

**INQUIRY INTO GAY AND TRANSGENDER HATE CRIMES
BETWEEN 1970 AND 2010**

Organisation: NSW Police Force

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NSW Police Force

NSW POLICE FORCE SUBMISSION TO THE INQUIRY INTO GAY AND TRANSGENDER HATE CRIMES BETWEEN 1970 AND 2010

Table of contents:

Contents	Page number
Introduction and outline of submission	1
Section 1: Strike Force Parrabell findings, progress and commentary on gay and transgender hate crimes in NSW	2 - 4
Section 2: Police engagement with LGBTIQ communities	4 - 9
Section 3: Police response to hate crime/bias crime	9 - 11
Section 4: Recommendations	11 - 12
Section 5: Evidence (attachments)	

Evidence (Attachments):

- a) Copy of Progress Report on Strike Force Parrabell Recommendations
- b) Copies of policies including current Sexuality, Gender Diversity & Intersex Strategy document and new draft Strategy document; Current Action Plan
- c) Copies of GLLO training and conference programs
- d) Copy of GLLO History & Apology
- e) Hightail link to Mardi Gras Briefing videos
- f) Copy of 20-Point Plan to Improve Policing of Mardi Gras
- g) Copy of Focus Group invite to LGBTIQ communities on NSWPF Community Engagement
- h) Copy of NSW Police Force Community Engagement Framework





NSW POLICE FORCE SUBMISSION TO THE SOCIAL ISSUES COMMITTEE INQUIRY INTO GAY AND TRANSGENDER HATE CRIMES BETWEEN 1970 AND 2010

Introduction and Outline

The NSW Police Force is a key agency for involvement in the Social Issues Committee Inquiry into Gay and Transgender Hate Crimes between 1970 and 2010. The *Strike Force Parrabell (SFP) Final Report* acknowledges the problem of “elevated, extreme and often brutal” anti-gay violence and involvement of the NSW Police Force in accepting a culture that marginalised those who were sexuality or gender diverse. This Report reviewed a list of 88 suspicious deaths published by the Australian Institute of Criminology with the aim “to bring the NSW Police Force and the Lesbian, Gay, Bisexual, Transgender, Intersex and Queer community closer together by doing all that is possible from this point in history.”

The results of this review and an academic analysis provided by a team from Flinders University are documented in the *SFP Final Report*. This submission will highlight progress in relation to the 12 recommendations made in the *Final Report* (pages 39-41) and further relevant information about deaths and violent crimes against gay men and transgender people, in particular, during the period of Inquiry. **(Section 1)** It will also summarise progress in relation to NSW Police Force engagement with LGBTIQ communities from the 1970s to present day. **(Section 2)** Active engagement with LGBTIQ communities has been a priority strategy for the NSW Police Force ‘GLLO’ (LGBTIQ Liaison Officer) Program since 1990.

Finally, this submission will outline the development of the NSW Police Force response to hate crimes – now referred to as ‘bias motivated crimes’ – from the early years through the mid-1990s to the current policy and operational procedures. Importantly, information is also provided on anticipated future directions for the NSW Police Force response to identifying, recording and responding to bias motivated crime. **(Section 3)**

Section 1: Strike Force Parrabell findings, progress and commentary on gay and transgender 'hate crimes' in NSW:

i. Background

Operation Parrabell (which later became Strike Force Parrabell - SFP) commenced in early 2013 with an overall objective to review suicides and suspicious deaths in the Northern Beaches and Central Metropolitan Region from 1976 to 2000. At that time, Operation Parrabell consisted of a single officer working with the Bias Crimes Unit. Over the next year, assistance was provided to Strike Force Macnamir, reinvestigating the death of Scott Johnson and discovering interplay with material from Strike Force Taradale. Operation Parrabell, at that time, was not constructed or sufficiently resourced to review any further cases suspected of involving gay-hate bias.

In early 2015, a submission was made to then Assistant Commissioner Michael Fuller as Commander, Central Metropolitan Region, for the secondment of ten detectives to SF Parrabell over 18 months. This delegation of criminal investigators would be led by a GLLO (LGBTIQ Liaison Officer and designated detective), with oversight by the Corporate Sponsor for Sexuality, Gender Diversity and Intersex. Their mission was to commence on 30 August 2015 with a thorough investigative review to determine whether 88 deaths originally listed in a submission to the Australian Institute of Criminology¹, could be classified as motivated by bias including gay-hate.

