

## **INQUIRY INTO PUBLIC DISTURBANCES AT MACQUARIE FIELDS**

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**Theme:**

**Summary**

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## **INQUIRY INTO PUBLIC DISTURBANCES AT MACQUARIE FIELDS**

### **INTRODUCTION:**

My name is Michael John Weston and I am a Detective Sergeant at the Cabramatta Local Area Command (LAC). I have 24 years operational service, 18 years in criminal investigation, primarily in the south western suburbs of Sydney (Fairfield/Cabramatta). I am making this submission because of my love and passion for the profession of policing. I am no doubt, like many of the other officers who have spent the time to prepare submissions to your committee.

Whilst stationed at the Fairfield LAC from 1988 to 1992 and again from 1995 to 2000 I was involved in similar problems involving criminal gangs involved in major criminal enterprises of drugs, violence and firearm dealing from Department of Housing estates. This criminal group which operated out of the Villawood Housing Estate later became main targets of Task Force Gain. This same location involved regular riots which resulted in serious injuries to persons and property.

I have made submissions and complaints on behalf of this community because of the failure of the police leadership at the time. Again the police and the government ignored what was taking place.

I was then stationed at Cabramatta LAC (2000 to present) during a previous Parliamentary Inquiry and also made a submission to that committee.

During the Cabramatta Inquiry I was the Commander of Operation Hammer which targeted street level dealing primarily within the central business district. I was involved in many meetings with members of the current government and other government agencies during these difficult times.

I, along with other police participated and made submissions to then Police Minister, Paul Whelan dealing with issues relating to resources available to the Cabramatta Command. My fellow colleagues gave up their personal time to research and put together these submissions to the then Minister, who it appears ignored them.

Most of these same issues which were raised by us at Cabramatta were again raised in the Redfern Inquiry and again they appeared to have been ignored. I have no doubt that the same, if not similar issues will again be raised during this inquiry.

It appears that nothing has been learnt by both the Government and the Police Leadership over the past five years and two previous parliamentary inquiries (Cabramatta/Redfern). All three inquiries (Cabramatta, Redfern and Macquarie

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Fields) will have at there core, the same issues of LEADERSHIP and LEGISLATION.

My submission will address the terms under subsection (a) of the Terms of Reference which deals with Police Strategies and Resources.

A resource is defined as "the means (tools used) in supplying a service". Like the staff, vehicles, buildings, equipment etc which are recognised as police resources, I will include legislation and leadership under this definition. Both these are tools used in supplying our service which is law enforcement.

It is my opinion that it is a failure of leadership of the Police Force to listen to its members, and the community or maybe I should use the fancy term of stakeholders. I will address the failure of leadership and how they have attributed to the problems at areas like Macquarie Fields.

The other area I will address is that of legislation. Most of these legislative changes have occurred post Royal Commission and have also impacted on the efficiency of our Police. This area can also be connected to leadership who have failed to address this issue.

#### **LEADERSHP:**

The present leadership of the NSW Police Force all come from similar backgrounds. These backgrounds are distinctly lacking in operational experience. Commissioner MARONEY and his Deputies, MADDEN and SCIPIONNE are clones in style and attitudes. By that I mean is that they all think exactly the same way.

What we lack is a leader, especially in the area of Operations that has a genuine operational background. Dave MADDEN does not have the experience or background to do this job properly.

General George S Patton once stated "If everybody's thinking alike, somebody isn't thinking". This is the problem of the leadership of the Police Force. They cannot think outside the square. None of them is thinking or listening or grasping what is happening operationally.

Over the past number of years we have lost many valuable senior police who have come from operational backgrounds. If ever an inquiry should be called it is why these types of officers are fleeing the NSW Police. Men like Bob INKSTER, Clive SMALL come to mind. Look they may not be everyone's cup of tea personally. But I believe that it is there type of leadership styles that are needed at the moment. No nonsense leadership, situational leadership as the academics tell us.

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I know that when former Assistant Commissioner SMALL took over control of the Greater Hume area we finally got some genuine leadership and direction. I don't recall SMALL forming inquiries that took months and then doing nothing in the interim. He just got down and did it.

I noted in the Coburn Report (inquiry into Redfern Riots) that criticism was levelled at the Redfern LAC for using a fire hose against rioters. To me this is an example of strong leadership being shown. Not in the eyes however of more senior police who felt he had left the organisation open to legal action.

The current leadership of the NSW Police Force must take most the brunt for what purports to be law enforcement within this State. The failure of the Commissioner and his deputies to take charge and lead is disgraceful. I don't think that the word CONFLICT is in their respective vocabularies. What I mean by that is that they are never critical of outside influences, ie the Government or its agencies. Maybe this is because of the relationships that have developed with the present Government and its politicising of the position of Commissioner which began with the appointment of Peter Ryan.

