.4 Prescribed CIN Offences

The seven offences covered by the legislation are:

- larceny – where value of property or amount does not exceed \$300 (*Section 117; Crimes Act*);
- obtaining money etc. by wilful false representation (*Section 527A; Crimes Act*);
- goods in custody (*Section 527C; Crimes Act*);
- offensive conduct (*Section 4 (1); Summary Offences Act*);
- offensive language (*Section 4A (1); Summary Offences Act*);
- obstructing traffic (*Section 6; Summary Offences Act*); and
- unauthorised entry of vehicle or boat (*Section 6A; Summary Offences Act*).

A copy of the Criminal Fixed Penalty Handbook (P23C) is attached at the end of this document. This card provides a list of applicable CINs offences and offence codes.

2.5 Circumstances When A CIN Cannot Be Issued

Circumstances in which a CIN cannot be issued include:

- domestic violence offences;
- seriously intoxicated or drug affected persons (such that you believe the suspect cannot comprehend the procedure);
- continuing offences – when the suspect refuses police requests to stop the offence, i.e. offensive language, offensive behaviour, etc;
- when the suspect is the subject of an outstanding 1st instance or apprehension warrant;
- in cases where there are circumstances requiring further investigation;
- industrial disputes;
- apparent genuine demonstrations or protests;
- assault offences;
- processions;
- organised assemblies;
- when the suspect is a serving Police Officer; and
- all other offences, unless specified in the prescribed CIN offences.



2.6 Multiple Offences

Note: *If the suspect has committed multiple offences, police are required to deal with all offences in the same manner, i.e. CIN, FCAN, CAN or arrest and charge. Do **not** issue a CIN for one or two offences then proceed with other options for the additional offences.*

Note: *Up to four (4) on the spot CINs can be issued to a suspect at any one time.*

2.7 Repeat Offenders

Police should use their discretion in issuing CINs to repeat offenders, balancing the time saved with the need to have an appropriate penalty imposed that reflects community expectations.

2.8 Effect of Payment of Penalty

Section 338 of the Criminal Procedure Act states that once the penalty has been paid in relation to a CIN, no further proceedings can be taken against the suspect for that offence.

Payment of a penalty is not to be regarded as an admission of liability for the purposes of any civil claim, action or proceeding arising out of the same occurrence.

A criminal record of the offence is not kept if the penalty is paid. However, a record of issued CINs is maintained on the COPS database under the 'legal process history' tailoring option.

2.9 Monitoring of the Process

The NSW Police Force will monitor and evaluate the process of Criminal Infringement Notices. Also, *section 344 of the Act* requires the Ombudsman to monitor Criminal Infringement Notices and in particular the impact of CINs on Aboriginal and Torres Strait Islander communities.

Use Of CINs In High Visibility Operations

Police are encouraged to use Criminal Infringement Notices whilst undertaking 'high visibility' operations such as Vikings if the criteria for use are met.



Issuing A CIN – Part 3

3.1 Process For Issuing A CIN

- Interview the complainant (if relevant) and the suspect.
- Conduct an initial investigation to establish an offence has been committed (if necessary take statements, collect exhibits, etc).
- Consider all available alternatives for processing – CIN, FCAN, CAN charge, caution etc.
- Ensure the offence can be dealt with by issuing a CIN (If not, consider the use of a FCAN).
- Undertake a Criminal Names Index (CNI) check of the suspect via VKG or other means. Ensure a 'legal process' check is undertaken. This check will also confirm the date of birth of the suspect.

If you decide to issue a CIN and you do **not** know the suspect's name and address, apply the safeguards under *section 341* of the *Criminal Procedure Act* as follows:

- provide evidence to the suspect that you are a police officer (not required if you are in police uniform);
- provide your name and place of duty;
- inform the suspect of the reason for the request, e.g. I require this information before I can consider issuing you with a Criminal Infringement Notice;
- warn the suspect that failure to comply with the request may be an offence and may result in their arrest and issue of a Court Attendance Notice;

Note: Police are not required to apply the custody management caution and summary of Part 9 of the Law Enforcement (Powers & Responsibilities) Act 2002 (LEPRA) to a person to whom they are issuing a CIN as long as the CIN is issued in the field.

