

General Purpose Standing Committee No. 3

Cabramatta Policing

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Report on Inquiry into Cabramatta Policing

Chair: The Honourable Helen Sham-Ho

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Terms of Reference

That General Purpose Standing Committee No. 3 inquire into and report on:

- 1) the adequacy of police resources in Cabramatta, especially in relation to drug crime;
- 2) the impact, if any, of the crime index on Cabramatta policing; and
- 3) the effectiveness of the Police Service in addressing the needs and problems of Cabramatta residents and in particular people from non-English speaking backgrounds.

These terms of reference were referred to the Committee by

Committee Membership

The Hon Helen Sham-Ho MLC Independent (Chair)

The Hon John Hatzistergos MLC Australian Labor Party (Deputy Chair)

The Hon Ron Dyer MLC Australian Labor Party *

The Hon John Jobling MLC Liberal Party **

The Hon Ian West MLC Australian Labor Party

Ms Lee Rhiannon MLC Greens

The Hon Greg Pearce MLC Liberal Party ***

* The Hon Ron Dyer MLC will be representing the Hon John Johnson MLC for the purposes of this inquiry.

** The Hon John Jobling is representing the Hon Rick Colless from 23 July 2001. Mr Colless was formerly representing the Hon Jim Samios MLC for the purposes of this inquiry.

*** The Hon Greg Pearce MLC will be representing the Hon Don Harwin MLC for the purposes of this inquiry.

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Chair s Foreword

This report is the result of an extensive inquiry into Cabramatta Policing over the last twelve months. I see this report as having three key themes.

Firstly, this report is about acknowledging the problems that drug trafficking and drug related crime has caused in Cabramatta. For too long many people have sought to pretend that the problems of Cabramatta do not exist. Some of those who have perpetuated this denial have been driven by motives such as not wishing to stigmatise a community. I am anxious to extol the virtues of this unique, dynamic part of Sydney. However, this inquiry has made it clear that denying the existence of problems will not do anything to help the people of Cabramatta. It is only by frankly acknowledging and facing the facts that we can start to resolve those problems in a constructive way.

Secondly, this report is about listening. The major deficiencies of policing in Cabramatta in recent years are a direct result of the failure of the Police Service to communicate. Until recent months, the Service failed to listen to the people of the Cabramatta when they were saying that drug trafficking was out of control and needed to be the highest priority for the Local Area Command. The senior management of the Police Service has also failed to listen to front line officers, who have been saying the same thing. What is more, too often the views expressed by front line officers have been treated as dissent and have been dealt with in an authoritarian manner. The Committee has had direct evidence of this during the course of the inquiry. As the Committee concludes in Chapter Four:

Rather than acknowledging, as the Premier has done, that police took their eye off the ball in relation to drug related crime in Cabramatta in late 1999 and early 2000, the Committee has witnessed attacks on the credibility of these witnesses [front line police officers]. Whilst it appears that these witnesses may not have been fully informed about some of the events mentioned, it was the evidence of these officers that has brought these matters to the attention of the Committee, and the people of NSW. The Committee commends these officers for their honesty and courage. That the NSW Police Service decided to respond to their evidence in the way in which it did, does the Service no credit whatsoever and calls into question the extent to which the Service has embraced reform.

I believe that the problems which occurred in Cabramatta LAC could easily recur and exist in other LACs, unless steps are taken to bring about a more open, outward looking and responsive Police Service.

On the other hand, I would like to commend the Premier for listening to the evidence presented to this Committee and for responding to that evidence with his package of initiatives for Cabramatta on 27 March 2001. The Committee looks forward to reviewing, in 2002, the outcomes of the implementation of these initiatives, and of the Government s implementation of the recommendations contained in this report.

Thirdly, this inquiry has been about finding constructive solutions to the problems of Cabramatta. The Government has started to do that with the Cabramatta Package , as I have just stated. However, I would draw attention to the fact that, apart from the findings and conclusions which the Committee makes in relation to what went wrong in Cabramatta, this report contains [insert final number] recommendations. All of these recommendations have the unanimous, cross party support of the Committee members. I welcome the statements from the Premier as well as the Police Service that the Committee s recommendations will be implemented.

Acknowledgments

I appreciate the effort and contribution of all the people involved in this inquiry. Specifically, I would like to acknowledge some of these people.

Firstly, I would like to thank the Committee members for the way in which they approached what has been an extremely controversial subject and a highly charged inquiry. The fact that 95 % of this report has the unanimous support of the Committee says a great deal about the constructive and mature approach of Members of the Legislative Council to the work of the Upper House committees.

Secondly, I would like to thank the Committee staff for their tireless work on this demanding inquiry. I would like to thank Warren Cahill and David Blunt for their advice and counsel during the course of the inquiry. I would particularly like to thank Steven Reynolds for the job that he has done in drafting a very balanced and readable report, on a very complex and controversial subject. I would also like to thank my personal staff, Jodie Young and Stephanie Lenn for their assistance during the course of this inquiry.

Thirdly, and most importantly, I would like to thank all those individuals and organisations who contributed to the inquiry through lodging written submissions, giving evidence at hearings, or participating in consultations. I am deeply indebted to the police officers who courageously came forward to tell the Committee about the reality of policing in Cabramatta, and to the people of Cabramatta who also expressed their views.

To those officers and members of the Cabramatta community who raised their voice through this inquiry - this is your report. I congratulate the Cabramatta community for fighting for their right to be heard and to live and work without fear. The victory is yours. I trust that the inquiry and this report will result in real and positive improvements to the way policing is conducted and ultimately to the quality of life of the people of Cabramatta.

Hon Helen Sham-Ho
Committee Chair

Summary of Recommendations

Recommendation 1 29

The Committee recommends the Police Service take urgent steps to ensure that it has in place procedures and resources to ensure sufficient intelligence is available to Local Area Commands to investigate gang activity.

Recommendation 2 105

The Committee recommends that the Premier require the Ministers for Police, Health, Community Services, Housing and Juvenile Justice, together with the Special Minister of State, to regularly report to him on progress in the implementation of the package of initiatives for Cabramatta announced by the Premier on 27 March 2001. The Committee recommends that the existing Cabinet sub-committee on Drug Policy, co-ordinate and **drive** the implementation of the package of initiatives for Cabramatta announced by the Premier on 27 March 2001.

Recommendation 3 110

The Committee recommends that the NSW Police Service develop and publish a clear, useable Resource Allocation Formula to guide the distribution of resources for each Local Area Command, such as Cabramatta LAC. The new Resource Allocation Formula must be used in an open and transparent way, so that the public is able to understand the basis of the allocation of resources across the Service.

Recommendation 4 110

The Committee recommends that the new Resource Allocation Formula outlined in Recommendation Two include specific consideration of the socio-economic factors facing Local Area Commands, together with the specific resource implications of the multicultural diversity of Local Area Commands.

Recommendation 5 116

- (a) The Committee recommends that the Cabramatta Project of the Premier's Department bring together all agencies providing services in the Cabramatta area to outline the need for services and staff resources outside 9 to 5 office hours, with particular reference to the effects of the implementation of the Premier's initiatives for Cabramatta announced on 27 March 2001 and Assistant Commissioner Small's Seven Point Plan. The LAC should identify the services it currently provides out of office hours which are more properly the responsibility of other agencies, and a strategy should then be drawn up with those agencies to address this issue.
- (b) Following the development of this strategy the Committee recommends the LAC prepare a revised overtime policy which gives priority to ensuring continuity of investigations and effective protection of the community. The policy needs to be clearly explained to all staff and to the wider community.

Recommendation 6 118

The Committee recommends the Cabramatta Local Area Commander, together with representatives of the Police Association, undertake an immediate audit of the vehicles and other physical equipment available for use by frontline officers in the carrying out of their duties so that sufficient funding can be allocated to provide the necessary resources.

Recommendation 7 120

The Committee recommends that, following the deployment of the additional ten interpreters for the Cabramatta LAC announced by the Premier on 27 March 2001, the Local Area Commander and the Community Relations Commission for a Multicultural NSW (CRC) ensure that there are interpreters available to assist police officers at the police station 24 hours per day.

Recommendation 8 121

The Committee recommends that the Community Relations Commission for a Multicultural NSW, or other agency independent of the Police Service regularly conduct a random call survey to test the effectiveness of the Police Assistance Line in assisting callers from a non-English-speaking background. If problems are identified the Police Service, working with the Commission, should take immediate steps to enhance the service before advertising again in ethnic media.

Recommendation 9 125

- (a) The Committee recommends that the Government establish targets for the Police Service in relation to the recruitment and retention of officers from non-English speaking backgrounds, against which the Service should report progress in its annual reports to Parliament.
- (b) The Committee further recommends that the Police Service include in its annual reports the strategies put in place to raise the proportion of officers from a non-English speaking background to a level reflecting the proportion of the NSW population from such a background.

Recommendation 10 130

- (a) The Committee recommends that all officers who work at Cabramatta LAC must have completed in excess of the minimum requirements of the Service for training with a cross cultural component.
- (b) The Committee further recommends that no officer be employed at Cabramatta who has been the subject of substantiated complaints of a racially discriminatory nature. Any officer who is the subject of a substantiated complaint of discriminatory behaviour should be immediately transferred to another LAC.
- (c) The Committee further recommends that the Cabramatta LAC liaise with the Regional Command to ensure junior officers stationed temporarily at Cabramatta, such as the TAG operations, have received in excess of minimum Service requirements for cross cultural training.
- (d) The Committee recommends that where positions at Cabramatta LAC are being filled on a competitive, merit selection basis, weighting should be given to previous experience in Commands with large populations of non English speaking background communities and to officers who have skills in a second language.
- (e) The Committee recommends that the NSW Police Service develop incentives for officers to acquire skills in a second language and to enhance their level of cultural literacy generally.

Recommendation 11 134

- (a) The Committee recommends that the Police Service increase the number of ECLOs at Cabramatta from 3 to at least 4 by appointing an additional Ethnic Community Liaison Officer to Cabramatta LAC from an appropriate language or ethnic group.
- (b) The Committee further recommends that all police at Cabramatta LAC are educated about the role and revised work duties of the ECLO and similarly to the Cabramatta non English

speaking background community about the role of the ECLOs within the Cabramatta LAC.

Recommendation 12 135

The Committee recommends that the NSW Police Service investigate the operation of Community Policing Support Units established in other police services, with a view to the establishment of such a unit in the NSW Police Service. The unit would act as a driver of reform in the area of police and ethnic community relations. Its role should also be to provide a source of expert assistance to operational police officers in relation to cross cultural issues, and to be a source of support for both ethnic community liaison officers and police officers from a non-English-speaking background.

Recommendation 13 140

- (a) The Committee recommends that the Police Service make public the report by Professor Davis on the evaluation of the OCR process.
- (b) The Committee recommends that the Police Service take steps to ensure that the OCR process is flexible enough to enable the assessment of the performance of local area commands and their commanders to take into account the real crime problems in their areas, in addition to the five crimes that have been the focus of the assessment process to date.
- (c) The Committee further recommends that Local Area Commanders be encouraged by senior management to use the OCR process to provide input on the indicators that are to be used to assess their performance in the OCR process.

Recommendation 14 143

The Committee recommends that the Government make public the set of indicators to be adopted in relation to drug law enforcement, and that performance against these indicators be publicly reported upon on a regular basis.

Recommendation 15 148

The Committee recommends that the New South Wales Police Service use Cabramatta LAC to trial a process that will enable the community to have a role in the assessment on the performance of the LAC. This should include a mechanism whereby the community is surveyed for its views on the performance of the Cabramatta LAC in (a) reducing crime, especially drug related crime; (b) quality of service in responding to community concerns; (c) the quality of the strategic partnerships being built between the Police and the community.

The Committee recommends that the outcomes of this process of performance assessment including community satisfaction surveys be the subject of ongoing evaluation by an organisation independent of the Police Service (such as the Bureau of Crime Statistics and Research) and that the results of this evaluation be considered in the future development of the OCR process statewide.

Recommendation 16 153

The Committee recommends the Cabramatta community initiate and invite representatives of the Local Area Command to a community function to signify an intention to begin improving police community relations in the area. The event needs to be a joint effort and conclusive, but the community needs to be the major organiser, rather than government agencies, Fairfield City Council or the local member, although all these should be invited to attend.

Recommendation 17 154

The Committee recommends that the Community Relations Commission for a Multicultural NSW consult and discuss with representative organisations of the Cabramatta community how the City Watch initiative can be used to facilitate communication between residents, businesses, community workers, community leaders, senior police management and front line police.

City Watch should be a forum and a channel for complaints about any aspects of the relationships involved. The expectation is that those making complaints are prepared to work with those complained about to achieve progress in their area. City Watch needs to be a partnership, with mutual respect between participants.

Recommendation 18 155

The Committee recommends that the Cabramatta LAC introduce a local crime report form, translated into ethnic languages, to enable local residents to make reports of crime when no interpreter is immediately available at the LAC. The NSW police Service should examine the potential for the application of third party reporting, as used in the United Kingdom, to make it easier for victims of crime who face language or cultural barriers to report crime.

Recommendation 19 159

The Committee recommends that the Cabramatta Local Area Commander organise a series of talks or discussions for officers at the LAC at which officers who formerly served at Cabramatta can speak about their successes and failures in establishing links with the Cabramatta community. The purpose of these talks would be to regain some of the lost collective knowledge about policing in Cabramatta and to assist junior police in understanding the area.

Recommendation 20 159

The Committee recommends that future appointments to senior management at Cabramatta LAC, including the Local Area Commander, be those who have voluntarily applied to serve in Cabramatta and won their position in a competitive interview process.

Recommendation 21 164

The Committee recommends that the Police Service develop a youth protocol on the treatment of young people in arrest or interview situations. This should be developed in consultation with local youth workers and all front line officers should be trained in its use.

Recommendation 22 164

The Committee recommends that the Government, in consultation with the Police Service and youth advocates, develop a protocol for para-legally trained local community volunteers to be present at police interviews of young people.

Recommendation 23 166

The Committee recommends that a senior manager at the LAC, who is willing to undertake the position, be appointed as a mentor for the youth liaison officer at Cabramatta LAC, and that both officers report to the Local Area Commander on progress in the following areas:

The Committee further recommends that the youth liaison officer remain a full time dedicated position at the LAC, and that any future vacancies be promptly filled.

Recommendation 24 168

The Committee recommends that the Cabramatta LAC make a renewed commitment to the Cabramatta PCYC, and that the Local Area Commander encourage greater involvement by officers in the centre.

Recommendation 25 175

The Committee recommends that the Premier report to Parliament on, or around, 27 March 2002 on the outcomes of the implementation of the package of initiatives for Cabramatta announced on 27 March 2001, together with the implementation of the recommendations contained in this report.

It is the intention of the Committee to then consult with the Cabramatta community, to enable the community to have an opportunity to comment on the changes that have occurred as a result of the implementation of the Premier's initiatives and the implementation of the Committee's recommendations.

Chapter 1 Introduction

Terms of Reference

- 1.1** On 28 June 2000 the Director of the Legislative Council's General Purpose Standing Committees received correspondence signed by three members of General Purpose Standing Committee No 3 requesting that, in accordance with the procedure set out in paragraph 4 of the Resolution of the House of 13 May 1999 establishing that Committees, a meeting be convened to consider proposed terms of reference in relation to policing in Cabramatta.
- 1.2** At a meeting on 29 June, the Committee resolved to adopt the following terms of reference:
- That General Purpose Standing Committee No 3 inquire into and report on:
1. the adequacy of police resources in Cabramatta, especially in relation to drug crime;
 2. the impact, if any, of the Crimes Index¹ on Cabramatta policing; and
 3. the effectiveness of the Police Service in addressing the needs and problems of Cabramatta residents and, in particular, people from non-English speaking backgrounds
- 1.3** The context for the inquiry is discussed in detail in Chapters Four and Five of this report.

Conduct of the Inquiry

- 1.4** The Committee placed advertisements in major newspapers, local Fairfield newspapers and in the Chinese and Vietnamese language press with an initial closing date of 11 August 2000. (The Committee later agreed to accept submissions after that date). The Committee Chair also wrote to a number of community leaders and to community organisations in the Cabramatta area, inviting submissions. The Committee initially received 31 submissions, although by the end of the May 2001 the number of submissions had risen to 46. The authors of submissions, except those who have requested confidentiality, are listed in Appendix One.
- 1.5** The Committee initially met to consider submissions received on 6 August 2000. Following the receipt of further submissions, the Committee met again on 12 October 2000 to determine the inquiry process². The Committee unanimously resolved to keep all the

¹ The Crimes Index was a performance indicator used from 1998 by the Police Service to compare the success of Local Area Commands in reducing the incidence of 5 categories of crimes. It is explained in detail in Chapter Four of this report.

² Because of the Sydney 2000 Olympics and Paralympics the Committee did not proceed with the inquiry until these events were over.

submissions confidential at that time. The Committee resolved to commence the inquiry with an information briefing from the Police Commissioner or his representative and a visit to Cabramatta. At the deliberative meeting held on 18 December 2000, all submissions excepting those that had specifically requested confidentiality were published.

- 1.6** On 26 October 2000 the Committee undertook a site visit to Cabramatta. The purpose was to enable Members of the Committee to place in context the matters that were the subject of the inquiry. The Committee accepted the offer from the Police Service of a briefing and tour of Cabramatta Police Station, followed by a tour of the Cabramatta CBD. The Committee also visited Fairfield City Council where the Committee members had an informal discussion with representatives of the Council and community representatives who had made submissions.
- 1.7** On 8 November 2000 the Committee held its first hearing. Originally, the Police Commissioner's representative, Deputy Commissioner Jarratt, was to provide the Committee with an information briefing. This briefing was to be combined with an afternoon hearing involving criminology experts so as provide research background to the issues relevant to the inquiry. At the request of three committee members the briefing with Deputy Commissioner Jarratt was changed to a formal public hearing.
- 1.8** The Committee held a total of ten hearings during this inquiry. Nine of these hearings took place at Parliament House on: 8 November, 18 December 2000, 23 February, 27 February, 12 March, 30 March, 23 April, 11 May and 14 May 2001. One hearing on 12 December 2000 was held in Cabramatta. The witnesses who appeared before the Committee are listed in Appendix Two.
- 1.9** In addition to taking formal evidence, the Committee held a series of informal community consultations in Cabramatta on 6 February 2001 and 7 May 2001. The consultations on 6 February 2001 were conducted with the assistance of a Vietnamese interpreter and a Chinese interpreter. The Committee also visited Cabramatta High School on 6 February 2001 and held an informal consultation with teachers, parents, students and past students at the school. Each of these consultations were transcribed and made public.
- 1.10** During the visits to Cabramatta on 12 December 2000 and 7 May 2001 the Committee inspected a number of community facilities and held discussions with community workers and their clients. The details of these visits and the participants in the informal consultations on 6 February 2001 and 7 May 2001 are listed in Appendix Three.
- 1.11** The Committee's inquiry has been the subject of intense scrutiny. At times the Committee's procedures have been the subject of criticism. On each such occasion the Committee Chair has responded, either in writing, or in her opening statement at the next hearing. These responses have been collated and are reproduced in Appendix Four. It must be emphasised that, throughout this inquiry, the Committee has followed standard committee practices and procedures, and that in many cases, those who have at one time or another been critical of the Committee's procedures have later expressed their support for the Committee and its work. In particular the Police Service on various occasions sought legal representation at Committee hearings. Committee hearings are not adversarial proceedings but a longstanding means of facilitating parliamentary scrutiny of the Executive and investigation of matters of public interest. The Committee had no objection to witnesses being advised by their lawyers or others; however it rejects the notion that

longstanding Parliamentary Committee procedure should have been altered to permit such legal representation.