The leadership of the police has three obligations

1. Government
2. Staff
3. Community

The present leadership only worries about the first. I don't think that any recent police leader has spoken out against the government about funding or legislation. Unlike their counterparts in Health and Education who continually speak their minds about resources or lack thereof. Their obligations to staff and the community are not of an equal standing.

The present leadership deals with any internal criticism like the shortage of detectives or the promotion system with the regular cry of "Let's have an inquiry." These two issues have gone on for years and still they have not been addressed. The shortage of designated detectives across the state has still to be addressed. This no doubt impacts on commands like Macquarie Fields to deal with serious crime.

These leaders need to stick their heads out of their Ivory Tower and see what is going on in the real world of policing. All they seem to do is quote figures and statistics and patting themselves on the back, saying what a good job that they do.

A colleague of mine, Detective Sergeant Frank Reitano in his submission to the Redfern Inquiry argued about the impact of a softly softly approach to indigenous offenders in his Local Area Command (LAC). The police leadership has a softly softly approach as the basis of its leadership. It does not believe in conflict.

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Police on the street may have other ideas. They are the ones who are out there on the streets. Maybe it would be interesting to look at other areas like social disorder. By this I mean crimes that generally go unreported or have low reporting rates. Such things like

- Street Brawls
- Malicious Damage (Vandalism/Graffiti)
- Riots
- Public Drunkenness
- Offensive Behaviour
- Anti Social Behaviour

Policing is not just a matter of statistics. It is a matter of public and police perceptions. They are the ones at the coal face, they know what goes on.

Further examples of poor leadership flow into my next topic of legislation. The failure of our leaders to show any real leadership and support of their troops is there lack of support in the following areas.

#### COBURN REPORT:

Looking over the Coburn report and the review team I saw it was led by former Assistant Commissioner John LAYCOCK. Who as an LAC himself sat on his hands and did nothing about serious crime in his previous command of Fairfield.

These reports are generally prepared by people who have limited patrol level experience. They come from headquarters or the State Crime Command. Their perceptions are different from local police. Their pressures are different. They do not have that day to day contact with the community nor do they have the caseloads of local detectives and know local issues. They come from commands that are generally well resourced.

An example of this can be seen in comparing a response to claims by Detective Reitano who in his submission to the Redfern Inquiry identified police experience levels as a matter of concern. He details these concerns under the heading of OTHER RESOURCE ISSUES.

Strike Force Coburn (page 10) only comment about this issue was that three quarters of the police in attendance at the riot were higher in rank than probationary constables. This statement tells us nothing. I would like to know the exact breakdown.

Further into the report under the heading of Staffing (page 17) dealing with finding and recommendations points 1 and 2. In discussing experience levels at Redfern its comment was that it was in line with other commands.

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I am sure that if you spoke with other commands that they too would have concerns about experience levels. Again here is another serious issue that is whitewashed by the leaders.

I generally feel sorry for the young police. They are let down by the system. Experience levels are falling with more senior police retiring, resigning or discharged for medical reasons.

When I joined the cops in 1981, I worked with Sergeants and senior constables on the truck who had extensive experience. The same applied when I went commenced a criminal investigation career in 1987. These sergeants had at least 16 years service and senior constables 9 years minimum. Now a senior constable has 5 years and sergeants can have not much more.

Now when people come out of the academy they can be mentored by someone who has only just completed there probationary period and who was probably mentored themselves by someone with limited experience. It is a continuing circle. There are some wonderful young policing that I have had the experience to work with. I just wish there was more of me and other experienced officers to go around.

In conclusion in my submission about leadership, I shall leave you with this quote from Robert Townsend, which I think accurately describes current police leaders.

*"True leadership must be for the benefit of the followers, not the enrichment of the leaders"*

### **LEGISLATION:**

Most of the acts of parliaments that I mention have been enacted as a result of the Police Royal Commission and calls for increased accountability. This call for increased accountability has led to a decrease in police efficiency. Most of these acts are time consuming to police and tie them up for hours in extra paper work to comply with legislation.

There should be a balance between the two (accountability/efficiency) but at the moment there is not.

### **Police Powers (Drug Premises) Act 2001 No 30**

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So as I don't appear to be too negative. I will congratulate the Government on one thing that did come out of the Cabramatta Inquiry. This was a piece of legislation called the "Drug Premises".

This piece of legislation was one of the most successful. It was created with input from police and the government. It was also supported by the Local Court Magistrates who supported it with tough sentences.

Without the support of the judiciary it would not have been as successful. This truly was an example of the government, police and the justice system all working together and achieving a positive outcome.

Drug premises within the Cabramatta area are practically non-existent now. I believe that this legislation contributed greatly to our success.

It appears that most recent legislation has sacrificed efficiency for accountability. That is fine it that's what the people of NSW want. But they should be told the truth. They can then decide at the ballot box if what governments do. It is I believe one of the greatest reasons for police inefficiency and frustrations.