The identification of bias motivation was of primary importance, however, where appropriate, investigators were to also make recommendations about conducting further enquiries if fresh evidence might be uncovered, or bias of the original investigator was shown or suspected.

¹ In 2002, a list of 88 deaths of gay men between 1976 and 2000, potentially motivated by gay hate bias were compiled by Sue Thompson, the then NSW Police Gay and Lesbian consultant. There has been significant media coverage of presumed facts associated with gay hate motivation for each of these 88 deaths.

An academic review of SFP was also sanctioned for complete transparency of results and investigative activities. Flinders University conducted an independent review under the guidance of Doctor's Derek Dalton and Willem DeLindt, with all findings included following the SFP Final Report.

ii **Strike Force Parrabell Outcomes and Recommendations**

A detailed Table of Recommendations from the SFP Final Report and progress relating to their implementation is attached as evidence. **(Attachment a)**

Annexure A of the SFP Final Report provides a summarised overview of investigative procedures over time. It outlines investigative practices that remain consistent (such as speaking with and canvassing for witnesses) and those that have evolved over time (connected with advanced technology, including electronic reporting systems).

This detail has been included to highlight the movement to modern investigative practices that minimise opportunities for investigator bias to impact upon objective findings and just outcomes. As indicated in the SFP Final Report:

“No referrals were made by any investigator with reference to a poor investigation or one that did not consider important evidence. This task was similarly seen as almost impossible by the academic review team. A key question was whether a death was well or poorly investigated based on evidence and technology available at the time.”

All cases that were placed before a NSW Coroner had findings made. Functions of NSW State and Deputy State Coroners, beyond the oversight and coordination of coronial services, include:

“to ensure that all deaths, suspected deaths, fires and explosions concerning which a coroner has jurisdiction to hold an inquest or inquiry are properly investigated.” Section 10(1)(b) Coroners Act 2009

Coronial findings are not made without acceptance of the police brief of evidence. Findings of a NSW Coroner equates to satisfaction with propriety of the police investigation, leaving

any potential finding of investigator bias by SFP severely circumscribed and open to criticism by applying present day standards to past circumstances. These difficulties were evident in one of three predominant cases comprising Task Force Taradale. Whilst investigations into two of those cases was declared poor, the Coroner was not able to ascribe investigative, or personal bias over incompetence. The latent assessment of ethical conduct by SFP investigators diminished with time leaving concerns in a significant minority of cases that were impossible to differentiate between available technology, professional misfeasance, circumstance, or bias.

Notwithstanding difficulties identifying or classifying poor investigator behaviour, there were examples of exceedingly good investigator behaviour, particularly when related to countering the Homosexual Advance Defence (HAD). Deaths of William O'Shea (Case 44) and Robert Knox (Case 52) reflect positive investigative efforts to ensure just judicial outcomes.

Moving into modern times, the NSW Police Force was actively involved with the Homosexual Advance Defence Monitoring Committee (and prior to this the Working Party) responsible for reporting upon use of the HAD. Recommendations were progressed by this Committee for law reform that saw the HAD repealed.

Section 2: Police engagement with LGBTIQ communities

The NSW Police Force has actively engaged with LGBTIQ communities to build trust and confidence and encourage the reporting of violence.

The Inquiry period - 1970-2010 – over 40-years, saw substantial changes in law, government policy and social attitudes, including those of NSW police officers.

There are at least two phases during the Inquiry period: 1970-1990 and 1990-2010.

i. 1970-1990

- **Prior to 1984** the criminalisation of homosexuality and mistrust of police, anti-gay attitudes and violence, and protest activity - including protests in 1978 and the first

Mardi Gras ending in violent clashes with police, arrests and ongoing trauma - all contributed to **disengagement** between police and the 'gay' community.