- 1.12** Although at times the inquiry's evidence has been controversial and the atmosphere surrounding the inquiry has been highly charged, the Committee, through its secretariat, has maintained a co-operative working relationship with the Police Service through its Court and Legal Services Department, as well as other stakeholders.
- 1.13** On a number of occasions during the course of the inquiry, the Committee Chair invited the Member for Cabramatta to make a contribution to the Committee's inquiry, by making a submission, appearing as a witness at a hearing or participating in a community consultation. Although she attended a number of hearings as an observer and made a number of statements in the Legislative Assembly critical of the Committee's work, the Member for Cabramatta chose not to participate in the inquiry in any other way.³
- 1.14** The Committee notes that the Police Commissioner was invited to appear on two occasions at hearings of this inquiry. On 23 October 2000 the Committee Chair wrote to Police Minister Whelan and amongst other things indicated the desire of the Committee to hear from Commissioner Ryan or his representative. Commissioner Ryan chose to send a representative. Following this appearance there were numerous discussions between representatives of the Police Service and the Committee staff in which it was understood that Commissioner Ryan would be given the opportunity to be the last witness heard by the Committee and the Committee indicated it would make this concession for Commissioner Ryan. On 5 April 2001 the Committee Chair wrote to the Police Service indicating that it wished to hear from Mr Ryan or his nominee and was scheduling the final hearing day of the Committee for 18 May 2001. The Police Service responded by letter on 17 April 2001 noting that the Committee wished to hear from Commissioner Ryan but advising that he was going to be overseas on 18 May 2001. Subsequent to telephone contact between the Committee Secretariat and the Police Service correspondence was received from the Police Service on 1 May 2001, indicating that Mr Jarratt would be the final witness on 14 May 2001.
- 1.15** After the public hearing held on 23 February 2001, at which a witness made certain particularly contentious allegations, the Minister for Police, the Hon Paul Whelan MP, criticised the Committee and its procedures, calling for the inquiry to be wound up. Following these comments a censure motion was passed in the Legislative Council on 8 March 2001 condemning the Police Minister's actions.⁴
- 1.16** On 27 March 2001 the Premier announced a detailed package of initiatives to combat the problems in Cabramatta. These initiatives are discussed in some detail in Chapter Six.
- 1.17** Following the conclusion of evidence a preliminary draft report was prepared and circulated to Committee members for discussion at a meeting on 15 June 2001. The

³ On 22 January 2001, the Committee Chair wrote to the Member for Cabramatta, concerning the publication of submissions and forthcoming consultations, in which the Chair thanked the Member for her interest in, and contribution to, the Committee's inquiry.

⁴ *NSWPD, LC, 8/03/01*

preliminary draft report was not formally considered by the Committee at this meeting for a number of reasons. Firstly, the Committee received two substantial documents from the NSW Police Service on 14 June 2001, which members had not had an opportunity to consider. Secondly, the Committee resolved to require the production of a number of documents from the NSW Police Service. (These documents, which were produced on 25 June 2001, are discussed in Chapter Four.) Thirdly, it was felt that there was scope for the different views of members to be better reflected in the draft report.

1.18 On 20 June 2001 the Committee, by resolution of a majority of its members, resolved to make a Special Report on possible breaches of privilege arising from the inquiry.

1.19 A revised draft report was considered by the Committee at a meeting on Wednesday 25 July 2001. The Minutes of Proceedings of this and other meetings are reproduced as Appendix Nine.

Structure of this Report

1.20 This report is divided into two parts. Part One analyses the particular policing problems in Cabramatta and discusses the problems which led to this inquiry. Chapter Two provides a brief picture of the diverse multicultural community of Cabramatta and its socio-economic background. Chapter Three provides a profile of drug related crime in Cabramatta, including Police and Health Department statistics. It also includes several case studies from the community which indicate the impact of the crime problem on the daily lives of those in Cabramatta. Chapter Four discusses policing in Cabramatta, including an outline of recent history. It attempts to explain what went wrong within the Local Area Command (LAC), with particular reference to the effect of the Crime Index upon the Cabramatta LAC. It also comments on serious continuing problems in current police culture. Chapter Five seeks to explain what went wrong in the relationship between the Cabramatta LAC and the community.

1.21 Part Two of the report examines the way ahead for Cabramatta in terms of the three terms of reference. Chapter Six looks at government initiatives in Cabramatta, particularly those introduced since the inquiry began. Chapter Seven examines police resources, including the adequacy of the overall numbers, the efficiency of the current use of staff such as ethnic community liaison officers and the training needs of the LAC. Chapter Eight addresses the use of alternative methods of performance measurement in light of the evidence surrounding the Crimes Index. Particular attention is given to ways to incorporate measures of community satisfaction. Chapter Nine examines how police and community relations in Cabramatta can be improved. Chapter Ten concludes the report by a discussing of why Cabramatta is important to the Police Service, to the drug problem and to the rest of New South Wales.

Chapter 2 Cabramatta: Profile of the Community

Introduction

2.1 Cabramatta is one of the most ethnically diverse and culturally rich areas in Australia. For decades it has welcomed newly arrived migrants, living side by side with a core of long term residents, many of whom have spent their whole life in the district. It has a dynamic business and community life with major festivals including the Chinese and Vietnamese New Year, the Chinese Moon Festival and the Night Markets. The area is also both economically and socially disadvantaged. This chapter presents a brief profile of the community served by the Cabramatta Local Area Command, so as to understand the unique environment in which policing takes place. The next chapter seeks to explain the extent of the crime problem in Cabramatta and how this impacts on the wider community and the local police.

Geographic Area

2.2 Cabramatta is a suburb in the South West of Sydney, located in the Fairfield Local Government Area. Cabramatta is also the name of a State electorate, a Local Area Command and a postcode area, each much larger than the suburb. Appendix Six shows the boundaries of each of these. The area served by the Local Area Command numbers 57,557⁵, similar in size to the postcode area population of 52,442⁶. The focus of evidence during the inquiry has been the area around both sides of Cabramatta railway station, the nearby CBD and surrounding residences, since this has been the location of most of the problems with drug related crime. In this report however discussion of Cabramatta policing is used to include neighbouring areas that are still within the area of responsibility of the local command.

2.3 A significant feature of Cabramatta is its location on the railway network. It is only two stations away from the major rail interchange at Liverpool, the meeting of two rail lines through some of the most densely populated areas of Sydney. It is served throughout the day by fast express trains leaving from Central station to the north and Campbelltown to the south. The access to quick, cheap public transport from many parts of Sydney is of great benefit to Cabramatta residents, but as will be seen in the next chapter, it has increasingly become a contributing factor to its crime problem.

⁵ Jarratt *Evidence* 8 November 2000

⁶ All figures in this Chapter are from the 1996 Census Data, Australian Bureau of Statistics CD ROM *Basic Population Profile data*, based upon the Cabramatta postcode unless otherwise noted. A detailed profile is also available from the Cabramatta Project, NSW Premier's Department, entitled *Cabramatta Profile 1999*

Ethnicity

2.4 Almost three quarters (34,615 people) of the population of Cabramatta speak a language other than English. Three out of every five residents were born overseas, but only a tiny proportion (1,239 people) have come from English speaking countries. A quarter of the population, just over 13,000 residents, nominated their religion as Buddhist in the 1996 census, more than those nominating Catholic and double those belonging to the combined Protestant churches. These are very unusual figures, even for a city that prides itself on its ethnic diversity.

2.5 By comparison, in NSW as a whole, only 23% of persons speak a language other than English. The situation is reversed in Cabramatta: more than 75% speak another language, and many are not fluent in English. The table below lists the language groups most commonly found in Cabramatta, based upon language spoken at home:

Languages Spoken in Cabramatta

	No of Persons	% of total population
Vietnamese	11,085	32.02%
English only	11,286	23.47
Chinese -Cantonese	5,311	15.34
Chinese - Mandarin	1,870	5.40
Chinese other dialects	2,242	6.48
Serbian	1,883	5.44
Italian	1,709	4.94
Spanish	1,489	4.30
Arabic (including Lebanese)	696	2.01
Macedonian	518	1.50
Croatian	514	1.48
Polish	450	1.3

2.6 Other languages spoken by more than 100 residents include Russian, Filipino, Turkish, Maltese, Portuguese, Greek and German. A similar diversity is seen in the birthplaces of Cabramatta residents, with 27.2% of the population born in Vietnam, 5.1% in China, and 2.2% in Italy. An analysis by census district for the Cabramatta Project of the Premier's Department found that the greatest number of non-English speaking background persons were concentrated around the suburb of Cabramatta, including the areas around the railway station and the CBD⁷.

⁷ Premier's Department Cabramatta Profile 1999 p8-9

2.7 The Committee's visit to Cabramatta High School on 6 February 2001 assisted members to understand the diversity of language groups within the community. A Committee member asked how many of the students present had been born in Australia. Only two of the 20 students present raised their hands. Teachers estimated that more than 9 in 10 of their students did not speak English as their first language.

2.8 The diversity of languages and countries of reflects the tide of migration which has shaped the suburb. Some of these individuals have bought difficult experiences with them:

I am reminded of the influx of refugees post-war to the area – Yugoslavs, Italians, Dutch, Germans, and so on. There is none more sad than the Cambodians and the South Americans, 2,000 of whom lived in the Cabramatta area during my period there. These Spanish speakers were from Chile, El Salvador and Nicaragua, and many of them were traumatised by torture and cruelty by the State⁸.

2.9 Many newly arrived migrants in Cabramatta have difficulty in being able to communicate in English, with over 45.9% of overseas born persons stating in the census that they had poor English skills. Again, persons in the postcode area with poor English skills are concentrated in the Cabramatta suburb, close to the railway station.

2.10 The figures also cannot encapsulate the rich civic life of Cabramatta, with dozens of cultural associations and community groups contributing to the area. A listing of some of the participants to this inquiry gives an idea of the scope: The Vietnamese Buddhist Society of NSW; the Australian Chinese Buddhist Society; the Federation of Chinese Community Organisations of Australia; the Pakistan Association; the Vietnamese Australian Political Action Committee; the Vietnamese Community in Australia; The Australian Chinese and Descendants Mutual Association, the Indo-China Chinese Association, the Australian Teo Chew Association and the Association of Traditional Chinese Medicine Australia.

2.11 The statistics cannot show the *relative* harmony with which so many diverse groups live together. The very serious crime problems faced by Cabramatta do not appear to include racist violence or so called 'hate crimes'. Speaking of his experience of the area, former Patrol Commander Alan Leek said:

Cabramatta is not an Asian enclave, nor is it a ghetto. I found it to be a wonderful community, made up of people from diverse parts of the world, with cultural differences that enhance the community. The relative ease with which its peoples co-exist provides a valuable lesson to the rest of the world⁹.

Age and Family type

2.12 Cabramatta is like much of Western and South Western Sydney in having a young population, with a median age 2 years lower than the State average of 34 years. More than 55% of its population is under 35, and 22.1% of Cabramatta residents are under 15 years old.

⁸ Leek, *Evidence* 18/12/00 p2

⁹ *Evidence* 18/12/00 p2

- 2.13** Two parent families are the dominant family type in Cabramatta, accounting for 54.7% of all families. This is higher than the figure for either NSW or Sydney¹⁰. However Cabramatta also has a significantly higher proportion of single parent families¹¹, which is often a contributor to economic disadvantage.

Education, Employment and Income

- 2.14** Many submissions to the inquiry have characterised Cabramatta as a working class area with many pockets of disadvantage. Figures on levels of education, types of employment and household income support this perception. Connections can be made between the poor English skills of many residents and reduced opportunities in the labour market.
- 2.15** Cabramatta has much higher levels of persons who left school at 14 or under or who have never attended school than for the rest of Sydney or NSW (14.1% compared to 10.9% and 11.9% respectively). However there is a significantly higher proportion of Cabramatta residents who finished their education at 18 years or over than for the rest of Sydney or NSW (27.9% compared to 22.2% and 18.2% respectively). This may be because many have had their education disrupted by migration to Australia rather than indicating higher levels of attainment¹². Cabramatta High School staff reported to the committee however, that they had a high retention rate, with little drop off in enrolment numbers between year 10 and year 11¹³. Beyond school, Cabramatta has lower levels of educational attainment compared with Western Sydney, Sydney or NSW. Most higher qualifications post-school were obtained in trades.
- 2.16** Cabramatta suffers significant problems with unemployment, particularly youth unemployment. At the 1996 census it had an unemployment rate almost three times that of the rest of Western Sydney 11.8% compared to 4.2%¹⁴. The generation of employment opportunities for young people has been a major priority for Fairfield City Council, the Premier's Department and other agencies. Those in Cabramatta who are employed often work in unskilled or lower skilled occupations: 18% of those employed work as labourers, compared with 7.1% for the rest of Sydney, while only 3.6% work as managers compared to 8.4% for the rest of Sydney.
- 2.17** Given patterns of high unemployment and a workforce largely in lower paid work, it is not surprising that individual and household income in Cabramatta lags behind other areas in Sydney and the state as a whole. The median weekly individual household income is in the range of \$160 to \$199, compared with \$200 to \$299 for the rest of NSW. One in five households in Cabramatta survive on an income of between \$120 to \$299 per week.

¹⁰ 49.8% and 51.6% respectively

¹¹ 19.2% compared to 14.7% for Sydney

¹² Suggested by Cabramatta Profile 1999 p18

¹³ Evidence 6/03/01, p7

¹⁴ The rate for Sydney as a whole was 4.5%

Households in Cabramatta average 3.3 persons compared to 2.7 for other areas, so more people are being supported on lower incomes.

- 2.18** Cabramatta is an area of socio-economic disadvantage. However what the above figures do not show is that Cabramatta also has a vibrant and competitive CBD, a centre of retail trading and fine food. It has two very active business associations and provides a first start in the labour market for many hundreds of people who are new to Australia. Cabramatta may not be a wealthy area, but it is alive with activity, industry and hope. Unfortunately the blight of drug crime has meant that for some the hope is to become successful enough to move their families out of the area.

Conclusion

- 2.19** Cabramatta is unique. No area in Sydney is as culturally diverse. It is also a working class area with lower than average incomes, higher than average unemployment and a large number of young people. Levels of crime are known to be higher in communities with these characteristics than in less disadvantaged communities¹⁵.

¹⁵ Standing Committee on Law and Justice, *Crime Prevention Through Social Support First Report 1999*, Legislative Council, Chapter Two

Chapter 3 Cabramatta: Crime Profile

Introduction

- 3.1** For much of the last decade Cabramatta has been synonymous with drugs and drug-related crime. This perception is based on reality, even though there is much more to Cabramatta than its crime problem. Residents of Cabramatta have endured daily scenes that would be completely unacceptable to people living in other parts of Sydney. This inquiry has heard demands that the children of Cabramatta be able to play in parks without coming across the bodies of overdose victims and finding used syringes near their play equipment; that residents be able to walk out of the train station without being offered drugs and that ordinary families can stop living as prisoners in apartment blocks that are controlled by drug dealers¹⁶. These are not unreasonable demands.
- 3.2** This chapter attempts to outline the extent of the crime problem in Cabramatta and some of the causes of this problem. The inquiry received much helpful expert evidence which the committee has drawn upon in the first part of this chapter. However the committee is very mindful of how crime statistics can be used out of context, particularly given the experience of the Crimes Index used by the Police Service. For that reason this chapter supplements the official statistics with case studies of the actual experience of crime faced by Cabramatta residents. The Committee is also aware of the limitations of anecdotes upon which to draw conclusions. Nevertheless, the Committee wishes in this report to accord a key place to the voices of the people who live and work in Cabramatta.

Origins of the Crime Problem: Drug Supply Factors

- 3.3** The 1999/00 annual report of the NSW Crime Commission is forthright as to the extent of drug crime in Cabramatta:

South East Asia is overwhelmingly the main source of heroin imported into Australia. The importations are controlled by South East Asian organised criminals mainly located in Sydney. Even where the importations occur in other States, the domestic controllers of the importation and distribution are usually based in Sydney. Heroin is mainly obtained from Cabramatta, Kings Cross, Redfern, Marrickville and Chinatown at wholesale and street levels. Many heroin dealers in regional areas regularly travel to Cabramatta to purchase supplies whilst others arrange for it to be delivered from Sydney¹⁷.

- 3.4** Some of those who have provided submissions to the inquiry have lived in the area prior to it developing the reputation as Sydney's drug capital¹⁸. They place the deterioration of

¹⁶ See for instance Ngo *Evidence* 12/12/00 p 17 and accompanying submission or various witnesses at the three consultations held on 6/02/01.

¹⁷ Crime Commission *Annual Report* 1999/00 p23-24

¹⁸ eg Mark Stevens *Submission* 7/08/00; *Confidential Submission No 7* 11/08/00

their area as beginning in the mid 1980s, when drug dealing first became apparent on a small scale. This tallies with expert opinion to the committee from bodies such as the National Crime Authority, the NSW Crimes Commission and Professor Richard Basham of the University of Sydney, a leading expert on crime and ethnicity. Each of these authorities were asked for their view on why Cabramatta has become the centre of trade in drugs, particularly heroin, in New South Wales. Mr Whiddett of the NCA answered:

I think you have to understand that heroin is an imported drug. It comes chiefly from South-East Asia. Connections between people in those countries and some of the ethnic groups in Australia facilitates the movement of drugs. It just happens to be a situation of geography and circumstance, but that is the principal reason for it. So it is not just limited to places like Cabramatta, although for New South Wales Cabramatta is a phenomenon¹⁹.

3.5 Professor Basham attributed the development of Cabramatta as a drug distribution centre to the establishment of links between local criminal elements and co-ethnics in the Golden Triangle; and to the location in Cabramatta of young males from broken families who could not speak English very well, who provide a potential pool of labour for crime²⁰. Phillip Bradley from the NSW Crime Commission agreed with both these, noting:

I was reminded the other day that of all the people who were arrested in the street sweeps where undercover police essentially round up as many dealers on the streets as they can in a short period of time, although there were large numbers of people apprehended, mostly young people, there were very few repeat offenders, which suggests that there is a very large pool of people prepared to become involved for the first time, and it also suggests that those who are apprehended are a bit wiser the next time²¹.