**The Law Enforcement (Controlled Operations) Act 1997 (NSW):**

This act has been criticised by police from nearly its inception. At Cabramatta we complained about it. I notice that it also played an important part in the submission into the Redfern Riots. What has changed, absolutely nothing.

There has been so much talk and submissions made to both the Police hierarchy and to the government about the way this legislation binds the hands of police to do their jobs.

The applications themselves are time consuming. For example it could take up to four weeks (minimum) for an authority to be granted.

**Crimes (Forensic Procedures) Act 2000 No 59**

This particular piece of legislation was introduced primarily to deal with the taking of DNA samples by police. Most DNA samples are obtained from placing a simple cotton wool swab into the mouth of a suspect. A procedure which is no more invasive than obtaining a set of fingerprints. Fingerprints are taken of all charged offenders as part of the charging process. The taking of a DNA swab adds a further two hours to the charging process to comply with the act.

Other simple investigative procedures like the simple taking of photographs are lengthened because of this legislation. For example you are investigating an assault. Your offender has physical evidence upon him, ie abrasions on knuckles etc. The procedure just to take a simple photograph of injuries can add

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up to two hours of investigation time. And this may be just a common assault that occurs every day of the week.

Dealing with juvenile offenders is also complicated by this act. Police now waste valuable time preparing applications and attending court to obtain authorities to conduct similar forensic procedures upon children.

I am not saying that there is not a place for some guidelines on police to deal with truly invasive procedures, but the way the legislation applies to simple things like photographs and swabs are a complete waste of valuable police time and resources.

### **Crimes (Detention after Arrest) Regulation 1998**

This act was introduced to deal with Williams Case and gave police a certain period of time to conduct their investigations upon the arrest of a suspect.

Problems exist now during the execution of search warrants and suspending searches whilst offenders are taken back to police stations. Police can now stand around for hours waiting before they can proceed. Again a waste of police time. It can also leave police open to criticism which can be used by defence teams in later court proceedings.

Applications now have to be made for Detention Warrants (when required) which again draws away police resources.

### **Law Enforcement Powers and Responsibilities Act 2002:**

This act is not yet in force and was designed to combine under one act all police legislation. It is however an example of how the Government and Police Leaders sit on their hands and do nothing.

When this act was to be enacted a problem was discovered in relation to the execution of search warrants and the video taping requirements imposed by the legislation. To my knowledge this problem still has yet to be fixed.

### **Other Resource Issues:**

Increased scrutiny of the police by the courts of police evidence has led to the increased reliance upon the use of Listening Devices and Telephone Intercepts. The availability of these resources, especially to Local Area Commands is very restricted owing to the lack of resources.

Police at the local area have trouble gaining access to these resources. In my experience these types of resources are dominated by the State Crime Command (SCC) and Internal Affairs.



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For example when undertaking a murder investigation in Cabramatta I required the examination of a computer hard drive. I believed that there may have been evidence critical to the investigation. The hard drive was taken immediately to the High Tech Crime Unit for examination. Remember this is a murder investigation. Eighteen months later, the trial began and the computer had still not been examined. Their excuse being lack of resources, however I know that their work was dominated by the SCC for minor matters.

Again in 2004 I was conducting an investigation into the counterfeit production of driver's licences, bank cheques and other forms of identification. This crime was being committed by a computer expert. A large number of hard drives and computer disks were seized during the execution of a search warrant.

To date no action could be taken against the suspect because of the lack of resources to retrieve evidence from the electronic devices. In fact the Command was expected to pay up to a possible \$20,000 for an external expert to exam the computers. This fee was rejected by the LAC who did not have the funds within his budget to pay for such an examination. The suspect remains at large more that likely continuing his criminal activities.

#### Conclusion:

Many good operational police have spoken out in the past. All we have gotten from it is stress and ill health. We do this because we loved our jobs and are committed to providing safe environments and improved quality of life to our local communities.

Maybe it's because the current police leadership lack genuine coal face policing experience that they do not understand. They go home to their secure environments untroubled and uncaring about what goes on outside the fortress homes. They surround themselves with like minded individuals, generally who owe them a debt because of promotion opportunities.

I am also sceptical about this, and previous inquiries that have been conducted. They all appear to be a waste of time and argued upon political lines. The Cabramatta Inquiry was allowed to descend into a farce. They went so far off the track to try and score political points. Redfern I gather was much the same.

The points I and other police have made previously don't appear to be vigoursly debated. If such things like legislation aren't a problem lets hear the opposing arguments. Why have no changes been made after 5 years of inquiries.

If the Carr Government believe that these types of legislation are in place to bring accountability to the police for past deeds, then let them say so, OPENLY. They themselves are accountable to the people of NSW. They (the people) are the

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ones that should have the final say in whether this current legislation impacts upon the efficiency of the police. The ballot box is their voice.

I would be happy to discuss any of these issues with your committee at a future time.

Michael J Weston