- **In 1984**, with the decriminalisation of homosexual acts in NSW and the advent of community-based policing, led by the newly established NSW Police Community Relations Bureau, the first formal attempts were made to actively engage with gay/lesbian communities. One of the portfolios in the Community Relations Bureau was gay/lesbian (alongside Aboriginal, youth and multicultural).
- **In 1985**, Fred Miller was appointed Coordinator of the Police Gay Liaison Unit, within the Community Relations Bureau. Regular meetings with key stakeholders such as the Sydney Gay and Lesbian Mardi Gras and Gay Rights Lobby laid the foundations of collaboration and partnership work in responding to homophobic violence.
- **1990**, The establishment of GLLO program with Sue Thompson appointed as the Client Group Consultant – Gay and Lesbian, came with a mission to build trust and confidence amongst gay men and lesbians to report violence and crimes to police.
- **1990**, Partnership activity with the Gay and Lesbian Rights Lobby focussed on encouraging community members to report violence and crimes to police eg: "*Stop the Bashings, Report the Violence*" campaign.



ii. **1990-2010**

- **Early 1990s**, Focussed on formal training for GLLOs, articulating a statement of duties and even some early participation in Mardi Gras events (Fair Day in 1992).
- **1995**, The first NSW Police Lesbian and Gay Policy Statement and Action Plan was released following significant consultation with the community and the first Corporate Sponsor was appointed – Assistant Commissioner Alf Peate.
- **1995**, Out of the Blue research was conducted by NSW Police into violence and harassment experienced by gay men and lesbians in NSW. This research informed future policing strategies to respond to homophobic violence and increase reporting.
- **1995**, The first policy on policing of 'beats' articulated clear expectations of police managing beats with a focus on high visibility policing to enhance community safety

and to support professional interactions with beat users. This initial policy was announced as a 'Commissioner's Circular' and set the tone for current policy and guidance for police in managing beats. This policy and guidance is to mitigate against inappropriate focussing on minor offences, and ensure collection and storage of information, as well as language and behaviours of police at beats. This is particularly relevant because many sites of violence – whether bias motivated or opportunistic – were beats.

- **1990s**, Reporting campaigns tried to address the ongoing issue of under-reporting of hate crimes. NSW Police was actively involved in these campaigns eg. *"You can help stop the violence"* campaign in partnership with the Lesbian and Gay Anti-Violence Project and Department of Health, the *"Homophobia. What are you scared of?"* campaigns and in 2000, the *"Community United Against Violence campaign."* These campaigns and partnerships with key community organisations continued until around 2010/2011 with the *"Speak Up!"* campaign, run in partnership with the Aids Council of NSW (ACON), and the *"Transgender Anti-Violence Project"*, launched in 2011, in partnership with The Gender Centre.
- **1990s**, Education in schools - NSW Police also worked in schools with Department of Education – partly due to the involvement of school aged boys in murders of gay men. This education was conducted as a Police Crime Prevention workshop – a concept that has recently been reinvigorated by a Mardi Gras '78er' during a meeting with the Commissioner when delivering a personal apology for events that occurred in 1978.
- **1990s**, High visibility policing on Oxford Street – the Taylor Square police van and foot patrols.
- **1990s**, Emphasis on training, improving customer service and liaison with communities; growing GLLO numbers across NSW and promoting GLLOs.
- **1996**, Police enter the Mardi Gras Parade (on a bus) but in **1998**, Police first marched in the Mardi Gras Parade to show support for the gay and lesbian community.
- **2000**, 123 GLLOs located across NSW in metropolitan and regional commands.
- **2001**, Same Sex Domestic Violence Interagency was formed with NSW Police an active founding member and maintaining involvement to this day (now called the LGBTIQ DFV Interagency).

- **2003**, The second policy was published (third and fourth editions published in 2011 and 2016 respectively) – each policy becoming more inclusive of diversity within LGBTIQ communities. (The 2016 document is currently being updated to incorporate ‘Q’ in the acronym, amongst other updates)
- **2005**, Coroner’s findings in the death of John Alan RUSSELL and suspected deaths of Ross Bradley WARREN and Gilles Jacques MATTAINI criticised NSW Police as “*grossly inadequate and shameful*” in their investigations and made 14 recommendations including a number referring to police investigative and review procedures, motivations, victim rights, GLLO training and police management of ‘beats’. These findings led to a reinvigoration of training and policy development including a major review of the GLLO Course to ensure operational relevance and a review of policy and procedures relating to policing beats. In the years that followed, NSWPF was actively involved in an Interagency with key community groups to promote safety at beats including assisting in the development of a resource for beat users. Policy and procedures were updated in response to the Coroner’s findings and incorporated into the Police Handbook. (Today, the section on ‘Beats’ has been replaced by a section on ‘Sex in Public Places’ to de-stigmatise gay men and reinforce the issue that offensive behaviours are gender neutral)
- **2008**, NSWPF was actively involved in the work of the NSW Anti-Homophobia Interagency, including conducting conferences eg: “*That’s so gay*” conference and forums focussing on challenging homophobic bullying in schools.
- **2009**, NSW Police initiated the provision of an LGBTIQ ‘Diversity’ lecture for every single recruit class at the Police Academy in Goulburn, to complement diversity material contained in the syllabus. These lectures continue to this day, now including presentations by key community groups such as Mardi Gras, ACON, The Gender Centre and Twenty10.