Origins of the Crime Problem: Drug Demand Factors

3.6 Clearly the supply of drugs into Cabramatta has contributed to its role as a distribution centre. The demand response by drug users is also significant²². Adrian Whiddett of the NCA suggested the low price and purity of heroin in Cabramatta acted as a magnet to drug users, who could obtain uncut heroin for \$20 compared to heroin of lower purity for \$80 at Kings Cross²³. Professor Basham identified the location of Cabramatta on the train network as particularly assisting access by users:

I think the train station has been a major factor. Cabramatta is well situated for addicts to get to the area, so that it is a convenient point for heroin distribution

¹⁹ *Evidence* 30/03/01 p16

²⁰ *Ibid* p6

²¹ *Evidence* 30/03/01 p28

²² See statistical evidence of the extent of this demand in the Drug User Statistics section of this chapter.

²³ *Evidence* 30/03/01 p28

with people coming from all over Sydney and other areas. That is one major factor. If you are dealing illegal drugs you would certainly rather have the purchasers come to you than the other way around given the fact that the ethnic groups initially involved had ready access to it and the transportation networks and the infrastructure were well provided, people took it²⁴.

- 3.7** This pattern of users commuting to the area is one of the points which feeds the anger of local residents who feel as if they are having to bear the burden of Sydney's drug problem:

You do not hear about people from the northern district or the southern districts who come up here purely to buy heroin and who then get back on the train. They go back there and shoot up, or they come here and shoot up. When the effect has gone, they go back to their nice little home in the northern or southern district. You do not hear about that. You only hear about Cabramatta and drugs²⁵.

- 3.8** There is an argument raised by several witnesses that Cabramatta's position as Australia's drug capital has persisted because the concerns of its non-English speaking background population can be more easily ignored by authorities than other areas. This is the containment argument:

Do they have to bear this stigma of being the capital of drugs forever? They have started to question why police failed to control heroin in Cabramatta, and the policies, strategies of policing and the willingness of government and police to drive heroin out of Cabramatta. I put that in my submission to alert the committee, the Parliament and the Government that there is an increasingly popular belief in the community of the so-called containment policy²⁶.

...because these people are marginalised it has been easier for lots of reasons to let it stay in this particular area than to have it spread. Given the fact that Cabramatta and Roseville are sister cities, you could imagine that if it were to spread to Roseville there would be a great hue and cry to have the people of Roseville subjected to this²⁷.

- 3.9** The causes of Cabramatta's current status as a drug market are complex. There is no disagreement among experts that it *has* a problem with drug related crime: the disputes during this inquiry have rather been about *how* to respond.

²⁴ *Ibid* 30/03/01 p15.

²⁵ Student B, *Evidence* 6/02/01 p11

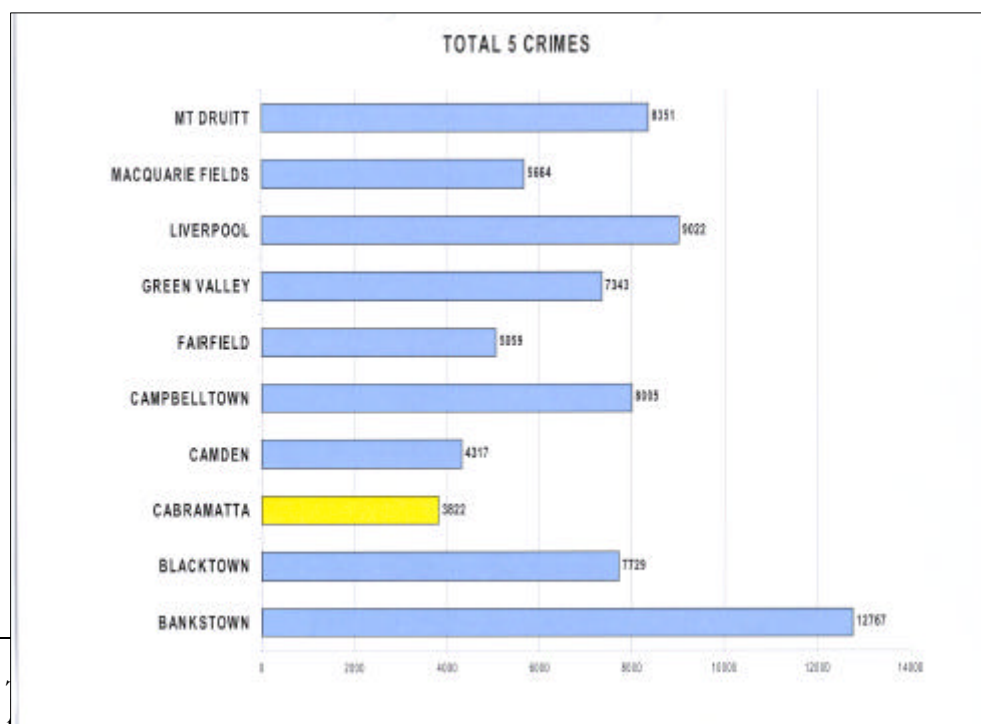
²⁶ Dr Diep *Evidence* 23/2/01 p16 Dr Diep made it clear he did not advocate this belief, but argued that evidence was needed to restore the communities confidence

²⁷ Basham *Evidence* 30/03/01 p15

Crime Statistics

3.10 At the beginning of the inquiry the Committee sought a briefing from the NSW Police Service and experts such as Dr Don Weatherburn of the Bureau of Crime Statistics and Research on the extent of crime, especially drug-related crime in the Cabramatta area. This was to examine the context of the Crimes Index²⁸ which was being used by the Police Service in 1999/2000 to argue that crime had improved in the Cabramatta area (see Chapter Eight).

3.11 Cabramatta does not have an unusual level of *some types* of crimes compared to the rest of Sydney. As pointed out by former Cabramatta Commander Alan Leek, there is very little graffiti or vandalism in the area²⁹. Deputy Commissioner Jarratt provided to the committee detailed tables that compared the reported offences of stealing, assaults, break and enters, robbery and stolen motor vehicles in each local area command. In these categories Cabramatta Local Area Command recorded far fewer offences³⁰ than Commands such as Bankstown, Blacktown and Liverpool, as seen in diagram 1 (below). For the state as a whole Cabramatta was ranked 51 in Local Area Commands by 30 March 2000 for these offences³¹.



28

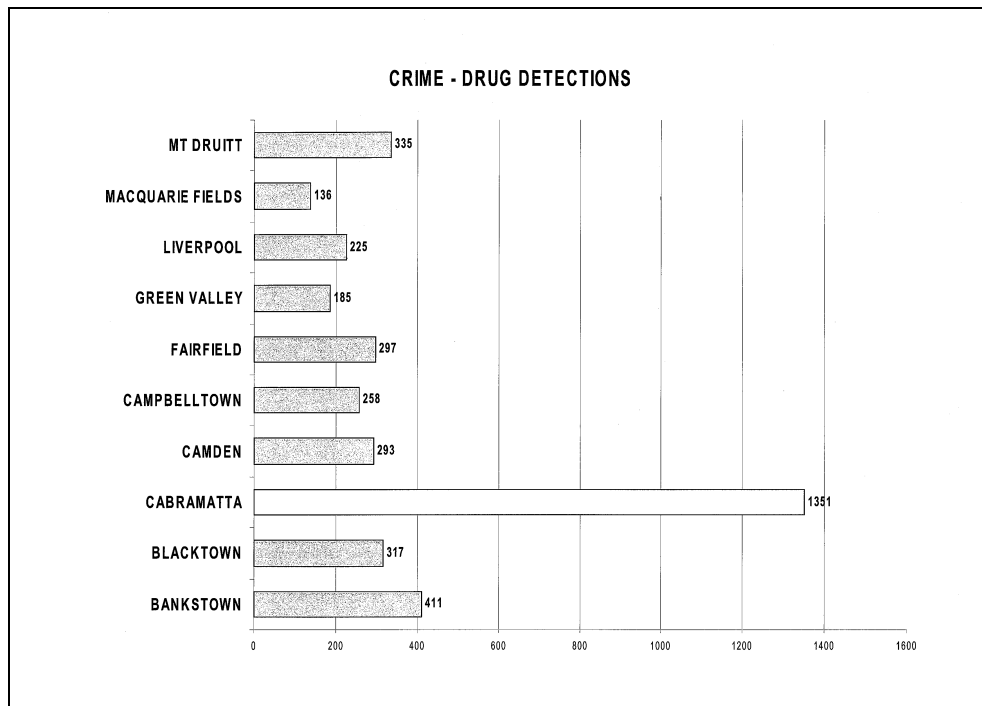
to compare the success of Local Area Commands in reducing the incidence of a category of crimes. It is explained in detail in Chapter Four of this report.

29 *Evidence* 18/12/00 p16

30 Although it should be remembered that Cabramatta LAC is much smaller geographically than these other Commands

31 Or 36 if taken as a per capita figure, as Cabramatta Local Area Command serves a relatively small number of persons compared to other commands Jarratt *Evidence* 8/11/00 p9.

3.12 However these categories, which comprised the Crimes Index, do not directly relate to the category which dominates the lives of both residents, businesses, police and offenders in Cabramatta – drugs. When asked where Cabramatta rated for drug offences, Deputy Commissioner Jarratt's answer was brief: No 1³². Diagram 2 shows this starkly, comparing Cabramatta again to the Local Area Commands in the first diagram.



3.13 The difficulty with drug offences is that, unlike a crime such as assault or theft of a motor vehicle, there are no reason for many offences to be reported unless a third party witnesses the offence. A dealer and a user will not wish to report the illegal transaction to the Police. The strategy pursued by the Police will very strongly determine the level of recorded offences. A police crackdown on street level dealing may show a steep rise in drug offences, while a policy of harm minimisation and containment of the worst abuses will show a decline in drug offences. Neither will say anything about the actual level of drug activity in an area.

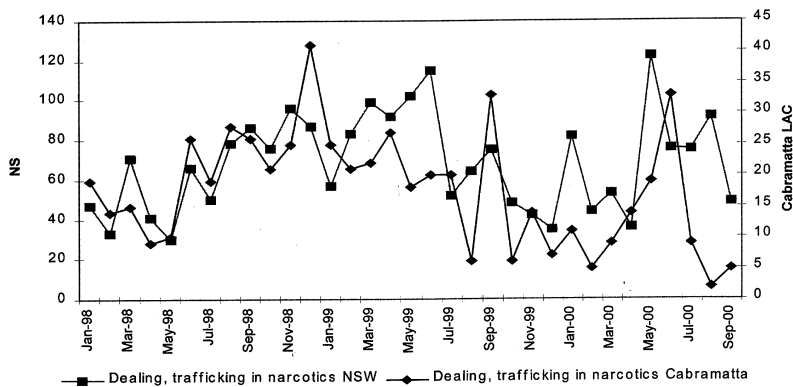
³² Evidence 8/11/00 p7

3.14

This was illustrated for the committee by Dr Weatherburn, who compared figures on narcotics possession charges in Cabramatta with trends in the rest of NSW for the 24 months up to September 2000. He found the rate had declined by 40% compared to 28 % for the rest of NSW. The trend for arrests for dealing in narcotics was down 52% ³³. The trends are shown in diagram 3 and 4.

**BUREAU OF CRIME
STATISTICS AND RESEARCH**

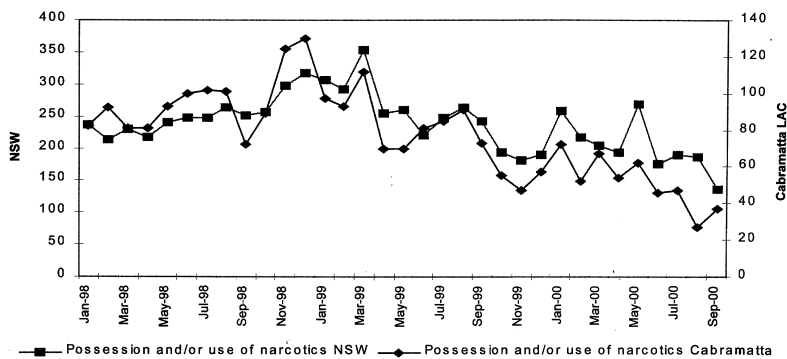
Recorded Criminal Incidents of Dealing Narcotics



Cabramatta LAC down 52.0% in last 24 months (sig)
NSW no change in last 24 months

**BUREAU OF CRIME
STATISTICS AND RESEARCH**

Recorded Criminal Incidents of Narcotics Possession



Cabramatta LAC down 44.1% in last 24 months (sig)
NSW down 27.7% in last 24 months (sig)

33 Evidence 8/11/00 p26-27

- 3.15** When asked to speculate on reasons for the decline in drug offences in Cabramatta, Dr Weatherburn said:

The recorded number or rate of drug offences is no indication whatsoever of the scale of the drug problem. It is an indication of the scale of the investment in enforcement against that problem. You only get 1,000 drug offences recorded if you make 1,000 arrests for drug possession. That tells you nothing about the number of people illegally using drugs, or illegally trafficking in drugs. So far as the drop-off in Cabramatta is concerned, I do not know whether the drop is part of a planned strategy because police might have shifted to other tactics, or whether it is just police taking their foot off the accelerator for that offence. There is no way I can tell from the figures at this stage what is responsible for the drop-off in recorded numbers of possession³⁴

- 3.16** Chapter Eight includes a detailed discussion of the issues involved in the establishment of the performance indicators for drug law enforcement.

Drug User Statistics

- 3.17** To obtain some statistical data on the drug user population in Cabramatta the committee sought a number of expert views: Dr Andrew Wilson, Chief Health Officer, NSW Health; and Professor David Dixon and Dr Lisa Maher from the University of NSW, two academics who have conducted extensive field research among Cabramatta based drug users since 1996.

- 3.18** Maher and Dixon's research found that heroin available in Cabramatta is very pure, with a purity of 66% in laboratory tests³⁵. Despite its purity the cost in Cabramatta has declined considerably in price over the last five years, indicating greatly increased availability:

The price continues to fall. The street price in Cabramatta at the moment for 0.9 of a gram is \$130 to \$150, depending on the purchaser. In 1995 that same quantity cost \$350 to \$400 a gram. So that is a massive decrease in price. Above the street level prices are also very low. Heroin reportedly sells for \$3,000 to \$3,500 an ounce and \$40,000 to \$42,000 a pound. That is a dramatic drop from prices that have been reported by the police in the surveillance report over the last five years³⁶.

- 3.19** In March 2001 the Premier stated that there had been a dramatic tenfold rise in the street price of heroin from the level of the previous three months as a result of concerted police action³⁷. Adrian Whiddett of the NCA was sceptical about the duration of this scarcity:

³⁴ *Ibid* 8/11/00 p28

³⁵ *Evidence* 8/11/00 p43

³⁶ *Ibid* p43

³⁷ *NSWPD, LA, 27/03/01*

I do not think we can take comfort from figures that either show a reduction in supply or, for that matter, a heightened supply. There tends to be peaks and troughs in this regard, but the reality is that supply in Australia and in New South Wales in particular has been pretty constant and the purity has been pretty good. So I would take a lot more comfort if some of these figures for reduction were extended over a longer period. It is true to say that there has been a number of notable seizures of drugs both abroad and at the barrier which would contribute to reduction in supply, but my own view is that that would be very much a short term reduction³⁸.

3.20 It is probably impossible to estimate accurately how many users either live or travel to Cabramatta to purchase drugs. The nature of drug dependency is that people do not readily come forward and identify themselves, and many users are highly mobile. One of the debates with important policy implications is the extent to which users in Cabramatta are residents and to what extent they are transient. This has implications for the location of treatment facilities and other services aimed at users: should facilities be located in Cabramatta or dispersed in the suburbs from where the users come? It is very difficult to answer this because many users, drawn to Cabramatta by the availability of cheap drugs, may stay, either adding to the homelessness problem or taking advantage of the very low rents available in parts of Cabramatta. As Dr Wilson of NSW Health states:

I start with a caution in relation to any enumeration of drug dependent people. By the nature of drug dependency people do not come forward and identify themselves readily with that. So our estimates have to be based if you like on a sort of triangulation where we draw on whatever sources of information there are available to us and try and interpolate from those some reasonable number which is consistent with the information that we have. But we are dealing with a population, the drug dependent population, which is highly mobile, moves around a lot from different sources of supply so it is extremely difficult to count accurately in one place who is there.

I certainly know of no incidents where you have major clustering of drugs where there is not a substantial number of drug dependent people who are actually resident in the local area and that is important in terms of thinking about where you put the services et cetera for people with drug dependency³⁹.

3.21 The figures that are available from NSW Health⁴⁰ show:

- There were 1,686 patients on the methadone program in South Western Sydney at 31 March 2001, an increase of 20% over a 12 month period. Of these there are 172 patients on the Methadone program in the Fairfield area, including Cabramatta.

³⁸ Evidence 30/03/01 p17

³⁹ Evidence 12/03/01 p6

⁴⁰ *Ibid* p6-8, also responses to Questions on notice from that hearing

- Based upon needle exchange figures, the Department estimates 1,652 drug dependent users live in the Fairfield area, with 305 in the Cabramatta area⁴¹.
- The Drug Intervention Service at Cabramatta distributed 12,603 syringes from its van to 1,192 people in the month of April 2001 in Cabramatta.
- The Corella Lodge Detoxification Centre at Fairfield Hospital with 20 beds managed 884 out-patients and 1019 in-patients between August 1999 and August 2000; more significantly it received 150 calls per day in that time.

3.22

These figures may show more about the shortage of drug rehabilitation services in Cabramatta than the number of users. It is difficult to accept that there are only 305 drug dependent users in Cabramatta. Despite requests made during the hearing on 12 March 2001 NSW Health has been unable to inform the Committee to date of the number of drug related deaths in Cabramatta. The figures from Dr Wilson on overdoses from ambulance data are however illuminating:

- 15% of all drug overdoses in New South Wales occur within a four km radius of Cabramatta
- In 1999 the treatment for suspected drug overdose was used 549 times by ambulance workers in Cabramatta
- 65% of overdoses in Cabramatta occurred in a public place compared to 19% in Kings Cross⁴²

3.23

In evidence to the Committee former Cabramatta Patrol Commander Alan Leek explained what these figures meant in human terms:

These people died unnecessarily. They were loved ones of different people. My primary role as a police officer was the protection of life. It was incredibly frustrating to see these figures mount up, to see these people become statistics. Had they been killed in motor vehicle accidents there would have been an uproar. They were killed behind buildings. They died in disgusting conditions, amongst litter and needles. It was absolutely heartwrenching. Ambulance officers would revive heroin overdose victims with Narcan. They became expert in their attempts to revive people who had no vital signs when perhaps others would have given up. They had some success but the hidden casualties in such instances are people who suffer brain damage or organ damage or limb damage. We do not seem to talk about them. It is a massive problem⁴³.