- request the suspect's name and address;



- verify the suspect's identity. Seek proof of the suspect's name and address. Normal checks for identity such as licence, vehicle registration and other personal identification provided by the suspect should be undertaken. It is **not** an offence if the suspect fails to supply confirmation of personal details, however an unverifiable name and address means that a CIN cannot be issued;
- decide whether fingerprints need to be taken. Consider the proof provided by the suspect and whether it is sufficient to verify the details provided, especially given recent trends in identity theft and the use of fake identification that appears authentic;
- if you determine that fingerprints are to be taken, request the suspect consent to having fingerprints and palm prints taken - Refer section 3.2 for information in relation to taking fingerprints in the field;
- issue a warning to the suspect that if they do not consent to the request to provide fingerprints/palm prints, an arrest for the offence may be made and that while in custody the suspect's fingerprints/palm prints may be taken without consent;
- contact a supervisor or duty officer in cases of uncertainty relating to fingerprinting;
- legibly complete the CIN with correct details. Refer to the CIN P23C card for offence details. Include the LAC location code;
- serve Part C of the CIN on the suspect, preferably at the time of detection and in any case within 14 days of the offence. The Act requires that the CIN must be served personally by the police officer;

Note: If fingerprints are to be taken they should be taken at the time a CIN is issued. Police cannot request the suspect to provide fingerprints at a later date

- explain disposal methods and the option for the matter to be dealt with at court;
- if fingerprints are taken, advise the suspect that:
 - if payment is made, the fingerprints will be destroyed;
 - if payment is not made fingerprints will be retained until the matter has been finalised. Depending on the outcome, the fingerprints will either be retained or destroyed; and
 - if the suspect elects to have the matter go before a court, a fingerprint search will be undertaken. If the suspect is convicted at court a criminal record will be established and the fingerprints will be retained with that record.



- record the following information in your notebook:
 - suspect's details;
 - suspect's statement;
 - complainant's statement (if applicable);
 - details and statements of any witnesses;
 - description and estimated value of stolen property (if appropriate);
 - description of the incident;
 - observations;
 - CIN number and offence; and
 - any other relevant information.
- If the suspect refuses to accept the decision to proceed by CIN, follow the established procedures for other options such as FCANs, CAN or FutureCANs. Make a notation that the suspect refused the CIN in your notebook and in the associated COPS event.
- If an alternate means of action is more appropriate than the issue of a CIN, (for example, the person has already been previously issued CINs for similar offences or, the circumstances of the offence are of such a serious nature they require the matter to be brought before a magistrate, or false information has been supplied, or multiple offences (more than 4) are involved) the use of Court Attendance Notices (FCANS or Future CANS) should be considered.

3.2 Taking Fingerprints In The Field

A police officer serving a CIN may require the suspect to submit to having his/her fingerprints and/or palm prints taken.

The special fingerprint form is designed for taking fingerprints in the field **only** and, along with the Easy Print Ink Pad, is **only** to be used when a CIN is issued.

The regular method of fingerprinting a suspect using the P691 fingerprint form by ink or Livescan will be used when a decision has been made to proceed by CAN or charge.

Fingerprints are to be taken in an area that is relatively private and away from the public. **Suspects should not be fingerprinted in full view of the public.**

When fingerprinting in the field, plain impressions from both hands only are to be taken. (see next page)

'When fingerprinting in the field do not take rolled impressions, only plain impressions of four fingers together from each hand as well as interdigital.' Ensure impressions are of sufficient quality to allow for identification purposes.