iii. **2010-2018**

Over the past 8 years, the NSWPF has continued to work in partnership with key community organisations. New partnerships have also been formed, eg: Wear it Purple since 2012, and with the attraction of new corporate entities such as Police Bank; Dentons

Lawyers, and other NSW emergency services. The NSWPF has worked very hard to build trust and confidence amongst some of the most marginalised groups within the LGBTIQ communities – transgender and other gender diverse people and young people. The support shown for services such as The Gender Centre, including active support for events like Transgender Day of Remembrance and a plaque designed and installed outside Surry Hills Police Area Command dedicated to the Transgender community, are significant.

The NSW Police Force has been a member of ACON's Pride in Diversity since 2013 and holds membership of the Diversity Council of Australia. The NSWPF has been recognised by the Australian LGBTI Inclusion Awards, conducted by Pride in Diversity, as within the top ten Australian organisations for inclusion in 2017; and top twenty in 2018. The NSWPF has also received awards for Transgender and Intersex Inclusion; Executive Leadership; and Community Impact, which is a reflection upon incremental progress.

The NSWPF has a growing social media presence within the LGBTIQ portfolio, which is particularly effective when promoting Diversity Days such as Wear It Purple and International Day Against Homophobia, Transphobia and Biphobia. Despite concerns about policing of Mardi Gras events in 2013, allegations of excessive force and inappropriate policing, communication was always open, with the NSWPF very responsive to recommendations made by key community groups. This resulted in a 20-point plan to improve policing of Mardi Gras and the Mardi Gras After Party, led by the Corporate Sponsor. The Mardi Gras Accord, signed by all key parties continues to this day for guidance on appropriate, professional and effective policing of Mardi Gras events.

Since 2013, a commitment was made to ensure LGBTIQ community groups are included in NSWPF recruit diversity training. Further, 'LGBTIQ Ally' training was introduced with Peer Support Officers and staff at key Commands to enhance the GLLO network. Officers are now trained to provide support for colleagues and community members. This year alone, over 100 additional officers have been trained to complement the GLLO network.

Currently, **204 GLLOs** exist across a connected network involving six police regions, Public Safety and Transport Command, and Specialist areas.

A further 30 GLLOs will be trained by the end of 2018 with a GLLO Course scheduled for 7-9 November 2018.

Currently 44 GLLOs support the Central Metropolitan Region; 24 in North Western Sydney; 17 in South Western Sydney; 23 in Northern NSW; 20 in Southern NSW; and 10 in Western NSW. There are currently 66 GLLOs listed in the Police Transport Command and a range of specialist areas. These officers are supported and led by seven Sexuality, Gender Diversity and Intersex Region Sponsors and a Corporate Sponsor, all supported by a Senior Programs and Policy Officer.

The GLLO role is described in the NSW Police Force Strategy on Sexuality, Gender Diversity and Intersex which is attached, along with an action plan setting out objectives and strategies for the LGBTIQ portfolio in 'evidence'.

Demonstrating our continued commitment to community engagement with LGBTIQ communities, in 2016, NSW Police engaged an independent external consultant to conduct focus groups with diverse communities to directly inform the organisational policy and framework for community engagement. These consultants conducted seven targeted focus groups, including one specifically with LGBTIQ communities and ran an online survey on how police should engage with communities. A copy of the focus group invitation and the Community Engagement Framework are included as evidence.

Section 3: Police Response to Hate Crime/Bias Crime

- **1995**, NSW Police capacity and systems to identify and record 'gay' hate crimes improved with the first formal strategy to identify and record hate crimes with refinements to COPS approved in 1997. ***Sexual Preference Prejudice*** was one of a list of ***associated factors*** that police were required to consider tagging a crime.
- Accurate recording and responsiveness by police, however, remained problematic. In **2007**, NSWPF established a Hate Crimes Coordinator. This position was made permanent in 2008, disestablished in 2009 and re-established in 2012 within the Operational Programs Command.