⁴¹ Calculated by dividing the Fairfield figure by four, as Cabramatta has one quarter of its population
Wilson *Evidence* 12/03/01 p6

⁴² This is from a National Drugs and Alcohol Research Centre analysis of 144 overdoses, *Ibid* p8

⁴³ Leek *Evidence* 18/12/00 p6

3.24 Maher and Dixon's research suggests Cabramatta drug users engage in high risk and socially harmful drug taking behaviour:

- One third of young Indo-Chinese drug users had their *first* injection in a public place (a flat stairwell, car park, on the street etc)
- One in 10 had their first injection with a used syringe
- 65% had injected in flats and 52% had injected on the street within a month of the survey
- 21% of those surveyed had shared a used needle within the last month and one in four of *new* (using for less than two years) users had Hepatitis C⁴⁴.

3.25 A comparative study Drs Maher and Dixon conducted with Indo-Chinese users in Footscray in Melbourne found that the Cabramatta users engaged in much riskier behaviour. They attribute this difference to the policing strategy pursued in Cabramatta such as Operation Puccini:

Some people who come to Cabramatta – people who do not live there and who come there to purchase drugs – are worried about being apprehended. They tend to use the drugs there so that when they get on the train they do not have any evidence on them. That also encourages that kind of use in public places. There are problems associated with that. There are problems for residents having to step over comatose bodies in the stairwell and having their back gardens surrounded by littered needles and syringes⁴⁵.

3.26 The very visible nature of drug use in Cabramatta is one of the most consistent findings in research in the area. It is strongly corroborated by the many references in submissions by Cabramatta residents to daily witnessing sights, such as overdose victims in children's playgrounds, which the rest of Sydney are spared.

Structure of Drug Related Crime in Cabramatta

3.27 There is general agreement among police and other experts as to the structure of drug dealing and crime in the Cabramatta area. The consensus appears to be that organised crime controls much of the drug trade in Cabramatta, but that this consists of networks of several loosely associated South East Asian criminal groups rather than any dominant group:

I can say from my experience that the heroin market is dominated and controlled by South East Asian organised crime figures⁴⁶.

⁴⁴ Maher and Dixon, *Evidence* 8/11/00 p43-44

⁴⁵ *Ibid* p44

⁴⁶ Whiddet (NCA) *Evidence* 30/03/01 p20

There was never a real centralisation of heroin operations in Cabramatta. If there are any Mr Bigs, there are many Mr Bigs, a number of Mr Bigs, and the organisations, like a lot of modern Triad organisations, are relatively loose anyway. Triad figures often times come together for one operation, two operations, and then they basically do not associate with each other necessarily for years on criminal operations⁴⁷.

3.28 The Commissioner of the NSW Crime Commission stated that while some of the Mr Bigs were known it required a great deal more resources to be allocated to effectively target these figures:

The Hon. G. S. PEARCE: I take it from what you have said that you know who those high level people are.

Mr BRADLEY: We know who some of them are, yes.

The Hon. G. S. PEARCE: But no one is going after them.

Mr BRADLEY: I would not say that. I do not say that. There will always be more offenders than there are law enforcement resources to apprehend them and it is unrealistic to think of law enforcement in terms of cleaning up the entire problem, but in attacking targets with a view to imprisoning people, you have to do it in the most efficient way possible having regard to finite resources and all the usual things. We have demonstrated in the Joint Asian Crime Group (JACG) environment that that approach, especially when it is done collaboratively, is very efficient and very effective. Something like 700 kilos of heroin and a number of very important people were apprehended. In organised crime there is not a problem that resources will not solve essentially, but there are an awful lot of resources in law enforcement already.

CHAIR: Your answer to my question and Mr Pearce's question is that you know those criminals, as you were just stating, and you said that there are values in establishing a joint task force. Would you not think that it is useful to establish a joint task force anyway to target these people at this point of time?

Mr BRADLEY: That is what I said. I think that if you do proactive enforcement and you target people of value who are worthy of that sort of attention and those sorts of resources, then you will get results⁴⁸.

3.29 Assistant Commissioner Small emphasized that Cabramatta is linked to many other parts of Sydney by the networks through which distribution is arranged:

The major importers of drugs do not live in Cabramatta but their first distribution point is Cabramatta. I do not want to single out any particular wealthy suburbs where a number of these people live but the point I am making is that when strike forces are assigned to target a group they might well target the importer who does not live at Cabramatta but once they receive the drugs they are distributed to known traffickers in Cabramatta. The most desirable state for the Service is to get

⁴⁷ Basham *Evidence* 30/03/01 p6

⁴⁸ *Evidence* 30/03/01 p33

all levels of the chain. We cannot always do that but all of these strike forces, as I have described, impacted on Cabramatta and the drug trade in and around Cabramatta and the violence that attends that trade⁴⁹.

3.30 The Cabramatta drug trade is dominated by South East Asian gangs because of geography: as discussed in the Crime Commission's annual report, the United Kingdom and Europe do not have a problem with South East Asian crime for the same reason, while Australia does not have a significant problem with cocaine because of its distance from South America⁵⁰. Criminal elements exist in every cultural group, but some are provided opportunities to develop into organised networks when favourable conditions exist, as has occurred in Cabramatta. This issue will be returned to later in regard to police/community relations and the so-called 'wall of silence'. Former Commander Leek said:

there is no such thing as Asian crime. It is an unfortunate appellation. Throughout our history we have managed to blame others for what should be a shared experience. The reality is that the culprit is xenophobia. The nature and type of crime does not alter from culture to culture. I know of no credible study that establishes a higher propensity in one culture to commit crime in this country than another. In short, crime is crime and should be dealt with accordingly. The only valid use of ethnicity is as a personal identifier⁵¹.

3.31 The most visible aspect of the networks of organised crime which underly the Cabramatta drug trade was the outbreak of violence in early 2000, which was the subject of some of the most contentious and contested evidence before the Committee. Witnesses are in general agreement in attributing this outbreak of violence to a gang war within the drug networks in South Western Sydney⁵².

3.32 One witness, Detective Sergeant Priest, stated that during this outbreak of violence:

Over 40 shootings occurred. People were murdered and numerous people were seriously wounded. The community and the police were placed in grave danger⁵³.

3.33 Detective Sergeant Priest was not correct in relation to the timing of the 40 shootings. To ensure the record is correct the Committee notes from evidence that these incidents had already occurred. Further incidents occurred after this period. Shortly before this report was completed the NSW Bureau of Crime Statistics and Research released a research report on firearms and violent crime in NSW. In relation to 'handguns' the report pointed out

⁴⁹ Small *Evidence* 11/5/01 p36

⁵⁰ NSW Crime Commission *Annual Report* 1999/00 p23

⁵¹ *Evidence* 18/12/00 p2

⁵² Priest *Evidence* 23/02/01 p1, Small *Evidence* 27/02/01 p5

⁵³ *Evidence* 23/2/01 p1

that the Fairfield-Liverpool area (which includes Cabramatta) together with Canterbury Bankstown, accounted for 55% of all handgun shooting in NSW last year⁵⁴:

The rise in handgun shootings in the Canterbury-Bankstown and Fairfield-Liverpool subdivisions has been more pronounced than the increase across the State between 1995 and 2000. It is also evident that a large proportion of handgun shootings originate from these two subdivisions. In fact shootings in these areas account for more than half (55 per cent) of all handgun shootings which occurred across NSW during the year 2000. While there is no direct evidence that the increase in shootings is drug-related, Canterbury-Bankstown and Fairfield-Liverpool are subdivisions known to have significant drug trafficking problems⁵⁵

3.34 A further picture of the level and form of the nature of gang related violence in South West Sydney at this time may be gained from Assistant Commissioner Small outline of the results of the work of Strike Force Portville. This was established on February 2001:

Since its inception the strike force has investigated around 50 incidents of violence. This includes a significant number of incidents that occurred prior to the commencement of the strike force, some going back as far as 1996. By April 2000, following the arrest of a number of key players, the frequency of incidents of violence had reduced from a number of incidents per week to where they were sporadic incidents only⁵⁶. The results of Portville include: 36 offenders charged; 25 firearms, mostly handguns seized; and 83 charges being laid. I have outlined the details of those charges—they involved several counts of murder, several counts of attempted murder, several counts of kidnapping and numerous accounts of serious assault, demanding money with menaces, drug supply and other charges.

3.35 A disturbing new feature of organised crime networks, not just in Cabramatta, appears to be the increasing use of guns. Phillip Bradley from the NSW Crime Commission gave evidence that the tightened firearms legislation in Australia had been subverted in recent times by some firearms dealers:

If you import a box of parts, including barrels, slides and frames, which are the main components of automatic pistols, the level of control over those is somewhat limited. They will end up in the hands of a dealer. They can be reassembled into whole weapons, or parts can be distributed around the country by post, which is a common way of avoiding the registries, and whole weapons turn up in the hands of criminals. The mark up is such that it is more profitable than drugs and less risky because of the penalties involved⁵⁷.

As outlined in Chapter Six, the Government has recently introduced legislation aimed at addressing the prevalence and availability of firearms.

⁵⁴ NSW Bureau of Crime Statistics and Research, *Firearms and Violent Crime in New South Wales* Number 57, May 2001 p4. Note the total number of handgun shootings for the State was 42.

⁵⁵ *Ibid* p4

⁵⁶ *Evidence* 27/02/01 p5-6

⁵⁷ Bradley (Crime commission) *Evidence* 30/03/01 p27

3.36 The Committee does not wish to use this chapter to analyse police strategy. However one final point to be made regarding the structure of crime in Cabramatta is how it is in part a product of the way in which the drug trade is policed. Drs Dixon and Maher have suggested in their research reports and in evidence to the Committee that the targeting of street level dealing by police operations such as Puccini have increased the hold of more organised networks:

I guess it is sort of like if you are picking off the easy targets first. So that if you, I guess, play hard ball you introduce into the market the people that can survive that people that are tough enough, and strong enough, and have the kind of protection and resilience that enables them to operate in an atmosphere where it is a very tough game. The kids and the minor players drop out, so it becomes more systematic, more organised and more hierarchically differentiated. So you actually target harden⁵⁸.

3.37 This may also explain the prevalence of drug houses in Cabramatta, often guarded by steel doors from which users purchase drugs through a slot in the door without ever seeing the dealer. The Committee has been struck by the way both dealers and users rapidly adapt their practises in response to changes in legislation or police strategies.

Gang Recruitment in Schools

3.38 A major debate occurred during the inquiry concerning the extent of recruitment of school students by criminal gangs. This was given a focus by an incident described in evidence by Detective Sergeant Tim Priest which occurred outside the gates of Cabramatta High School on 19 February 2001. Although this became the subject of great controversy the Committee believes arguments about the incident itself has not greatly advanced the inquiry. The Committee draws the following conclusions:

- There is general agreement that teenagers in Cabramatta are involved in the drug trade and recruited to gangs, and that many of these teenagers would have attended a high school in the area at one time⁵⁹.
- There are several High Schools in the Cabramatta area, one of which is Cabramatta High. Cabramatta High is highly regarded by most who have knowledge of the school, including Tim Priest⁶⁰; the Committee understands the High School pursues a zero tolerance approach to drug dealing within the school. Assistant Commissioner Small and Commander Hansen advised the Committee that they have no evidence of any gang recruitment within Cabramatta High School.
- An incident did occur on 19 February outside the school grounds involving three cars and youths who were not students at the school. The incident recounted by

⁵⁸ Maher *Evidence* 8/11/00 p42

⁵⁹ Priest *Evidence* 23/02/01 p8, Small *Evidence* 11/05/01 p9 (afternoon session)

⁶⁰ *Evidence* 23/02/01 p7, 14

Tim Priest in his evidence, which he admitted was not first hand, was based upon the COPS data entry made of the incident; it differed primarily in that Priest made an assumption that the car load of males threatening to bash students were members of a gang. After his evidence this entry was later added to by the Crime Manager at Cabramatta LAC by a second COPS entry, an unusual though not improper procedure. The initial entry was not altered. The second entry contains more detail, based upon eyewitness accounts and a clarification with the officer making the original entry. The teachers involved advised the Police that the incident not appear to be drug or gang related, though it did involve threats of violence, a stolen car and objects being thrown at teachers by the young people in one of the cars⁶¹. The Committee accepts these views.

3.39 There was considerable debate about what was meant when it was said that the incident which occurred on 19 February 2001 took place outside the school.

The Hon. R. H. COLLESS: We are not here to denigrate schools, schoolteachers or school kids or anything like that. But obviously, if drug dealers are looking for young people, they are going to be looking at school-aged kids, are they not?

Ms WALLACE: Exactly.

Mr SMALL: There is something that I do not think I have actually said in evidence, and probably I need to state it so that there is absolutely no misunderstanding. I have never suggested that we do not have school-aged druggies; that we have school-aged kids or kids going to school who are selling drugs, or are recruiting friends into drug groups. I make that absolutely clear. What has actually become the problem, if you like, for me in giving evidence here is this central claim that gangs are going to schools and are actively seeking out recruits in the school environment. What I am simply saying is that, on that issue, we do not have any evidence to support that.

CHAIR: I think we should clarify this factor. All along, from Tim Priest's evidence to the other officers' evidence, the fact that is impressed on my mind is that it is not within the school; it is outside the school.

Ms WALLACE: But the term "outside the school" is very confusing because when you say "outside the school", most people, including the subject of an information report, would interpret "outside the school" to mean

Mr SMALL: Outside the fence.

Ms WALLACE: It should mean that. When the reference is being made by, say, some school kids who are to provide some information, it is "down at the Timezone", "down at the railway station", or it is "down in the Freedom Plaza".

CHAIR: It is outside the school grounds.

⁶¹ See 2nd COPs entry in Correspondence, Court and Legal Services 14/06/01, response to questions on notice.

Ms WALLACE: Yes, that is right. The distinction has to be made. "Outside the school" in the some person's mind gives the perception that it is in the school gate, outside the gate, and that is not the school precinct. Outside the gate is still the school precinct and has been since I was there in 1992 or 1991. Most of the people in those days selling drugs were school aged and we have never detracted from that. That is why we have listed it as a major threat to our command.

CHAIR: I think we have evidence that has been presented to the Committee and reference has been made to "outside the school", not inside the school. I need to emphasise that point.

The Hon. J. HATZISTERGOS: There was a car taking them to the school.

Ms WALLACE: Yes. That was the case⁶².

⁶² *Evidence 11.05/01 p9 (afternoon session)*

3.40 Regardless of the interpretation given to the events that occurred outside Cabramatta High School on 19 February 2001, the Committee is gravely concerned by evidence it has received from police officers about the role of school age children in illegal drug trafficking and gangs. One incident was described in the following terms:

D: No. I would just like to add that over the last couple of weeks I have attended two incidents where a large group of schoolchildren had been housed in a couple of fortified units in the company of a couple of known

Ms LEE RHIANNON: When you say "housed", do you mean they live there?

D: No. One of the units that we attended had approximately eight kids of school age. It was a vacant unit, which they had taken over. They already had a security super door put on it. They had even gone to the extent of on the inside

Ms LEE RHIANNON: The kids had?

D: Somebody had. They were in there. What attracted our attention was that a known drug dealer was seen with a Caucasian male walking up John Street. As a result we followed. One of the constables I was working with had seen a transaction. We arrested the known dealer who went to the window of this particular unit before he got to the Caucasian, and we had arrested them for the possession of, I think it was a quarter weight of heroin. As a result of that we sealed off the place and we were in the process of getting a search warrant. The juveniles inside the premises then allowed us to gain entry. Upon entry we saw approximately eight to 10 juveniles in there.

The Hon. G. S. PEARCE: School kids?

D: Yes, and one adult.

The Hon. J. HATZISTERGOS: When was this?

D: Two or three weeks ago.

The Hon. R. D. DYER: When you say they were school kids, how do you know they were school kids?

D: From our inquiries. The average age was 14 to 15 years old.

The Hon. J. HATZISTERGOS: Which schools?

D: I do not know. I did not get into that. Then we went through, we took them back and we contacted their parents.

Ms LEE RHIANNON: When you say you took them back, took them back to the station?

D: We took them back to the police station. What we have seen is an increase in parents, two that I am aware of, that have reported their children missing. They then come to the police station. When they report them missing they say that they are in this particular place, one in John Street and there was another one in McBurney Road. They are saying that they are now linked up with the gangs and

they are using them to sell drugs and courier drugs to Brisbane, and they were very concerned.

Ms LEE RHIANNON: Using the kids to courier drugs to Brisbane?

D: Yes, that is correct. We took these kids back, called their parents and they came and picked them up, but to no avail. They will do the same thing again. A week or a week and a half later on night work we got called down to

B: It was 12 April.

D: We got called down to another address in McBurney Road, which was an address that had already been knocked over by way of search warrant where a number of people were arrested and charged. The place should be vacant because the windows at the back are smashed and the security bars on the window have been pulled off. The initial call was to check whether a missing juvenile was in there. When we got there, 12 or 15 juveniles were all drinking beer, sitting around in a huddle.

B: It was 2.00 a.m.

D: B was there on the night as well. One gentleman had the identification of a gang member who is in custody at the moment. It just seems to me that this is another way that they are recruiting the kids now. It is becoming a problem because a lot of these kids are leaving home. Their parents are reporting them missing. They are telling us where they are. They are at age 14 or 15. We go down, we take them back, they go back to their parents, but the next day they just go again. That may assist in some way, that the recruiting may not be occurring just at the schools but also outside school hours⁶³.

3.41 The same incident was discussed with the Committee by the Crime Manager at the Cabramatta LAC, Inspector Wallace. Ms Wallace also described a further incident.

The next incident that occurred and which caused me some concern was on 12 April. On this occasion it was an incident that was related to you here. It was 2 a.m. and there was a group of 10 kids in a unit that had previously been the subject of one of our search warrants. The doors had been removed. It was now premises where people would squat, for want of a better word, or go there and just hang out. On this occasion, that is what these kids were doing. They were drinking beer, hanging out and making noises which is why the police attended. On this occasion, only one was on a breach of bail. There was only one known so, again, there was some concern: What is happening here? What is the link? On that occasion they were all removed and taken back to the police station. Their parents were all called because of the nature of these children. They were actually more lower risk kids, but there was one high risk one there.

The third incident and the only other incident up to date, of which I am aware, was on Good Friday. My covert team had been looking at a premises and the premises now were opening and shutting, depending on if there is availability, and they saw a youth whom they believed might have been involved in drugs and followed him to a unit. When they got there, they went up the stairwell and the

⁶³ Evidence 23/04/01 p18-19

person inside might have thought, 'Who are these coming?' and has come out. He met them on the stairs and they said, 'Who's in there?' He said, 'Oh, I don't know. The door was open and we were just hanging out in there.' So the cops have gone in and, to their credit, have got all the details. Yet again, I think it was six on this occasion. Again one was locked up for no, there was no one locked up on that occasion. There were no drugs on the premises but certainly the police there took all their details and submitted a report. But in all of these ones, there has been a report submitted on each of these children there so that we can start to profile and try to work out if there is any networking⁶⁴.

- 3.42** The Committee is concerned that the Police Service apparently has collected information on gangs on an ad hoc basis. The Committee understands that Cabramatta LAC is now attempting to identify the emergence of gangs at their development stage⁶⁵, prior to them becoming organised, but is concerned that there does not appear to have been focus on this before.