The procedures below are to be followed:

- provide evidence to the suspect that you are a police officer (not required if you are in police uniform);
- provide your name and place of duty (if two police officers are present, only one officer is required to provide this information. However, if the suspect asks the second officer for name and/or place of duty, that officer must provide the information requested);
- request the suspect to consent to having fingerprints and palm prints taken if not completely satisfied of the suspect's identification;
- give the reason for requesting the prints;
- provide a warning that if the suspect does not consent to the request to provide fingerprints/palm prints, then a CIN cannot be issued and an arrest for the offence may be made and that while in custody the suspect's fingerprints/palm prints may be taken without consent;
- contact a senior police officer in cases of uncertainty relating to fingerprinting;
- take the suspect to an area out of sight from the general public;
- request the suspect to clean their hands with a moisture towelette ('Wet Ones') if available;
- ensure all print equipment (forms and ink pads) are clean and free from dust/grease;
- place the fingerprint form on a firm surface;
- legibly write the CIN number on the top of the fingerprint form;
- stand alongside the hand being printed;
- do not reach across the front of the suspect or let them stand behind you;
- take the fingerprints (plain impressions) of one hand by placing the four fingers together - index, middle, ring and little fingers, slightly apart – on the ink pad ensuring you ink from the top of the finger to the bottom of the second joint;
- place the inked fingers onto the part of the form indicated for the plain impressions of that hand. Ensure that these impressions are recorded on the form sideways with the top of the fingers just below the words "top of fingers";



- repeat same with the other hand;
- take the plain impressions of the left and right thumb prints in the indicated boxes in an upright manner as per form;
- turn the form over, ink the interdigital (the portion of palm just under the base of fingers) of one hand and place onto the area of the form as indicated;
- repeat same with the other hand;
- have the suspect rub their hands together to remove the excess fingerprint ink (If you have any moisture towelettes available, hand one to the person);
- if any print cannot be taken, make a note on the form where the print should appear, i.e: finger missing or finger bandaged/injured, as the case may be; and
- legibly complete the details on the interdigital side of the form as requested (the Court and Court date are to be completed before forwarding form).

Note: A notation is to be made in the appropriate section of the fingerprint form indicating whether the suspect is of Aboriginal or Torres Strait Islander descent.

3.3 Actions On Return To The Police Station

- A police officer issuing a CIN will create an event on COPS.

*Note: Police from one area performing duty at another LAC **must** create the event under the profile of the LAC in which they completed their shift, not their own command.*

- The following information is to be included:
 - suspect's details;
 - details of the offence;
 - CIN number (An action detailing the CIN number will be automatically created);
 - suspect status under the legal process field; and
 - indication whether the suspect is of Aboriginal or Torres Strait Islander descent.
- Write the event and CNI number on the front of the fingerprint form.
- Forward the fingerprints taken for a CIN to Fingerprint Operations, Forensic Services Group. The fingerprint forms will be held by Fingerprint Operations, and not processed, until notification is received that the person has paid the fine. If the infringement is paid, the prints will be destroyed.



- Forward Part A of the CIN to the State Debt Recovery Office (SDRO) - (See *Chapter B* of the *Police Service Handbook – breach reports and infringement notices*).
- The State Debt Recovery Office will provide monthly updates electronically of transactions for infringement notices. This will be disseminated via the EDW manager. This list will be sent to the brief handling manager, who will ensure a notation is made on COPS.
- All exhibits are to be handled in accordance with established practices as set out in *Chapter E* of the *Police Service Handbook – Exhibits*.

3.4 Withdrawal of a CIN

Section 340 of the *Criminal Procedure Act* provides:

- 1) a senior police officer may at any time withdraw a penalty notice issued by a police officer under this Part; and
- 2) a senior police officer must withdraw a penalty notice immediately if directed to do so by the Director of Public Prosecutions.

If a CIN is inadvertently issued to a person under 18 years of age, *section 335* of the *Criminal Procedure Act* states that the prescribed amount for the offence for which the CIN was issued is not payable and if the amount has been paid it is to be repaid to the suspect.

If it is later found that the suspect does not meet the criteria or it was not appropriate to administer a CIN (e.g. information supplied was false) investigating police, with the consent of a senior officer may withdraw the CIN and, subject to the withdrawal, must:

- a) update the COPS event to the effect that the CIN has been withdrawn. The local area commander or representative (e.g. police informant) will ensure the suspect is notified of the withdrawal of the CIN. Further, the informant will notify all witnesses and victims;
- b) if further process is being considered, amend on COPS the person of interest status in the incident from legal process to 'suspect' or 'wanted'. Then create a COPS charge which will link it to the incident;
- c) prepare a brief of evidence; and
- d) endorse 'withdrawn' on Part A of the CIN and refer the matter to the State Debt Recovery Office.