- **2015**, NSWPF identified a heightened need to improve its response - the Hate Crimes position was renamed Bias Crimes Coordinator and supported by a Senior Policy Officer. Standard Operating Procedures were drafted and endorsed, providing an agency definition and guidance for police across all levels in their identification and response to bias crimes as well as community engagement for its prevention.
- **2016**, The Bias Crimes Unit expanded to include two additional positions, a Project Officer and an Intelligence Analyst. The Unit had two main roles, developing the capability of NSWPF to identify, investigate and respond effectively to bias motivated crimes and bias motivated crime intelligence capability. It was recognised as the only unit of its kind across all police jurisdictions.
- **2015-2017**, Bias Crimes Unit conducted education and awareness sessions for police in all regions and provided support in identifying, recording, investigating and managing bias crimes. Professional Development Forums and simulated training exercises for police and civilian staff were developed and delivered. Regular articles were featured in internal publications such as Police Monthly and the Policing Issues and Practice Journal to reinforce information, procedures and the importance of community engagement in preventing and responding to bias crimes.
- In addition to the training targeting the broad base of the organisation, the Bias Crimes Unit regularly presented on GLLO training courses to ensure that these officers were equipped to support their commands to accurately identify, record and respond to bias motivated incidents and crimes. This training was extremely detailed including: definitions of hate crimes, focussing on those motivated by sexual “preference” and gender identity, characteristics of hate crimes, impacts on individuals and communities, hate crime indicators for police to look out for, perceptions of victims and witnesses, motivation, police responses from supporting victims through to investigating hate crimes and offender typologies, and accurately recording of crimes. Initially this was a step by step guide to tagging “Sexual Preference Prejudice” and later, an explanation of the Standard Operating Procedures for responding to bias motivated crimes. Relevant legislation, issues for law enforcement and statistics and trends were also covered, and an opportunity to work through scenarios.

- The Unit provided the Corporate Sponsor, Region Sponsors and the Senior Programs and Policy Officer with regular reports on recorded hate/bias crimes based on “SPP” and later under Sexual Orientation and Gender Identity categories, to enable monitoring of trends.
- This was particularly useful during the marriage equality debate in 2017, when reported bias motivated incidents based on sexual orientation increased by 400% in the July-September quarter 2017 (from 7 to 29 incidents). This supported anecdotal reports from key community groups and individuals and assisted NSW Police Force provide additional support to LGBTIQ communities via social media communications and direct assistance from GLLOs (LGBTIQ Liaison Officers). Enhanced High Visibility Policing, including GLLOs (LGBTIQ Liaison Officers), was provided during protests and related activities to ensure safety and security.
- **June 2017**, The Bias Crimes Unit was transferred to its current location within the Counter Terrorism and Special Tactics Command. The Unit continues to provide support and products of benefit to the field, such as regular statistical reports.
- **October 2018**, To improve upon the current tools to assist police with identification of bias crimes, Dr Philip Birch, Charles Sturt University, has been engaged to conduct a systematic review to derive a model of bias crime identification based upon evidence and literature. Any bias crime identification model must be practical and easy to use by frontline police. It is envisaged that this project will be complete in mid-2019.

Section 4: Recommendations

The following Recommendations are intended to complement those already made in The SFP Final Report:

- Greater transparency and collaboration between all relevant agencies including ACON, GLRL and NSWPF
- Further continuing education of a broad range of police officers beyond GLLOs, including senior officers with appropriate resources

- Ongoing improvements to the NSWPF identification and recording of bias incidents and crimes, including a revised model to assist police identification of bias motivation as well as efforts to enhance and cleanse data
- The culture of victimisation and fear of police persists amongst some members of LGBTIQ communities which is exacerbated by misinformed activism – community organisations and NSWPF require focus on working together to provide evidence-based information about trends in violence
- The NSWPF response to fear and victimisation felt by LGBTIQ communities must continue through the provision of reassurance, clear statements promoting inclusion, partnership and collaboration with community organisations to enhance trust and confidence
- Continuing education of police officers for awareness of bias crimes and incidents
- NSWPF to continue being informed by LGBTIQ communities throughout community engagement activities and programs
- Active police recruitment campaigns for sexuality and/or gender diverse recruits to best reflect communities served
- Automatic allocation of GLLO support to victims of crime across NSW that identify as LGBTIQ community members, with the GLLO Program appropriately resourced for that purpose
- Greater involvement of other NSW Government Agencies and Parliament with overt LGBTIQ support and other community engagement activities currently led by the NSWPF and supported by various other agencies