Recommendation 1

The Committee recommends the Police Service take urgent steps to ensure that it has in place procedures and resources to ensure sufficient intelligence is available to Local Area Commands to investigate gang activity.

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- 3.43** While the situation regarding drug gang recruitment from schools is the subject of much debate, there is little doubt about the impact of drug related crime on the Cabramatta community generally, as discussed below.

Residents Experience of Drug Related Crime in Cabramatta

- 3.44** The Committee has heard some harrowing stories about life for many families and individuals in Cabramatta. Throughout this inquiry the Committee has tried to give Cabramatta residents, workers and police a voice to tell the rest of the State how the area has been devastated by the effects of the drug problem. Community leaders such as Ross Treyvaud President of the Cabramatta Chamber of Commerce, Councillor Thang Ngo of Fairfield City Council and Dr Thomas Diep, President of the Cabramatta Business Association have reported receiving threats, including death threats, as a result of highlighting the difficulties faced by residents and business operators in Cabramatta. It is understood that at least one of these death threats has been the subject of an investigation by the Police Integrity Commission. The Committee has heard further statements from the Drug Intervention Service Cabramatta (DISC) that the needle exchange van and clients were the subject of attacks when the van was located near the Cabramatta Inn. The

⁶⁴ Wallace *Evidence* 11/05/01 p8 afternoon session

⁶⁵ *Ibid* p8

Committee is also very grateful for the courage of these people and ordinary citizens who have spoken through submissions, phone calls and other means. In this section the committee wishes to use these contributions to try to paint a picture of what residents and workers have experienced in Cabramatta in recent years.

3.45 One of the more moving experiences for committee members during the inquiry was the consultation with students, ex-students, parents, teachers and other staff at Cabramatta High School held on 6 February 2001. The Committee recommends anyone interested in understanding the many different dimensions of Cabramatta and the different responses of its residents to the drug problem read this transcript⁶⁶. A staff member recounted the following story:

I want to outline very briefly a couple of rather sad, if not poignant, things that happened to me last year. Recently, a home visit by a high school liaison officer revealed that the reason for a student who is in year 8 having poor attendance was due to the fact that the family lived in a well-known "notorious" his words street in the area. The student had been kept home, to quote him, "to mind the house". He also added that the family lived in absolute fear. The house was, to quote him again, "barricaded at the back". A family, a grandmother, a single mum and three children lived in two rooms at the front of the house. In that way, they felt they had some control over their environment. It really blew me away when I was told that because of constant drug dealings and activity all around them. But even more poignant is the fact that the parent was taking sleeping pills simply to get a good night's sleep and often did not wake up in time to bring the student to school. She would not trust that child out on her own in public transport within the area⁶⁷.

3.46 Another teacher at a primary school presented a vivid picture of life for students:

I am only going to comment on one example as a teacher. It is to say to you that I agree with Senior Teacher B that schools are oases for those kids. It is the walk between school and home that deeply concerns me. Recently I had the opportunity to walk a five-year-old home because he was sick. To walk them to the bowels of those flats was a frightening experience. I consider myself quite assertive but the dealers were circling in curiosity and anticipation. They followed us. We used the electronic system to contact the parents, the parents came down, unchained, took the child in, and locked up and I walked back to school, watching over my shoulder the whole way. It describes what it must be like for children to leave school where it is safe and comfortable and go through this to their homes⁶⁸.

3.47 For older students their anxiety and fear about the drug problems which surround them is compounded by the fear that they will be stereotyped and prejudiced in social situations or when they seek employment:

⁶⁶ (available from the Committee website www.parliament.nsw.gov.au)

⁶⁷ Senior Teacher B *Evidence* 6/02/01 p3.

⁶⁸ Senior Teacher D *Ibid* 6/02/01 p8-9

Cabramatta High School is a good school. But since it is Cabramatta, everyone understands Cabramatta means drugs, so we are more inclined to be associated with drugs, even though at the school we are not if you say you are from Cabramatta, you are going to be stereotyped as a drug user, or a drug taker, or as a drug dealer, or any one of those because of the simple link with Cabramatta. But if you say you are from Liverpool or Parramatta, which is 10 minutes or 20 minutes away, they say, Oh, where is that? ⁶⁹

- 3.48** Users of public transport in Cabramatta are confronted with the drug trade on a daily basis. Committee staff using the train to attend consultations were regularly approached by go betweens for dealers, something which those who work in Cabramatta face every day:

On any morning at the station I travel and have travelled for the last 18 years, by rail there is a litter of bedding, cardboard mattresses, milk crates and comatose bodies. There is endemic loitering of dealers. They meet my train every morning: it leaves Central station at 10 minutes to 7. At the station and in many surrounding streets, undoubtedly you are already aware of the activity. There is constant harassment⁷⁰.

- 3.49** During the Committee's first visit to Cabramatta, police advised that the bus shelters on the eastern side of the railway station were being used by dealers. Rather than make a direct transaction interested buyers are directed to intermediaries further from the station for their purchase. Prostitution involving female drug users is also a problem around the station. Even driving a car close to the station can be a confronting experience:

We are even limited in driving our car - to drive down Railway Parade in front of Cabramatta station in fear of the junkies working out deals and jumping from one side of a road to the other. As they dive across the road they glare at you if you attempt to travel through the green light. Junkies stagger between buses and cars. You never know what is going to appear in front of you. If you attempt to blow the horn to warn them, the experience of my next-door neighbour is he had his car windows smashed by the person, and he was merely trying to alert him to the fact that he was there. He drove his car straight home with his terrified 10-year-old son sitting in the back and locked himself in the house because he was afraid he was followed home. When I encouraged him to ring the police there were a number of comments, including that he felt that the police were too busy to come to what he thought was too menial a crime in Cabramatta. He also feared that people who smashed his window would follow it up and do something to him or his family or his house⁷¹.

- 3.50** Life is no easier for those who work in Cabramatta. Shop owners are frequently involved in physically evicting users or dealers from inside their premises or moving them on from outside. Police response times are said to be too slow to be of any value, so that some business owners have decided to take their own action⁷². Shoplifting by users is a major

⁶⁹ Student B *Ibid* p5

⁷⁰ Senior Teacher B *Ibid* p3

⁷¹ Senior Teacher D *Ibid* p9

⁷² See discussion of response times in Chapter Nine of this report.

problem. One female shopowner (with a shop five minutes walk from Cabramatta police station) recounted to the committee a typical experience:

At one stage I had a drug user who always came and stole from me. He is a transsexual male and every time he steals, he takes half dozen things at once. My girls said to me, "This man always comes and steals." I said, "Okay." One day I saw him and I stood at the door because someone said that if they steal something inside your shop, you cannot charge them unless they walk out. So I waited outside the door and he actually stepped out and was about to run away but I held him. Oh, he was so heavy. I held him and all my body had aches and pains the next day. He had a backpack. He put the bras inside his clothes and so all the bras dropped because I held his arms. A male customer tried to help me to hold him until the police came and took him away. Anyway, he had on a backpack and instead of holding him, we held the backpack. He left his backpack and ran. The police came half an hour later⁷³.

3.51 A local doctor also described the lack of support he experienced:

I have seen a lot of changes and I have lost a lot of business. A lot of my clients will not see me because of what is going on in the business centre. At night when I am rung for a house call I do not want to go because a lot of times my car has been smashed. It is not worth it for me. My kids do not come and see me here because they are afraid. Unfortunately I must say the police have probably failed, the camera system has failed. We have no trust in the police and in the judiciary, nor, unfortunately, in the politicians at this stage. A lot of times things have been done for a moment and, unfortunately, after a couple of months we find the same thing is back. I have shifted half my business to another suburb for this reason⁷⁴.

3.52 Business leader Ross Treyvaud describes the frustration and fear of businesses in the area:

Over the last few weeks since the last time this Committee has met I have been getting quite a few phone calls from shopkeepers who are suffering intimidation from the drug dealers. They feel disempowered to go to the police. They feel if they go to the police to report the intimidation that they are suffering that they cannot go away anywhere else. They say they cannot run and hide, they have to stay and run their business. The criminal can go away and come back whenever he pleases and break their windows, turn over their displays or intimidate their family who are working in the store with them.

The perception of fear in Cabramatta is very real for a lot of people. Over the last few weeks when I have received calls and the drug dealer is in front of a shop I have been going down and moving them on myself. If it is a little bit tricky I call the police. If they fail to appear I call triple-0. Recently one of the inspectors from the regional office chastised me for calling triple-0 because, he informs me, that is only for emergencies for violent situations. Discounting the fact that a number of shopkeepers in the last few months have been stabbed or beaten up, had their stores in disarray and their customers threatened for getting in the way of a drug

⁷³ Tew *Evidence* 6/02/01 p13

⁷⁴ Sarfraz *Evidence* 6/02/01 p3 Chinese consultation transcript

deal or for not saying politely "No thank you very much, I don't want to buy heroin today"⁷⁵.

- 3.53** Ross Treyvaud's own story, detailed in his first submission to the inquiry, shows the difficulty of operating some types of businesses in Cabramatta. He became licensee of the Cabramatta Inn Hotel in 1993, left in June 1995, then returned the following year. During his absence a gang of up to 40 members had begun operating in and around the hotel:

On my return to the hotel I was approached by members of this group who informed me of how I was not to interfere with their activities, of how I was not to contact the police at any time and how it was in my best interest to ignore their presence. The initial altercations with this group proved violent and were usually followed by reprisal attacks against myself or other staff members or customers that were thought to have given me information. I was attacked in the street on a number of occasions, my house was trashed three times, I was followed whenever I left Cabramatta, the windows of the hotel were often broken, I received death threats everyday, the bar areas smashed or furniture thrown around. The police when called were usually not available or when they did show up would simply escort the offending gang member from the premises and release them. I was warned by a number of police on different occasions not to leave the hotel alone⁷⁶.

- 3.54** After banning all those associated with the gang from the hotel, and searching others suspected of having heroin in their possession, the gang presence and drug distribution from the hotel was largely eradicated. Mr Treyvaud states that in that three month period, 20 offenders were successfully convicted and heroin in excess of \$50,000 street value was seized. This experience led Mr Treyvaud to become involved in the wider fight by the Cabramatta community against drug crime, joining Fairfield Council's Cabramatta Crime Task Force. He has also become President of the Cabramatta Fairfield Police and Community Youth Club, the Lions Club and the Chamber of Commerce. Informally he has become a source of assistance to local residents, not only businesses, who have felt that they are not able to gain police action on matters affecting their daily lives. Some of the case histories of those he has assisted have been provided to the committee and make harrowing reading:

When the addicts initially collected around the table {at a children/toddlers playground nearby} to administer their drugs, dealers immediately recognised the potential market and set up drug nests in three flats at , as well as in the common property back storeroom. To allow the addicts easier access to the dealers tore down fence palings, smashed entrance doors to the units and then availed themselves of the water in the laundry as well as the common property garden taps, all of which have since been disconnected. Our laundry is no longer in use even by residents.

Many times I have been blocked from either entering or exiting my own garage door because the addicts are injecting heroin whilst seated in their parked vehicles immediately outside of my garage door. Many is the time I have been openly told

⁷⁵ Treyvaud *Evidence* 6/02/01 p16

⁷⁶ *Submission* 10/08/00 p8-9

by the drug addicts themselves. The cops aren't gonna do f---k g nothing lady. So f---k off.⁷⁷

3.55 A letter signed by five residents provides details of drug dealing from two houses in their street from three years from 1996 and constant approaches to Police over that time. Finally two detectives, one of whom was Tim Priest, took the approaches seriously and a successful raid was made which ended the problem⁷⁸. Another resident detailed a series of traumatic experiences over several years including being threatened by a drug dealer wielding a meat cleaver, witnessing an old man being bashed almost to death by youths with a baseball bat and having drug dealers in her block of units shoot her pets and leave used toilet paper and a bottle of urine at her door⁷⁹.

3.56 Councillor Thang Ngo, the only Vietnamese speaking councillor on Fairfield Council, has become a point of contact for non English speaking background residents who do not feel able to contact the police or who have had previous experiences of being misunderstood when reporting crimes to the police. In evidence, he enumerated five examples of how the drug crime problem affects his constituents:

Point No 1: drugs are sold in broad daylight, day and night in Cabramatta in the CBD with or without the cameras. Point No 2: I cannot get off the train without being offered drugs in Cabramatta. Point No 3: in October the local library toilets and Whitlam Library had to be closed temporarily to students sitting for the HSC because of drug abuse and the dangers associated with it. Point No 4: primary school kids cannot use their local parks because of littered needles and the fear of addicts. Point No 5: in April a local street reported 85 break-ins in just six months and it is not the Hume Highway; it is not such a long street. There are approximately 40 houses in that quiet cul-de-sac⁸⁰.

3.57 He also read a letter from a group of year 6 students which concluded:

We want to express our concern about the Hughes Street Playground, which is near some of our homes. It is not a safe place because of the number of syringes lying around the playground. Also we have been approached by addicts and have seen them in the yards of our units. Some of us have also seen addicts with knives and we are scared. We have come across people lying on the ground with their lips turning purple and stuff coming out of their mouths⁸¹.

⁷⁷ Treyvaud *Submission* 12/12/00, Confidential appendix used by Committee on basis that identifiers have been removed

⁷⁸ *Ibid* Confidential appendix as above

⁷⁹ *Ibid*

⁸⁰ Ngo *Evidence* 12/12/00 p12-13

⁸¹ Ngo *Evidence* 12/12/00 p17, reading from letter dated 26 June 2000.

- 3.58** Councillor Ngo and the Committee Chair toured the playground referred to prior to the start of the current inquiry and reported the situation to the police.⁸² Councillor Ngo advised that upon checking the park on the day he gave evidence to the Committee there have been no changes to the drug situation at the Hughes Street Park.
- 3.59** The final word on resident s experience of crime in Cabramatta can come from some of its oldest residents, a couple in their 70s:

Drug users quite often defecate and urinate in what they regard handy corners etc around our building, no doubt other buildings have the same problem. For quite a long while we had a small rubbish bin in, frequently it was used as a toilet, eventually it disappeared forever . At present there is a daily stream of drug users heading west up . Road to where drug dealers are located whilst coming down . Road they enter the various residential properties, including our own, to inject their drugs, then they continue on to the rail station, as you can see from this they are mostly from other suburbs . Our GP has told me that if drug users eat in any quantity in the half-hour before injecting the stomach immediately expels it all. Apart from the mess on the concrete it is sometimes even on the garage doors and locks, the stomach acids leave a deep stain in the concrete that remains visible for years if it is not cleaned up quickly⁸³

⁸² The Committee Chair outlined her observations in a speech to the Legislative Council on 29 June 2000. *NSWPD, LC, 29/6/00*, p 7837.

⁸³ *Confidential Submission 7 11/08/00*, extract used with permission

Chapter 4 **What Went Wrong: The Cabramatta Local Area Command and the Crimes Index**

Introduction

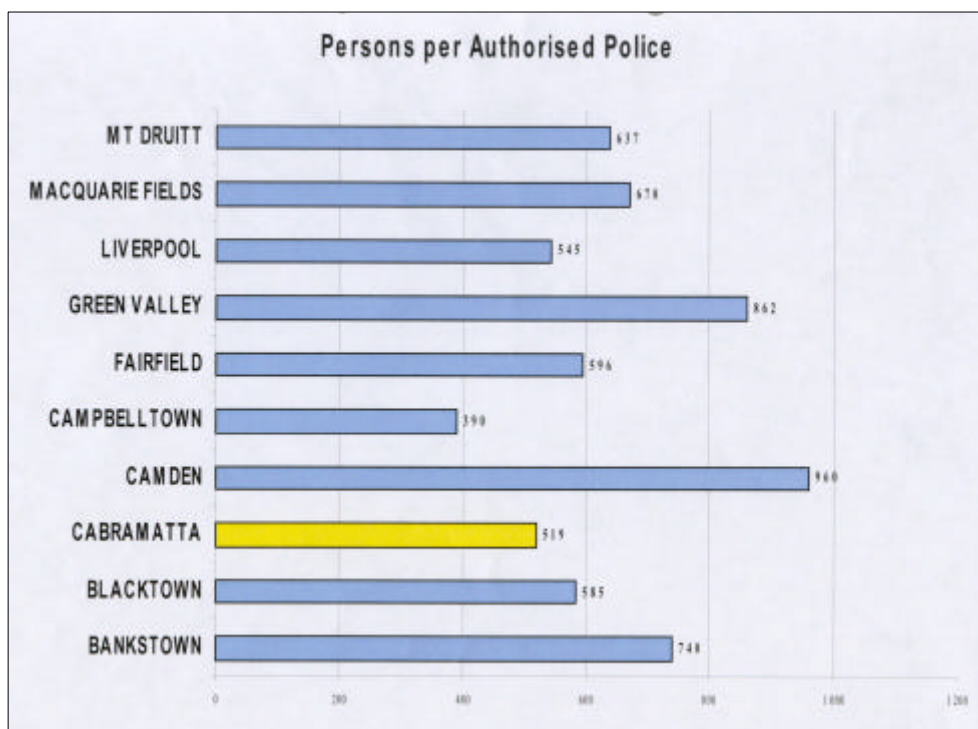
- 4.1 During this inquiry the committee has received a large number of submissions from the public, and from serving and former police at Cabramatta. The majority care very deeply about making Cabramatta a better place to live for its residents. There appeared to have been no lack of will within the Cabramatta LAC to do something about the drug crime problems in Cabramatta. There was, however, considerable frustration among front line police who believed that the Police Service management had treated their station and the people of Cabramatta badly in recent years.
- 4.2 This Chapter provides an analysis of the recent history of the Cabramatta LAC. It seeks to examine the internal management issues that led to a breakdown in trust between the leadership and front line police at the station, and the important part played by the Crimes Index in that breakdown. The next chapter will examine relations between the LAC and the Cabramatta community, which have also broken down as the internal management of the station faltered. Again, the use of the Crimes Index by the Police Service played a role in the development of this problem.
- 4.3 The Committee is encouraged by the more positive attitudes being expressed publicly and in private by serving officers since the appointment of Superintendent Hansen as Local Area Commander and Assistant Commissioner Small as Regional Commander. The LAC appears to be more effectively managed now than during the period described in this Chapter. However the committee believes it is important to document what went wrong to ensure these mistakes are not repeated in the future in Cabramatta or in other Commands. When genuine concerns expressed by junior officers are ignored or treated as dissent by management, both the LAC and the community may suffer. When statewide performance measures such as the Crimes Index are used without considering the unique features of the local environment, both the LAC and the community it serves will also suffer.