3.5 Circumstances When a CIN Must Be Withdrawn

- The CIN was inadvertently issued to a person under the age of 18 years of age.
- The CINs' criteria was not met, because either, the identity of the suspect cannot be confirmed, or the offence is not an offence prescribed on the CINs offence list.
- The CIN was inadvertently issued to a serving police officer.
- The CIN was issued in another circumstance when it cannot be issued (Refer section 2.5).

The withdrawal and cancellation procedures for other infringement notices should be followed as outlined below.

Infringement Notices to be Withdrawn

When you have issued an infringement notice which requires withdrawal, (e.g. a CIN is now to be dealt with via alternate action) do not try to retrieve it from the person to whom it has been issued. Generate a report outlining the reason for the withdrawal and submit it to your supervisor with Part A attached. File a copy of that report with Part B in the infringement book. Endorse the word 'withdrawn' on Part A.

Supervisor

Send the report and Part A to SDRO with a covering memo as soon as possible.

The State Debt Recovery Office

The infringement should be actioned as 'withdrawn' and advise the reporting officer of this.

Reporting officer

On receiving the advice from the SDRO, update the COPS event to reflect the withdrawal of the notice and commence other proceedings if applicable in line with the CINs SOPs.



Infringement Notices Cancelled

When you make an error preparing an infringement notice or decide upon an alternate means of action once the infringement notice has been commenced, do not issue it, instead:

- endorse all parts with 'cancelled';
- include the reason and action taken;
- sign the cancelled notice and write your name, rank, station and date;
- cross reference it to any new notice, event or charge you generate; and
- show the cancelled infringement notice to your supervisor.

Supervisor

Check cancelled notices are correctly endorsed then sign/date and write your name & rank on Part A of the infringement whilst still in the infringement book.

Remove Parts A and C, staple them together & send them to SDRO daily.

3.6 Extra Information Relating To the Withdrawal of a CIN

The following extract is taken from *'NSW Ombudsman – Review of the Crimes Legislation Amendment (Penalty Notice Offences) Act 2002'*, April 2005 (p.32-33):

Withdrawal of a Penalty Notice

The Act provides for the withdrawal of a penalty notice by a senior police officer before the due date for payment, either at his or her own discretion or at the direction of the Director of Public Prosecutions. If the notice is withdrawn but the penalty has already been paid then the payment is to be refunded. If a penalty notice is withdrawn in this manner it is then possible for other proceedings to be commenced. The circumstances that might see a penalty notice withdrawn after it has been issued include either a lack of legislative or procedural compliance underpinning the notice. An example of where the former would occur is where, contrary to the legislation, a penalty notice had been issued to a juvenile, for a non-prescribed offence...

Procedural non-compliance might result where, for example, following the issue of a CIN it was discovered that the CIN had not been issued in accordance with the SOPs, or the CIN itself had been completed incorrectly.



Withdrawal of a CIN, once issued, was also sought by some recipients making representations to either NSW Police Force or IPB. Such representations generally claimed either extenuating circumstances or mitigation, and sought dismissal of the offence. Similar representations are permitted by the IPB as a means of appealing an infringement arising from a traffic offence:

You can ... write to the Infringement Processing Bureau outlining your situation. For traffic offences consideration may be given to your case if you have a clear driving record in the prior consecutive 10 years. If there was found to be an error by the reporting officer, or if there are extenuating circumstances that can be properly supported by documentation, consideration may also be given.

3.7 Flowchart

A flowchart has been designed which provides a schematic presentation of the SOPs (see Part 5 of this document).



Penalty Notice Books – Part 4

4.1 Contents

The P23C card, has been designed for inclusion in Penalty Notice Books. This card lists the offences for which a CIN can be issued.

Each infringement notice consists of three parts (Parts A, B and C). Part (A) is forwarded to the Infringement Processing Bureau, Part (B) is given to the suspect while Part (C) remains in the Penalty Notice Book.