Cabramatta LAC

- 4.4 Cabramatta LAC is part of the Greater Hume regional command, which also encompasses the areas of Liverpool, Fairfield, Campbelltown, Green Valley, Mt Druitt and Blacktown (see Chapter Two). Following a restructure of the Police Service in July 1997, the Service was reduced from 165 Patrols (which included the Cabramatta patrol) to 80 Local Area Commands⁸⁴. Cabramatta LAC is situated on the corner of Phelps and Bartley Streets, Cabramatta, a short walk from both the station and the commercial centre. The LAC also has a shopfront on John Street, in the CBD. Cabramatta LAC now serves 57,557 people in the suburbs of Cabramatta, Cabramatta West, Mount Pritchard, Lansvale and parts of

⁸⁴ Information in this and following paragraphs taken from NSW Police Service *Submission* 17/08/00 and Jarratt *Evidence* 8/11/00, unless otherwise noted

Canley Vale and Canley Heights. Its geographic size and the population it serves are relatively small compared to other LACs within its region, as shown by the following comparison.



- 4.5 The authorised strength at Cabramatta has been put at different figures by various sources during the inquiry but appears to have fluctuated between 108 to 111 until March 2001⁸⁵. Periodically the numbers of serving police in Cabramatta are swelled by operations such as Puccini (see paragraph 4.7 below for details), which draw from other LACs in the Region.
- 4.6 The Commander appointed in 1997 when Cabramatta became a Local Area Command was Superintendent Peter Horton. Prior to the commencement of this inquiry Peter Horton was replaced with Superintendent John Sweeney, who was in turn replaced at the beginning of 2001 by Superintendent Frank Hansen. For the period 1997 to 2000 the Regional Commander for the Hume region was Assistant Commissioner Chris Evans. He was replaced by Assistant Commissioner Clive Small at the same time as Superintendent Hansen's appointment.

Key Operations in Cabramatta

- 4.7 In the discussion that follows the committee will avoid reference to operational matters wherever possible. However it is important to describe some of the key operations that provide the context for the recent history of Cabramatta policing:

⁸⁵ The Police Association advised that the number was 159 but when current vacancies and leave are considered it is reconciled with the official figure-see NSW Police Association *submission 11/08/00* p6

- Operation Puccini: this was a street level operation aimed at providing a visible uniformed police presence in the Cabramatta CBD. Its aim was to remove visible drug use, dealing and associated crime from the main commercial area. The operation was directed by the Regional command rather than the Cabramatta LAC, although it used officers from the LAC periodically. Since its inception in 1997 Operation Puccini has undergone 12 phases, each with a duration of 10-14 weeks. During Puccini operations an additional 20 police officers on average are dedicated to the Cabramatta LAC. By August 2000 the operation had resulted in the arrest of 9,454 offenders and the laying of 13,850 charges⁸⁶.
- The Closed Circuit Television (CCTV) is an initiative of Fairfield City Council, which since 1995 has contributed \$400,000 annually to its operation⁸⁷. Cameras provide 24 hour live coverage throughout most parts of the Cabramatta CBD and the areas surrounding the station. The control room of the CCTV is housed in a police shopfront in John Street Cabramatta. According to Police and Fairfield City Council the CCTV has been used in operations to provide evidence to support arrests.
- Operation Hammer was a street level operation during 2000 aimed at targeting and arresting street level dealing. It involved surveillance, covert operations and undercover police work, with typically young police officers disguised as users purchasing heroin from dealers.
- Strike Force Scotsville was established in October 2000, with the aim of targeting drug trafficking in and around the Cabramatta area. It had a strike force of 20 police from both Crime Agencies and local area commands. Assistant Commissioner Small has advised that by 27 February 2001 the strikeforce had resulted in 39 offenders charged with 59 offences, and the execution of warrants on a number of drug houses with the eviction of 24 dealers.
- Strike Force Portville was established in 1 February 2000 to investigate shootings and other acts of violence in the Cabramatta area. The task force included officers from Cabramatta, NSW Crime Agencies and other commands. Assistant Commissioner Small advised the committee that as a result of the Strike Force, 36 offenders were charged; 25 firearms were seized and 83 charges were laid including murder, attempted murder, kidnapping, drug supply and other offences⁸⁸.
- Other operations: many other operations were involved in Cabramatta policing in the period from 1997 onward; those mentioned above were those most commonly mentioned in evidence. Assistant Commissioner Small advised that 11 strike forces were operating with some connection to Cabramatta in the period from late 1999

⁸⁶ Not all of these are for drug offences – many were for trespass, fare evasion and property offences, with only 5% for drug dealing : Police Service *Submission* 17/08/00 p20

⁸⁷ This operating cost includes \$40,000 rent which the Council reluctantly pays the Police Service each year for use of the property: Fairfield City Council *Submission* 21/08/00 p3

⁸⁸ *Evidence* 27/02/01 p6

to 2001⁸⁹. These are discussed in detail in the section on the events of late 1999 early 2000 below.

- 4.8 The details above have been provided as a context for the years 1999 and 2000, which are discussed in this Chapter. The situation after the appointment of Commanders Small and Hansen is discussed in Chapter Six.

The Crimes Index

- 4.9 To the Committee, it appears that a basic problem within the Cabramatta LAC in the years 1999 and 2000 was how their resources were managed. To a significant extent the problems were the result of an externally imposed performance measure, the Crimes Index. This appears to have been driven by senior management rather than the needs of the local community. The problem within Cabramatta LAC was how the leadership of the Service and of the LAC responded to concerns expressed by front-line officers and the Cabramatta community while management priorities were being pursued at the expense of the community.

Rationale for the Index

- 4.10 As Dr Weatherburn of the Bureau of Crime Statistics and Research has advised⁹⁰, the initial premise on which the Crimes Index was based was of some value. As part of the management reforms to the Police Service there are regular Operations and Crime Reviews (OCR) where the Commissioner and other senior management review the performance of Local Area Commanders. Senior management of the Police wished to introduce some measure of performance which could be used to assess progress by the LACs across the State in reducing crime. Faced with the problem of how to compare the success in policing of wealthy, low crime suburbs with disadvantaged, high crime suburbs, management sought to design a measure which could compare relative progress in each area. The Committee understands it was never intended as a measure of the absolute levels of crime across the State, nor was it intended to decide the allocation of resources across the State. This was clearly explained by both the Police Service submission and in evidence by Deputy Commissioner Jarratt:

The Operations Crime Review (OCR) Crime Index was adopted by the Service in January 1998. The index is an internal working document used by the Executive as a simple benchmarking tool to generate discussion at OCR meetings. ...The Police Service wishes to re-iterate that the Crimes Index is not used to decide police resources nor is it used to determine police numbers at LACs. The Index is merely used as a management tool by the Executive to analyse and compare crime reduction activities across Commands and Regions⁹¹.

⁸⁹ Evidence 27/02/01, 11/05/01, see also discussion on this later in this chapter

⁹⁰ Evidence 8/11/00 p27, p35

⁹¹ Police Service *Submission* 17/08/00 p4, 5

It really was an administrative tool for us to be able to make genuine comparisons and to identify where we might need to pay more particular attention. What I needed to say is that it had no influence, and still has no influence, directly on the allocation of resources. The Index is not a direct contributor to the allocation of resources⁹².

- 4.11** The Committee accepts the intent of these statements. No changes in staff numbers occurred in Cabramatta as a result of any movements in the Crimes Index. There was, and still is, value in using a performance measure across different LACs. However the way in which the Index was constructed, and then implemented, had a very significant impact on the way resources *within* the LAC were allocated.

Weakness of the Index

- 4.12** The original rationale for categories of crimes measured by the Index was based upon the way crime statistics are collected. Some crime statistics are influenced by policing activity rather than the actual incidence of criminal events. If a car is stolen it will usually be reported, no matter if a police officer is in the vicinity or not. In comparison, a drug deal will almost certainly not be reported unless a police officer, or other non-participant, witnesses the crime. The Index measures reported crimes rather than police activity. As explained by Assistant Commissioner Jarratt:

If I get assaulted I will ring the police. If my car is stolen I will ring the police. If my home is broken into I will ring the police, and so on. They are ones where the citizens activate. I think that Dr Weatherburn is coming to brief you. He will talk about the level of victimisation and reporting. This is by no means universally 100 per cent but they are certainly ones that are reported. They are not anything to do with police activity, the number of reports, if I can make that distinction. The total, for the sake of the exercise, is given for the local area commands. Ms Rhiannon referred to drugs. The number of detections recorded in Cabramatta is shown. I distinguish here that none of these are reported by citizens. These are generated by police activity. It almost always is as a result of an arrest for a drug offence. That is the way it gets on to the system⁹³.

- 4.13** The Index ranked LACs from 1 (having most offences) to 80 (least offences) in each of 5 crime categories: assault; break enter and steal; robbery; stealing and motor vehicle theft. These are all crimes that are generally reported to police rather than generated by police activity. According to the Police Service they are high frequency, nuisance crimes that impact on the majority of the population⁹⁴. Murder, drug dealing, sexual assault and other serious crimes were excluded because they were less common and were the responsibility of specialist task forces, coordinated through Crime Agencies rather than the day to day

⁹² Jarratt *Evidence* 8/11/00 p10

⁹³ *Evidence* 8/11/00 p6

⁹⁴ 17/08/00 *Submission* p4

responsibility of LACs⁹⁵. As explained by Dr Weatherburn of the Bureau of Crime Statistics and Research:

It probably excludes murder because it is so rare. When you are looking at local area command levels you are probably waiting several weeks to see a murder. The recorded murder rate in a local area command would be so low as to be unreliable. As for armed robbery, you have a very similar situation. Despite hype to the contrary, when you break it down by the 80-odd LACs, most LACs would not have an armed robbery. Many of them would only have a few and some would have a great many, so it is not a crime that is best dealt through the index⁹⁶.

4.14 In this lies the explanation of why the Crimes Index has had such a negative impact on Cabramatta. Cabramatta is not a typical LAC. Drug dealing is a daily, high frequency event. For a period in late 1999 to early 2000 murder, attempted murder and kidnapping became a weekly, sometimes daily occurrence. At a time when the shootings and stabbings were reaching their peak the Police Service was promoting its success in reducing crimes in Cabramatta which were trivial by comparison. As argued in the submission to this inquiry from the Police Service:

In the ten quarterly periods between January 1998 and April 2000, Cabramatta LAC's position on the Index fell from a ranking of 42 to 52. The decrease in reported crimes was considered to be a positive result for the LAC and its hard working officers as it is a strong indicator that local police initiatives are seriously impacting on criminal activity in the LAC. Despite some adverse publicity and the heroin distribution network continuing, police at Cabramatta have achieved some extraordinary results in reducing property crime⁹⁷.

4.15 A very different story appears when Cabramatta is ranked according to its most serious crime problem, drug offences:

The Hon. J. H. JOBLING: In relation to other LACs, where would Cabramatta rank?

Mr JARRATT: No. 1⁹⁸.

4.16 The criticism aimed at the NSW Police Service's Crime Index for excluding drug-related crime and murder raises complex issues. The purpose of the Index is to act as a tool to evaluate police performance and allocate resources. It is not intended to provide a comprehensive picture of the kinds and amount of crime which occur in a particular location. The Index does take into consideration drug related crime to the extent that many of the thefts and burglaries, which the Index does count, are carried out to finance illegal drug purchases⁹⁹. The flaw in the use of the Crimes Index as a management tool is not that

⁹⁵ *Ibid* p5

⁹⁶ *Evidence* 8/11/00 p35

⁹⁷ *Submission* p5

⁹⁸ *Evidence* 8/11/00 p7

⁹⁹ Dixon and Maher *Submission* 11/08/00

the Index itself is illogical; rather it is the way it has been used by management without other alternative performance measures to address the crime categories not covered by the 5 crimes in the index. If an effective measure had been developed to assess how LACs with a major drug problem, such as Cabramatta, were addressing that problem, the Index would not have had the harmful impact that it did. The Index was largely irrelevant to the most important crime problems in Cabramatta. As Dr Weatherburn comments:

It has its value, but it has its limitations. Like every statistic its value is that it enables police to readily identify both the crimes that matter most, what is happening with those crimes and which areas are contributing the most by way of crime to the State total. For example, you get a clear picture of which LAC has the greatest volume of crime. One limitation of that, and a limitation of what I have just shown you, is that the volume of crime in an area does not really give you a clear picture of the risk faced by people resident in that area. You may get a large volume of crime because you have a large volume of population. You may have a small volume with a small population, and face a great risk. So that is a limitation. In summary terms, the value of the index really depends on what purpose you are putting it to. So far as my earlier public criticisms of the index is concerned, my principle concern is that it has no real relevance to judging the effectiveness or otherwise of drug law enforcement.

CHAIR: Are you suggesting that the drug crime should be included in the index?

Dr WEATHERBURN: No, let me distinguish between drug crime and drug-related crime. Break, enter and steal is a drug-related crime inasmuch as people commit break enter and steal to raise money to buy drugs. Drug crime is crime committed that is an offence against our drug laws: possession or use of cannabis, that sort of thing. At the moment in New South Wales we have, although we pour a large sum of money into drug law enforcement, no objective indicators as to whether that money is being well spent or badly spent. My concern about the index is that at present it does not put people involved in drug law enforcement under any critical scrutiny, and it does not give the taxpayer any clear judgement of whether investment in drug law enforcement is having any effect on the drug problem. Is that clear enough? If we put \$150 million into drug trafficking, what do we have for the money?

Ms LEE RHIANNON: The statistics we have at the moment are not really showing us the situation. They are not really reflective of results, good, bad or indifferent.

Dr WEATHERBURN: In relation to drug law enforcement, no, they are not telling us anything¹⁰⁰.

Impact of the Index on Management at Cabramatta LAC

- 4.17** Significant harm was caused to policing in Cabramatta because of the way the Crimes Index was used in the allocation of resources by management within the Cabramatta LAC in the period for which the Index was operating. The priority in allocation of tasks and resources within the station became based around improving the Command's performance

¹⁰⁰ Evidence 8/11/00 p28

in Crime Index category offences, rather than the area s number one problem, drug crime. The Committee has received a great deal of evidence that this misdirection of police resources occurred. From the Police Association:

There is a feeling among local police that they have been driven by the Crimes Index, and accordingly the OCR [Operations Crime Review] process. Because drug use and detection are not on the index and the OCR process, the drug problem at Cabramatta has largely been paid lip service. It has not been taken seriously by local management, as it is not considered significant by the state management team¹⁰¹

From Detective Sergeant Priest:

The Cabramatta LAC management team became totally obsessed with Crimes Index figures and the OCR strategy. It was real tunnel vision . Cabramatta was burning all around the LAC in terms of drug supply, gang warfare, money laundering, fraud etc but the focus remained solely on the Crime index. It was hard to convince the victims of attempted murders and malicious wounding that Cabramatta LAC had dropped to 51 on the Crime Index whilst people were being shot and stabbed in record numbers, or trying to placate break and enter victims that the Crimes Index showed break and enters had gone down by 8%¹⁰²

And from other officers:

CHAIR: Are you saying that the commander actually told policemen not to worry about any crime other than the five categories of crime on the crime index?

C: I do not know whether it was specifically said, "We only have to worry about the five key things", but there was certainly a focus on that.

A: With the daily taskings of the car crews at one stage it was given to the duty officer to task the car crews. There were five duty officers and each of those five duty officers had a portfolio. One had a portfolio for robbery, one for break and enters, et cetera. So the taskings of the day would depend on which duty officer you had on duty that day.

The Hon. G. S. PEARCE: But there was not one for drugs?

A: No. The duty officers had specific taskings. If you had a duty officer whose portfolio was for car theft you would have taskings. Car crews would be deployed to patrol areas where cars were being stolen. Now that would come from our intelligence package, which would tell us that two cars were stolen in Mount Pritchard on Tuesday night between 8.00 and 10.00. So you would have car crews deployed to do patrols of that area between those times. In that time there might be 100 drug transactions down at the railway station, but they were not addressing those. They were addressing things that were in accordance with their portfolios¹⁰³.

¹⁰¹ Police Association *Submission* 14/08/00 p15-16

¹⁰² Priest *Submission* 14/08/00p11

¹⁰³ *Evidence* 23/04/01 p8

What frustrated the police at Cabramatta was the fact that they wanted to do something about the drug problem but, for some reason, robberies might have been up that month and they would have been told, "We have got to get the robberies down." A chart was put up at some parades each morning stating, "This is the white line or the black line. Here is the red line. This is where the robberies are. We are above the levels. We have got to get them down. We are doing pretty well. We are only 50 or something on the index for robberies." But there was never anything there to indicate where we were with drugs. The fact was that we were getting belted up the street with drugs and all that the police wanted to do was address that problem. We have said all along that if you hit and hit and hit drugs you will find that your assaults, your break and enters, your car thefts and your stealings would probably come down¹⁰⁴.

- 4.18** Evidence from Dr Weatherburn gives some statistical support to the evidence of police officers to the inquiry. He stated that the recorded instances of narcotics dealing in Cabramatta in the two years prior to September 2000 declined by 52% at a time when the statewide statistics remained relatively stable. Cabramatta also saw a 40% decline in persons arrested for narcotics possession in the same period, at a time when the figures for New South Wales showed a 28% decline. When asked to comment, he said:

Why are they declining? I guess the obvious, but to me the least plausible, explanation is that drug use and drug dealing in Cabramatta is declining. I would need more evidence than that to believe that that is the case. The more likely probability is that police have eased off in their enforcement action against drug use or drug dealing. Why that would be is a matter of speculation and I would not get into that. I have no idea. It could be that they have changed strategies. It could be they are distracted by other commitments and responsibilities. I do not know¹⁰⁵.

- 4.19** It could be argued that it is unfair to blame senior management for the management at the LAC level failing to adapt a potentially useful performance indicator to local conditions. However the Committee believes this ignores the centrality of the Operations Crime Review (OCR) process in the way performance of area commanders was, and still is, assessed¹⁰⁶. Management at the LAC knew they would be judged by senior management against his peers on improvements in the Crime Index categories. As explained by former officer Matt Casey:

The difficulty around a crime index, whilst it can be useful in many ways, is that it was linked to the operational crime review. The difficulty around that was that it was basically an exercise in beating people up. They went there and asked a whole heap of questions that people may or may not have known the answers to. I have had more than one commander say to me, "Gee, I survived the last OCR, I did pretty well at it, but I'm not game to take any credit because things change. I don't know why they were so good last month, and I don't know why they could be so

¹⁰⁴ Officer D, *Evidence* 23/4/01 p9

¹⁰⁵ *Evidence* 8/11/00 p33

¹⁰⁶ This is discussed in greater detail in Chapter Eight

bad next month." The fact of the matter is that people were being asked questions about matters of which they simply had no knowledge¹⁰⁷.

¹⁰⁷ *Evidence* 23/02/01 p34

4.20 A serving police officer at Cabramatta observed the impact of the OCR on his senior management:

The transcripts of the OCRs were there for everyone to read, on the police bulletin board. If you are one of the 80 LACs and you go down to the OCR and all of the questions and answers that are put to you are available to be read by your peers, obviously there is an opinion that will be formed by other commands. If you go down there and your break and enters have gone up by, let us say, 20 per cent, you are going to be severely criticised at the OCR and everyone is looking at your answers and how you are going to get out of it.