Penalty Notice Books are accountable documents and should be managed and audited in line with the Command Management Framework.

On receipt of penalty notice books the allocated portfolio supervisor will:

- check them for numbering and printing errors and report any defects to the Infringement Processing Bureau (IPB);
- record particulars in the accountable forms' register; and
- record when (date) and to whom the book was issued and then later, the date the book was completed.

Report lost, stolen or missing Penalty Notice Books to IPB. Keep completed and defective books for audit purposes for 12 months within the LAC.

Note: IPB is now known as the State Debt Recovery Office (SDRO).

4.2 Control

4.2.1 Police Officers Generally

- Police officers are responsible for Penalty Notice Books, fingerprint forms and ink pads issued to them when not handed to the shift supervisor at the end of the shift.
- Report any discrepancy in any Penalty Notice Book, Fingerprint Forms or Ink Pads to your local area commander.



4.2.2 Shift Supervisor

Shift Supervisors are to ensure:

- internal security of the Penalty Notice Books, fingerprint forms and ink pads;
- daily clearance of notices;
- cancelled notices are regularly checked against the IPB report; and
- Penalty Notice Books, fingerprint forms and ink pads are not interfered with by an unauthorised person.

4.2.3 Driver Handing Over Vehicle

- When you hand over the vehicle to which the Penalty Notice Books, fingerprint forms and ink pads are on issue, record in the diary the number of the first unissued notice in each book.
- When the vehicle is not immediately handed over, hand the Penalty Notice Books, fingerprint forms and ink pads to the officer performing station duty for safekeeping.

4.2.4 Driver Receiving Vehicle

- Verify the numbers with the relevant notices and certify in the diary the Penalty Notice Books, fingerprint forms and ink pads have been received in good order and condition.

4.2.5 Daily Record of Penalty Notice Books

The LAC will keep a record of Penalty Notice Books, fingerprint forms and ink pads left at your station or office for safe keeping, in a book and include for both when the books are taken out and returned:

- the Penalty Notice Book number;
- the time and date taken/returned;
- the next infringement notice number; and
- signatures of issuing, receiving and returning officers.



Development and Review – Part 5

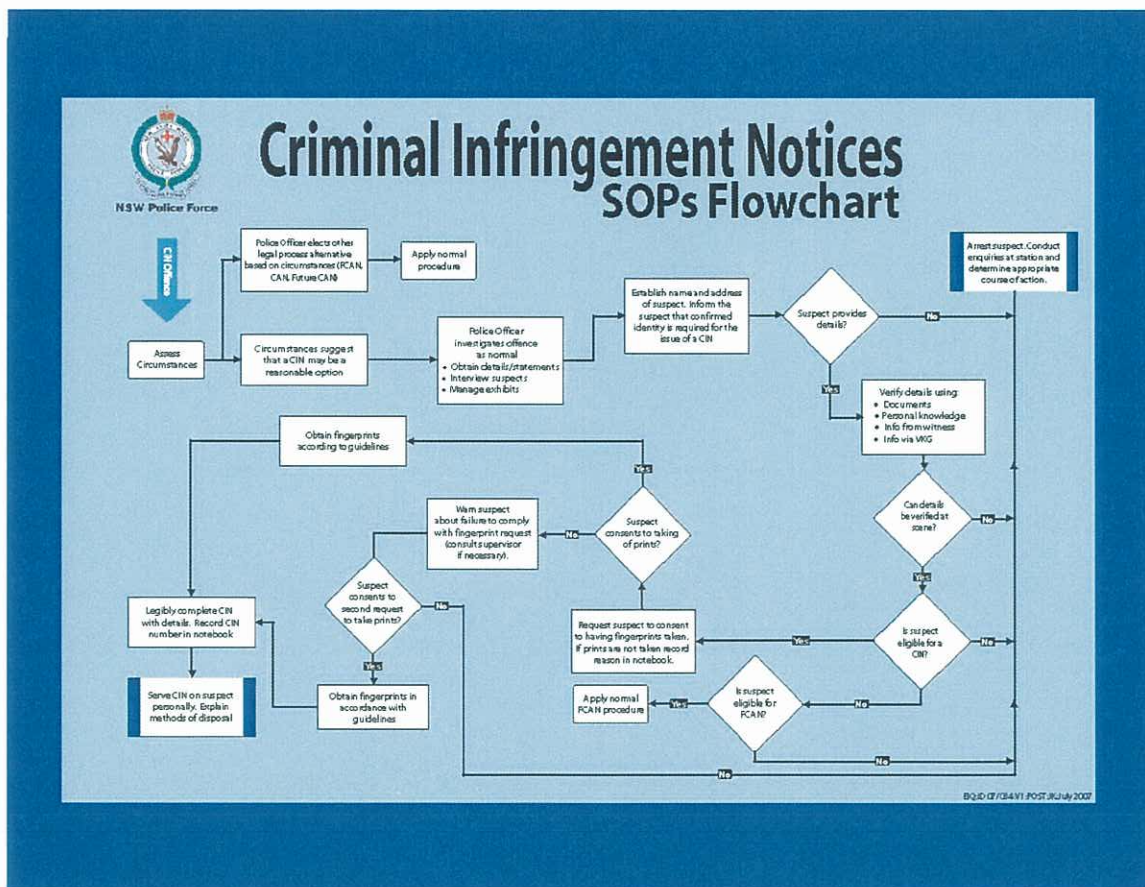
5.1 Development of the Policy, SOPs and Flowchart

The Policy and SOPs were developed by the CINs Working Group (Policy/SOPs) using information contained in the *Crimes Legislation Amendment (Penalty Notice Offences) Act 2002*, *FCAN Training Package*, *Cannabis Cautioning Scheme Guidelines*, *Court Attendance Notice System (CANS)*, the *Code of Practice CRIME* and relevant chapters of the *NSW Police Handbook*.

5.2 Review

A review of this Policy and Standard Operating Procedures will be ongoing with all enquiries to be forwarded to the Criminal Infringement Notice Steering Committee or Superintendent Wilkins.

5.3 SOPs Flowchart





5.4 P23C Fixed Penalty Offence Card

State Debt Recovery Office

The Fines Division of OSR



Office of State Revenue
NSW TREASURY
ISO 9001-Quality Certified
ABN: 77 456 270 638

NSW POLICE – CINS (P23c)

Fixed Penalty Handbook

Offence Code	Reg. Code	Short title	Type	Penalty Level \$	Ref.
Crimes ACT 1900					
0770	HHA	Larceny (under \$300)	99	300	Sec 117
0771	HHB	Shoplifting (under \$300)	99	300	Sec 117
0775	HHF	Obtain money etc by false representation	6	300	Sec 527 A
0776	HHG	Goods in personal custody suspected of being stolen (not motor vehicle)	6	350	Sec 527C(1)(a)
0784	HIE	Goods in personal custody suspected of being stolen (motor vehicle)	6	350	Sec 527C(1)(a)
0787	HIH	Goods suspected stolen in custody of other (not motor vehicle)	6	350	Sec 527C(1)(b)
0788	HIJ	Goods suspected stolen in custody of other (motor vehicle)	6	350	Sec 527C(1)(b)
0790	HIL	Goods suspected stolen in/on premises (not motor vehicle)	6	350	Sec 527C(1)(c)
0791	HIM	Goods suspected stolen in/on premises (motor vehicle)	6	350	Sec 527C(1)(c)
0792	HIN	Goods suspected stolen given other not entitled (not motor vehicle)	6	350	Sec 527C(1)(d)
0793	HIO	Goods suspected stolen given other not entitled (motor vehicle)	6	350	Sec 527C(1)(d)
SUMMARY OFFENCES ACT 1988					
0794	HIP	Offensive behaviour	6	200	Sec 4(1)
0795	HIT	Offensive language	6	150	Sec 4A(1)
0797	HIV	Obstruct person/vehicle/vessel	6	200	Sec 6
0800	HIZ	Unlawfully enter vehicle/boat	6	250	Sec 6A