My opinion of seeing the reaction of the commanders who were preparing to go down to the OCR was something of fear. They did not want to go down there;...¹⁰⁸

4.21 It is noted that the similar observations about the OCR process were contained in the report on the implementation of the reform process, prepared for the Police Integrity Commission in February 2001:

The OCR process is largely a one-way process . We have not seen commanders being asked to report or answer questions on staff morale or customer satisfaction

The style of the OCR meeting reinforces the culture of fear and punishment that is said to be characteristic of the past. Our observation is that commanders and other staff attending the OCR meetings are not generally witnessing role models of the leadership style they have been instructed to demonstrate themselves.¹⁰⁹

4.22 As with the Index the Committee does not believe the OCR process in itself is necessarily wrong; but the way it is being used, if the Crimes Index is any guide, may be actually harmful. New management tools appear to have been superimposed over an old culture of management by fear¹¹⁰. Cabramatta s experience shows the harm that can be visited on the policing of a community when this occurs. The responsibility for the impact of the Crimes Index on Cabramatta LAC lies directly with the most senior management of the Service. The Command spent two years being driven by a centrally imposed performance measure that was irrelevant to the priorities of the community

4.23 The committee believes that the misguided use of the Crimes Index contributed greatly to the breakdown in trust between the community and the Cabramatta LAC. The evidence before the Committee suggests both frontline police and the community were substantially in agreement that the Command was focussing on the wrong offences; unfortunately the

¹⁰⁸ Officer D, *Evidence* 23/4/01 p6

¹⁰⁹ Hay Group, *Qualitative and Strategic Audit of the Reform process (QSARP) of the NSW Police Service: Report for Year 1 (March 1999 – March 2000)*, pp 59, 61.

¹¹⁰ Police Association *Submission* 14/08/00 p14

authoritarian command and control structure of the Service ensured there was no forum for the two to communicate honestly their concerns.

- 4.24 This had a deadening effect on morale within the Cabramatta LAC. Officers knew the community was not receiving the policing of the drug problem that they expected but were not able to explain why they were not targeting dealers. Frontline officers grievances were ignored by management, with troublesome officers moved on¹¹¹. Complaints raised at the Regional Command level were not heeded. Other issues, not directly related to the Crimes Index, were also affecting morale and policing effectiveness at the LAC.

Management of Resources within the LAC

Impact of Puccini

- 4.25 Policing of drug crime in Cabramatta became more difficult and more costly in the years 1999 to 2000. This was in part because of the relative success of the various Operation Puccinis on reducing street level dealing in the CBD. This had driven much of the dealing to heavily fortified drug houses. To investigate and prosecute these premises required greater resources than for street level dealing. With no priority given to reducing drug dealing in allocation of command taskings, a decline in the effectiveness of the LAC's intelligence function (see below) and a shortage of resources allocated to operations such as Operation Hammer, the number of these premises proliferated.
- 4.26 One of the police operations making a visible impact on drug crime, Puccini, became increasingly hampered by budget concerns and inflexible operation orders which did not evolve at the same pace as adaptations in users and dealers practises. The Police Association advised that:

In physical numbers the operation has been scaled back to the point where there are now not enough police to provide a policing presence later than 11pm, and of late no later than 8pm. It is not difficult to see why drug activity has flourished after 11pm and more recently 8pm.¹¹²

Detectives Office

- 4.27 The area of the LAC suffering most rapid decline in morale and performance appears to have been its detectives office. Detective Sergeant Priest argues that the lack of front line experience among LAC senior management in the period from 1997 onward lead to the deterioration of the intelligence function within Cabramatta LAC generally. According to Sergeant Priest, budgetary constraints forced a cut back in overtime management of the station. The two main impacts of use of overtime were reducing the availability of officers after 8pm, providing opportunities for drug dealing to go undetected; and disrupting the

¹¹¹ Officer D, *Evidence 23/4/01* p21, Four officers *Submission* p6

¹¹² Police Association *Submission 11/08/00* p8, also Priest *Submission 14/08/00* p6-7.

continuity of detective work. The submission from the Police Association refers to the effect of budget constraints :

Budgetary restraints have forced a cutback in overtime which has resulted in a lack of investigations continuity, the absence of of detectives working after hours and intra-section conflict due to investigative police picking up jobs many hours after it occurred.¹¹³

4.28 Detective Sergeant Priest said:

Detectives were frequently taken away from criminal investigation duties to answer phones or man the trucks when staff shortages dictated such. This was done again to save on overtime, however, the detectives fell further behind in their work resulting in disciplinary action for late submission of briefs and correspondence, the detectives were in a no win situation, hence, the resignation of a number of them back to uniform¹¹⁴.

4.29 Detective Sergeant Priest made the following observation regarding the status and role of detectives generally:

We have gone through a post royal commission phase and unfortunately detectives in general did badly at the royal commission, or at least there is the perception they did. It was almost an accepted fact that you could not trust detectives and detectives have never managed to reach the top spots within the Police Service over the last couple of years, with the exception of, say, Mr Small and Mr Brammer. The vast majority of positions of LACs are filled by prosecutors, headquarters personnel and, to my knowledge, very few detectives or ex-detectives. As a result, I believe that you have just got a complete lack of talent among many of the LACs.

I am not saying that all LACs are incompetent, but certainly the street-hardened and the street-wise police of yesteryear are no longer around or they are certainly not in positions of authority such as an LAC. How can I put it they are mellowing and waiting for retirement in the sergeant ranks and there are some inspectors, but most of them have been kept down post royal commission. That is a tragedy because there is a great deal of talent and a great deal of knowledge, experience and skills which will never be used. Probably the majority of us will simply wait for our retirement and bow out. This new image or new-age policing as you are seeing it now is what you can look forward to and what the community can look forward to. That is as succinct as I can put it.

4.30 A local resident observed:

Evidently some police officers dislike charging drug using trespassers because on one occasion when I rang about a group of three or four the officer exclaimed 'do you know how long it takes to process each one of these people?', I replied NO, he then said that it takes approx 1 1/2 hours to process each one of these

¹¹³ *Submission* 11/8/00, p 8. The resources available to the Cabramatta LAC are discussed in detail in Chapter Seven.

¹¹⁴ Priest *Submission* 14/08/00 p7

people!! An officer finishing at 6pm would not wish to get tied up with drug users after 4pm or even earlier. If there were sufficient officers at the station they should not have to worry about the end of their shift¹¹⁵

- 4.31** Detective Sergeant Priest refers to the effects of cost cutting as leading to a failure to pursue extradition proceedings against interstate murder suspects for fear of incurring travel costs, and of an incident where a female police officer travelled alone on a suburban train carrying \$10,000 worth of heroin exhibits to Burwood Court because the sole car available for the 14 detectives was not available¹¹⁶.

Mid Level Drug Dealing

- 4.32** An issue raised by a very detailed submission to the inquiry from a serving officer is the lack of ability of LACs such as Cabramatta to investigate drug dealing at a higher level than street dealers. Detective Sergeant Frank Reitano, stationed at neighbouring Green Valley LAC, argued that Crime Agencies assists with actions targeting higher level trafficking, but LACs have limited resources which prevent them investigating many serious matters which Crime Agencies does not pursue:

At Green Valley we have been unable to effectively investigate middle level drug traffickers because of the volume of other work generated at LAC level, and also because of resource limitations. This has left a large area of middle level crime which has not been effectively investigated. Middle level criminals have flourished. Middle level drug traffickers have basically been left untouched by the NSW Police Service. They have only been targeted in rare instances by the LACs, or by Crime Agencies when they reach the higher level¹¹⁷.

- 4.33** In response to these claims, Assistant Commissioner Small, formerly head of Crime Agencies, states that, while Crime Agencies can and does assist in consultancy roles:

Mid level crime is, appropriately the responsibility of local area commands and regions. The level of expertise required to investigate this type of crime is well within the scope of local area detectives. Where the resources needed are beyond the capacity of a single local area command the region is responsible for coordinating the sharing of staff with other local area commands in the region or in other regions¹¹⁸

- 4.34** Assistant Commissioner Small states that mid level drug dealing is a problem, but that the Target Action Groups (TAG see Chapter 6) set up in regions including Cabramatta's Hume region, are aimed at providing the resources to address this issue. In the same response from the Police Service there is also comment from Detective Chief Inspector

¹¹⁵ Confidential *Submission* 7 11/08/00

¹¹⁶ Priest *Submission* 14/08/00 p19

¹¹⁷ Reitano *Submission* 17/05/01, p17

¹¹⁸ Correspondence, NSW Police Service Court and Legal Services, 14 /06/01 p18

Ian Brown, Commander of the Undercover Branch, which elaborates on some of the difficulties LACs have had in investigations:

However the most significant delay in the controlled operations process for Local Area Command operations is the lack of availability of undercover operatives and undercover supervisors. Most local operations utilise part time undercover personnel who are attached to that or preferably another Local Area Command and are engaged in general policing. First response policing agreements and rostering in advance creates difficulties in making undercover personnel readily available. The longest an application has been delayed is six months, solely waiting on an undercover operative to be available. A number of controlled operations have been approved within two hours from the initial contact of the applicant. These more urgent applications bypass the Regions Operations Managers¹¹⁹

- 4.35** On 14 June 2001 the Police Service provided the Committee with a copy of a document entitled *Investigation Services, Standard Operating Procedures, Crime Agencies August 1998*. This document represents the guidelines for the establishment of strike forces. This document raises questions about aspects of the Crime Agencies model and the resources available for investigation of major crime. The Crime Agencies Investigation Service is established as a specialist investigation support services. The policy of the Police Service is that investigations primarily take place at the local area command level (clause 3.2). Crime Agencies assesses matters on a risk assessment basis and determines its level of involvement. The document identifies various categories of major crime and states that in respect of level 3 matters which include drug trafficking, armed hold up arson and fraud, it is merely an option of local area commanders to notify Crime Agencies of such incidents. Clearly, this focus of investigation at the local area command level and this level of responsibility raises questions having regard to the evidence the Committee has received about the investigative resources available at the local area command. Even if Crime Agencies does agree to provide investigation services the document notes that (clause 6.5) While every attempt is made to provide the service requested, it is not always possible. Demands on Crime Agencies usually exceed resources .

- 4.36** Further questions are raised in the document in relation to the focus of Crime Agencies activities. Clause 11.4 in relation to risk assessment states *Once the likelihood of an event occurring has been assessed, the same terms are used to describe the seriousness of the consequences to the NSW Police Service [emphasis added] if the event occurs* . Clause 11.5 goes on to provide:

When determining impact of a consequence the following may be considered:

- *Impact on the corporate priorities of the Police Service*
- Ongoing harm as well as immediate harm;
- *Time it will take the Police Service to recover if the event occurs*
- *Cost in monetary terms including compensation/potential for litigation*

¹¹⁹ Brown p3 in *Ibid*

- Impact on investigation
- Safety and health of individuals [emphases added]

Prevention of crime does not appear in this section.

- 4.37** Having regard to the Committee's terms of reference it has not been open to the Committee to determine to what extent resource problems at Cabramatta LAC involving investigation of mid level drug dealing have contributed to the prevalence of drug dealing in Cabramatta in recent years. Close review will need to be made of the use of TAG resources in Cabramatta to resource action against mid level drug dealing in the months ahead.
- 4.38** It should be noted that Mr Reitano's submission argues that the problem with the resourcing of investigations into mid level drug trafficking is symptomatic of a more fundamental problem with the structure of the NSW Police Service. His submission is particularly critical of the absence of centralised specialised squads within the establishment of Crime Agencies structure. The Police Service has provided the Committee with a detailed response to Mr Reitano's submission, which has been followed by further correspondence from both Mr Reitano and the Police Service. The Committee is not in a position to draw conclusions about each of the matters raised in Mr Reitano's submission, many of which would require detailed investigation, beyond the scope of this inquiry into Cabramatta policing. However, it is clear that Mr Reitano has raised a number of important matters, and it is important that the NSW Police Service ensures that adequate resources are directed at the problem of mid level drug trafficking.

The events of late 1999 and early 2000

- 4.39** The imposition by senior management of the Police Service of the Crimes Index when it was inappropriate to the needs of Cabramatta LAC began the problem. Inappropriate management of resources by management of the LAC made the situation worse. However for Cabramatta LAC and the wider community everything came to a head in a four and a half-month period between 18 November 1999 and the end of March 2000.

Cook Report

- 4.40** In November 1999 an intelligence risk assessment was prepared by a Detective Senior Constable in relation to gang violence in and around Cabramatta. Known as the Cook Report, this document has been at the centre of the most intense and controversial evidence before the Committee. The circumstances surrounding the Cook Report were recently outlined in an article in the *Sydney Morning Herald*:

On November 16, 1999, a young man was kidnapped from his home in Yanderra Close, Condell Park, bundled into a car and driven to a block of units in the heart of the heroin capital of Australia, Cabramatta.

There, the man, a member of a gang called Madonna's Mob, was bashed before being dumped – concussed and with black eyes – at Bankstown.

Unknown to the kidnapers, the National Crime Authority (NCA) was following their every move, via an intercept on the phone of a former member of the notorious 5T gang, a man we'll call Ken Nguyen.

The NCA and the NSW police suspected Ken Nguyen was the leader of a group locked in a battle over heroin distribution and other criminal activity with a second faction, headed by another former member of the 5T.

Two days after the kidnapping, on November 18, Detective Senior Constable Scott Cook of the NSW Police submitted a highly confidential report essentially identifying an increasing pattern of violence in and around Cabramatta

Constable Cook told his superiors about the kidnapping and a machete attack a few days earlier in which the hands of the victim were almost severed. Altogether, he identified about 40 murders, bashings, shootings and other violent incidents during 1999 which were linked to Asian gangs or groups.

The violence was often tit-for-tat, and revolved around the gangs' main businesses: drug distribution, extortion, the importation of illegal immigrants and kidnapping.

On the same day as the Cook report, Detective Inspector Andy Day, the NSW officer in charge of South-East Asian Crime, also reported: Intelligence has been received that violence between these groups will escalate in the near future.¹²⁰

4.41

The Cook Report was first brought to the attention of the Committee, and to public notice, by Detective Sergeant Tim Priest when he gave evidence before the Committee, for the second time, on 23 February 2001. Mr Priest said that the Cook report requested that an urgent task force be established to address intelligence that a gang war was about to break out in Cabramatta and Bankstown, but that the report was not acted upon.

Mr PRIEST: I have become aware, since the last time I appeared before this Committee, that a highly confidential and important document was formulated by the investigators at the South-East Asian organised crime unit in October-November 1999. This document, in the form of a report, requested that an urgent task force be set up into information that had been received from a highly reliable informant which indicated that within a very short space of time a major gang war was about to break out in Cabramatta and Bankstown. That report was given the highest priority. It was given urgent attention. It was signed off by an acting superintendent at South-East Asian and forwarded to Commander Small at crime agencies. Nothing was done with the report. It sat there. Some three to four weeks later gang warfare broke out. The forecast

Ms LEE RHIANNON: Can you give us the date?

Mr PRIEST: I just said October-November 1999. The forecast contained in the material was chillingly accurate. Over 40 shootings occurred. People were murdered, and numerous people were seriously wounded. The community and the police were placed in grave danger. This could have been prevented. In fact, if

¹²⁰ N Mercer & S Gibbs, 'Cabramatta gangs raged as police turned on each other', *Sydney Morning Herald*, 11/7/01.

they had got a strike force up and running immediately they would have not only prevented what occurred but locked up the majority of players in it. Most of them have been arrested since, some 18 months later, for a variety of offences, including murders, kidnappings, attempted murders, malicious wounding.

It is reprehensible that that report was hidden. And it still remains hidden, but it is at crime agencies and the South-East Asian strike force. This was an opportunity to make major inroads into organised crime in Cabramatta. It was not acted upon. It is almost criminal neglect that the strike force was not allowed to form, was not allowed to act, and the persons responsible should be brought to justice. They should be brought to the public and made to explain why a report so important and so vital to policing and community safety was hidden and not acted upon.¹²¹

4.42 At the conclusion of the hearing on 23 February 2001, the Committee resolved to invite Assistant Commissioner Small to address the Committee in relation to the evidence of Mr Priest, and Mr Small appeared before the Committee on 27 February 2001.¹²² Mr Small made a detailed statement. Part of the statement questioned Mr Priest's motives for alleging that the Cook report was not acted upon. Mr Small also provided a detailed outline of the steps that were taken following the submission of the Cook report on 18 November 1999, leading to the establishment of Strike Force Portville on 1 February 2000:

In November 1999, Crime Agencies and local police set up a strike force to investigate a serious crime of violence involving members of rival Vietnamese gangs, and that investigation also involved other law enforcement agencies. At the direction of Crime Agencies' command, the strike force was required to, among other things, conduct a risk assessment of related organised crime activities and make operational recommendations. I will provide the Committee with an in confidence copy of those terms of reference.

That investigation and others disclosed tensions between a number of rival gangs extending over several years that had, in more recent times, manifested in a number of instances of tit for tat violence. A number of these incidents had not been reported to police. The assessment identified the likelihood of increasing violence between gangs. It did not, however, include the comprehensive and detailed analysis required for operational action.

On 18 November 1999, Detective Senior Constable Cook of the South East Asian Crime Unit in the Crime Agencies' Drugs and Organised Crime Strike Force program submitted that assessment with the recommendation:

That the attached document [that is the assessment] be forwarded to the Manager, Investigation Services, Crime Agencies for information and review.

On the same day, Detective Inspector Andy Day, the then acting officer in charge of South East Asian Crime, endorsed the report that "Consideration be given to formalising the gathering of intelligence in respect of the most active Asian crime

¹²¹ Priest, *Evidence*, 23/2/01, p 1.

¹²² The events that took place between these two hearings are briefly referred to in 1.14 above. Attention is also drawn to the Chair's opening statement at the 27 February hearing, which is reproduced in Appendix Four.

groups." He also said, "Intelligence has been received that violence between these groups will escalate in the near future. Perhaps a working party, including OCSEA," which is Organised Crime South East Asian, "SSU", which stands for Strategic Support within Crime Agencies, "and representatives from affected LACs should review present practice and procedures with a view of establishing a central intelligence base." I will produce to this Committee a copy of both of those minutes on a confidential basis.

The assessment and report were forwarded to the Manager, Investigation Services, Crime Agencies, where they were received on 22 November. Over the next few days, the assessment was considered and a preliminary review was undertaken. Among others, this review involved Detective Chief Superintendent Rod Harvey, Operations Co-ordination, Detective Superintendent Ron Smith, Investigations Services, Detective Superintendent Paul Jones of the South East Asian Crime Unit and analysts from the Strategic Support Unit.

On 9 and 12 December, meetings were held between these police and others. At the meeting of 12 December, Acting Sergeant Tsung, the intelligence team leader, South East Asian Crime, was asked to, among other things, undertake further analytic work to develop a strategic picture of violent criminal activities in the Cabramatta area. This included searching the service's computerised operational policing system, liaising with Cabramatta and other local area commands, the analysis of data, the preparation of various charts to identify whether there are connections and the provision of verbal briefings. This is precisely what the risk assessment report asked be done. Clearly, neither I nor Crime Agencies command sat on or hid the risk assessment report as alleged by Detective Priest.

Subsequently, the analysis undertaken formed the basis of the formal creation of Strike Force Portville on 1 February 2000, though it had commenced operations informally a few days earlier. The strike force comprised 15 police at the time of start up, though this was later increased to 25. It included police from Crime Agencies, Cabramatta and other local area commands. Its charter was to investigate a number of shootings and other acts of violence and their connection with the drug trade, focusing particularly on Cabramatta. I will produce to this Committee the terms of reference of that strike force on a confidential basis.

Since its inception, the strike force has investigated around 50 incidents of violence. This includes a significant number of incidents that occurred prior to the commencement of the strike force, some going back as far as 1996. By April 2000, following the arrest of a number of key players, the frequency of incidents of violence had reduced from a number of incidents per week to where they were sporadic incidents only. These arrests involved people identified in the November 1999 risk assessment, in the follow-up assessment of December and January and during the course of the investigation itself and from other sources.

The results of Portville include: 36 offenders charged; 25 firearms, mostly handguns seized; and 83 charges being laid. I have outlined the details of those charges. I do not wish to detail them here but we will simply say that they involved several counts of murder, several counts of attempted murder, several counts of kidnapping and numerous accounts of serious assault, demanding money with menaces, drug supply and other charges.

As a result of intelligence gathered during the course of Portville but not exclusively by Portville, Strike Force Scottsville was established on 8 October 2000.

Its focus has been specifically to target drug trafficking in and around the Cabramatta area. This strike force comprises 20 police from both Crime Agencies and local area commands. The results of Scotsville include: 39 offenders charged; 59 charges laid, again, including the supply of drugs, the possession of drugs and first instance warrant. It also includes the execution of warrants on a number of drug houses and as a result of which 24 heroin dealers, and we say heroin dealers based on strong intelligence and criminal histories, were evicted.¹²³

- 4.43** Assistant Commissioner Small also stated on 27 February 2001 that during December 1999 and January 2000, when further analysis was being undertaken in response to the Cook report and leading up to the establishment of Strike Force Portville, there were at least 11 strike forces investigating Asian-related crime.

While the further analysis was conducted during December 1999 and January 2000, the investigation of Asian-related crime was being continued through at least eleven ongoing strike forces involving Crime Agencies and local commands. These strike forces were Paget, Milo, Pitten, Noranda, Outerville, Padua, Le Kidnap, Thunderbolt, Unicorn, Miday, Oldenburg. That shows that there was no cessation in the investigation of crime relating to these groups during that period. The results of these task or strike forces include 63 charges. I have listed them. I will not detail them, but in overview they include several counts of murder, attempted murder, shooting with intent to murder and robbery, also a number of drug offences, including 26 counts of supplying prohibited drugs, all of which relate to heroin

The Hon. R. D. DYER: Assistant Commissioner Small, at the time of the report referred to by Detective Sergeant Priest in his evidence, which, as you know, according to him, was supposedly suppressed and not acted upon and which requested that an urgent task force be set up, could you indicate to the Committee whether there was any other task force, or task forces, within the Police Service at the time of that report that had relevance for the Cabramatta area?

Assistant Commissioner SMALL: Yes, there were 11 other task forces in which Crime Agencies was involved that was targeting Asian crime, particularly Vietnamese drug dealing and violence issues, most of which centred around Cabramatta but was clearly not linked only to Cabramatta.¹²⁴

- 4.44** During the hearing on 27 February 2001, Assistant Commissioner Small was questioned as to the timeliness of the response to the Cook Report and the reasons why it took 10 weeks to establish Strike Force Portville.

The Hon. R. H. COLLESS: Normally, how long would it take to establish a task force to respond to the threats that were identified in that report?

Assistant Commissioner SMALL: In this case it is not simply a case of responding to a threat. For example, I can tell you that next year about 120 people will be murdered in New South Wales, but I do not know who they are. I do not know where the murders are going to be committed, and I cannot set up a task

¹²³ Small, *Evidence*, 27/2/01, pp 5-6.

¹²⁴ *Ibid*, pp 7, 12.

force to stop them, if I can put it that way. Similarly, in this case, what we had was an allegation that there was a likelihood of an escalating violence between numbers of people. There was not specific detail to say, "This person is going to shoot that person" or that "If you go to McDonald's at 5 p.m. on Friday night, someone is going to be shot." The information was not that detailed. It was that there is likely to be an increase in crime. It was not limited to Cabramatta but spread around a number of other suburbs as well, and we had to work out where we were going and where our starting point would be. That included liaison and discussion with local police, other law enforcement agencies and other bodies. So it is not just a matter of simply saying, "I have got a report, let us start it." If the report had said, "Our intelligence suggests that person A is going to murder person B tomorrow", then a task force would have been set up in five minutes.

The Hon. R. H. COLLESS: So the task force did take almost three months to establish.

Assistant Commissioner SMALL: No, it did not take three months.

The Hon. R. H. COLLESS: From the time the report was received or sent to Crime Agencies, which I understand was 18 November, it was the end of January by the time Task Force Portville was set up?

Assistant Commissioner SMALL: That is correct, but it was two months, closer to two months, with Christmas in between

The Hon. R. H. COLLESS: I will put it to you, sir, that the response to the report that you received and the threat that was received on 18 November, that the response to that only started once the gang warfare really started in earnest.

Assistant Commissioner SMALL: No, that is not correct. The report suggested that there was going to be an increase in violence, and there was an increase in violence. I am not disputing that. What I am simply saying is that the information available at that time was not sufficient to set up a strike force that would operationally target particular individuals or knew where to go to prevent those crimes occurring. There were a number of—as I said, 11—strike forces operating at that time targeting individuals involved in Asian crime both in Cabramatta and elsewhere, and some of those were supported by other law enforcement agencies, and in general terms there was co-operation with other law enforcement agencies about investigations they were undertaking. Had there been any intelligence that came up that would have allowed us by way of electronic means or other to act to prevent violence occurring, whether it be to criminals or to members of the law-abiding community, we would have taken action. That intelligence was not there.¹²⁵

- 4.45** The 11 strike forces listed by Mr Small on 27 February 2001 were the subject of discussion at the Committee's hearings on 23 April and 11 May 2001. On 23 April 2001 four serving officers (at that time) attached to the Cabramatta LAC gave evidence. The officers suggested that, of the 11 strike forces listed, only one, Pitten, was directed specifically and proactively at crime in Cabramatta.

¹²⁵ Small, *Evidence*, 27/2/01, pp 18-19.

Ms LEE RHIANNON: I ask all the officers present: Of those 11 strike forces, do you know which ones were linked directly with fighting crime in Cabramatta?

B: I know that Thunderbolt dealt only with drugs and was a phone-in.

Ms LEE RHIANNON: So Thunderbolt is a phone-in?

B: I am pretty sure it is. I think Unicorn is a phone-in too. The Lee kidnap job went nowhere; it was never a strike force. Pitten looked at drug crime.

The Hon. J. HATZISTERGOS: What do you mean when you say that it was "never a strike force"?

B: If it was a strike force it would not be called the "Lee kidnap"; it would have some weird name.

The Hon. J. HATZISTERGOS: We have a whole bunch of confidential material from Commander Small about that.

Ms LEE RHIANNON: I would like one of the officers to go through these names and tell us about the strike forces. For example, I would not call a phone-in a strike force. What is Noranda?

B: That was South-East Asian; all of these were crime agency strike forces. Pitten was the only one that worked in Cabramatta at the time.

Ms LEE RHIANNON: So out of the 11 strike forces, Pitten is the only one that you would define as being a strike force fighting crime in Cabramatta?

B: Yes, but just drugs.

The Hon. R. D. DYER: Paragraph 5.2 of your submission states:

Officers at Cabramatta point out that only one of these strike forces was directed specifically at crime in Cabramatta.

I emphasise the word "specifically". Is it not possible that other strike forces had more general terms of reference and, while not being aimed specifically at Cabramatta, might have impinged on it in some way?

B: We would not know.

A: I suppose that crime agencies could have had a strike force that we were not aware of set up somewhere to look at some type of crime in Cabramatta. We did not come under their terms of reference.

The Hon. R. D. DYER: I refer you to paragraph 4.1 of your submission.

The Hon. J. HATZISTERGOS: That is part of the evidence of Commander Small: Crime agencies were involved in some of these ongoing strike forces.

A: That is highly possible.

The Hon. J. HATZISTERGOS: Are you aware only of the ones being dealt with at LAC level?

A: Usually a strike force is set up specifically to address a crime that is being committed. Out of the ones on the list, the only one set up as a proactive strike force was Pitten.¹²⁶

4.46 When Assistant Commissioner Small gave further evidence to the Committee on 11 May 2001 he responded to the evidence of the four officers that only one of the 11 strike forces addressed crime in Cabramatta. He made the point that Cabramatta is not an island and that tackling drug networks that operate in Cabramatta cannot be limited to Cabramatta only. He also referred to work being undertaken by the NCA in late 1999 relevant to the persons the subject of the Cook report.

The officers are wrong. The evidence given by me to the Committee respecting the 11 strike forces dealing with Asian crime is accurate. What the officers fail to understand is that Cabramatta is not an island: Just as crime in Cabramatta affects other areas, crime in other areas affects Cabramatta. Drugs are brought into Cabramatta from other locations as part of an importation and trafficking process. Drugs sold in Cabramatta are distributed elsewhere, including in other States of Australia. The profits derived from these activities are widely distributed relatively speaking, very little remains physically within the confines of Cabramatta. Tackling drug networks cannot be limited to investigative efforts confined to Cabramatta: The chain must be tackled at several points. Any strategy based on the notion that the best way to tackle Cabramatta's problems is simply by increasing police strength in Cabramatta and limiting their investigative focus to the confines of Cabramatta is a naive and seriously flawed strategy.

If I can give another example: say, for the purpose of the discussion, that we have a group of people who are extorting money from shopkeepers in six different suburbs. They launder their profits through financial institutions located in other suburbs and they recruit their people from yet other suburbs. They live in suburbs and they flaunt their wealth by their expenditure and behaviour in yet other locations. In this scenario, many suburbs have cause for concern, some because of criminal activities that may be either visible and directly threatening or simply known and perceived to be threatening, others because the recruitment practices of this group threaten the young in their communities while other communities resent the flaunting of ill-gotten wealth. Yet in many of these suburbs no actual criminal activity is committed. In which location do you put the police?

Generally speaking, you do not allocate strike forces to a narrow geographic location. You tell them to go out, identify the weaknesses in the criminal group and their activities, legal and illegal, exploit those weaknesses wherever they occur and solve the problem. And that is exactly what the 11 strike forces were about. Each and every one of them, either directly or indirectly, impacted on Cabramatta. Comment was made that one of the strike forces was a telephone hotline, not a strike force, at page 13 of the transcript of 23 April. In fact, two of the strike forces were telephone hotlines directed towards Asian communities. Each is ongoing and each has contributed to a number of arrests and/or intelligence that has been fed into other strike forces for action.

Hotlines require a resource commitment and the analysis and/or investigation of information that is received. This too takes resources. Hotlines are an important

¹²⁶ *Evidence*, 23/4/01, pp13-14.

link with the Asian community. They help us develop informants and community sources. They assist us to build a level of trust in the community and they facilitate community engagement. They contribute to the solution of crime problems and general community well being. Furthermore, I am now at liberty to disclose that during the so-called critical November 1999-February 2000 period the National Crime Authority was conducting a major investigation that included substantial electronic surveillance in Cabramatta and in other areas. Some of the people subject to this surveillance were the same people nominated in what has been referred to as Detective Cook's risk assessment report. Crime Agencies was kept informed of the results of this surveillance. In fact, some of that surveillance formed the basis for the establishment of and the investigative action taken by Strike Force Portville. It also led to several arrests by Strike Force Pitten during November 1999.¹²⁷

4.47 The issue of the 11 strike forces was the subject of robust discussion and questioning during the hearing on 11 May 2001. Assistant Commissioner Small rejected suggestions from a Committee Member that he had deliberately misled the Committee on 27 February.

The Hon. G. S. PEARCE: Assistant Commissioner Small, I want to put it to you that you deliberately misled this Committee in the evidence you introduced on 27 February in relation to the 11 so-called strike forces.

Mr SMALL: That is not correct.

The Hon. G. S. PEARCE: I will take you to your evidence. On page 7 you said, "While the further analysis was conducted", and that is the analysis flowing from what we call the Cook report, "during December and January 2001, the investigation of Asian-related crime was being continued through at least 11 ongoing strike forces." Then you listed them.

Mr SMALL: Yes.

The Hon. G. S. PEARCE: On page 12, in answer to a question from the Hon. R. D. Dyer, you said, "Yes, there were 11 other task forces in which Crime Agencies was involved that was targeting Asian crime, particularly Vietnamese drug dealing and violence issues, most of which centred around Cabramatta but was clearly not linked to Cabramatta." Again on page 19 you said, "There are a number of as I said, 11 strike forces operating at that time targeting individuals involved in Asian crime, both in Cabramatta and elsewhere." You deliberately set out to give us the impression that there was action taking place in relation to drug crime, contrary to what Mr Priest has essentially said to us which was that the report had come in from Mr Cook and nothing had happened.

Mr SMALL: No.

The Hon. G. S. PEARCE: You left us with a deliberately misleading impression over all of that.

¹²⁷ Small, *Evidence*, 11/5/01, pp 4-5.

Mr SMALL: I gave this Committee the facts and I have heard nothing in what you have said that would cause me to change the evidence.¹²⁸

- 4.48** On 25 June 2001 the Police Service informed the Committee that Commander Small had in fact been wrong in listing Strike Force Oldenburg and that it had indeed not been active in Cabramatta but nominated another strike force, Northport, in its place. As was established in Assistant Commissioner Small's evidence, two of the strike forces, Thunderbolt and Unicorn, were analyses of telephone phone ins. Strike Force Le Kidnap was in fact the instruction to Detective Constable Cook to prepare risk assessment The Cook report was completed on 18 November 1999. Other than Strike Force Thunderbolt and Unicorn, only one of the strike forces nominated by Mr Small in his evidence was directed to act in a proactive way in relation to drug related crime and this strike force had been established in October 1999 (Pitten). The use of the terms 'strike force' to cover everything from proactive investigations to advice on preparation of search warrants is bound to be confusing when the existence of strike forces is used to support an assertion that the Police Service is actively targeting crime of any description.
- 4.49** During the Committee's hearings on 27 February and 11 May 2001, Mr Small undertook to consider whether or not copies of the Cook Report and the terms of reference for the 11 strike forces could be made available to the Committee. On 14 May Mr Small indicated that, based upon legal advice, the Cook Report would not be made available. In correspondence, dated 14 June 2001, the Police Service indicated that the terms of reference for all of the 11 strike forces would not be made available. The Committee resolved, at its deliberative meeting on 15 June 2001, to utilise its powers as set out in paragraph 8 of the resolution of the Legislative Council establishing the Committee, to require the production of the Cook report and the terms of reference of the 11 strike forces. The documents were produced on 25 June 2001. The Police Service made a claim of privilege in relation to each of the documents¹²⁹ Therefore, in addition to the evidence summarised and quoted above, members of the Committee have had the opportunity to view the Cook Report and other key documents in coming to conclusions about these issues.
- 4.50** As noted above, details of the content of the Cook report and circumstances surrounding it were published in the *Sydney Morning Herald* on 11 July 2001.¹³⁰ The article summarised the

¹²⁸ Small, *Evidence*, 11/5/01, pp 29-32.

¹²⁹ In accordance with the practice of the Legislative Council in relation to orders for papers, the Committee's resolution requiring the production of the documents included a process for the resolution of any dispute as to claims of privilege. The Committee considered this matter at its meeting on 19 July 2001 and decided not to activate this process as it was unnecessary to quote from these documents in this report. However, the Committee noted that the fact that the claim of privilege was not being disputed was not to be taken as acceptance of the merits of the claim or as a precedent in relation to any claims made on the same grounds in the future. The Cook Report has not been made available to persons outside of this Committee.

¹³⁰ During the latter part of the Committee's inquiry there have been at least two unauthorised releases, or 'leaks', of the Committee Chair's preliminary draft report. These have been unfortunate and unacceptable and are serious matters which are being followed up by the Committee. Needless to say, the Police Service has been rightly concerned about these leaks. During the course of the

events that unfolded in Cabramatta between the date of the Cook Report, 18 November 1999 and the establishment of Strike Force Portville on 1 February 2000:

As senior detectives at Crime Agencies, then headed by Commander Clive Small, assessed the intelligence and moved to set up a strike force, the violence continued, primarily between the group associated with Ken Nguyen, who was behind the kidnapping, and his rival, whom we'll call John Nguyen.

In December and January, restaurants were shot up or burnt down and there were tit-for-tat shootings as rivals plugged each other, in the groin, in the shoulder, in the leg and in the face. One man was disembowelled with a pool cue.

In the words of one businessman, in late 1999 and early 2000 the streets of Cabramatta were burning, and no one seemed to be trying to douse the flames.¹³¹

4.51 The Committee notes that the terms of reference of Strike Force Portville are to investigate a number of nominated murders, attempted murders and violent incidents of shootings and stabbings in the Cabramatta/Canley Vale area. Mr Small produced (on a confidential basis) a copy of a document he told the Committee was the terms of reference of Strike Force Portville during his evidence of 27 February 2001:

Subsequently, the analysis undertaken formed the basis of the formal creation of Strike Force Portville on 1 February 2000, though it had commenced operations informally a few days earlier. The strike force comprised 15 police at the time of start up, though this was later increased to 25. It included police from Crime Agencies, Cabramatta and other local area commands. Its charter was to investigate a number of shootings and other acts of violence and their connection with the drug trade, focusing particularly on Cabramatta. I will produce to this Committee the terms of reference of that strike force on a confidential basis.

Since its inception, the strike force has investigated around 50 incidents of violence. This includes a significant number of incidents that occurred prior to the commencement of the strike force, some going back as far as 1996¹³².

4.52 On 11 May 2001, Mr Small was questioned based upon the tendered document and inspected the document while giving his evidence:

inquiry the Police Service had previously drawn attention to what it perceived to have been other possible leaks from the Committee or its witnesses or other persons with an interest in the inquiry. It is therefore noteworthy that the Police Service has not made any comment about the publication of what must surely be the most sensitive operational material possible in the *Sydney Morning Herald* on 11 July 2001. The copy of the Cook Report and the related documents produced to the Committee have been kept in a secure place, no copies have been made and they have been available for inspection on appointment by members of the Committee and the Clerk of the Committee only. It is inconceivable that this documentation found its way into the *Sydney Morning Herald* from the Committee.

¹³¹ N Mercer & S Gibbs, Cabramatta gangs raged as police turned on each other, *Sydney Morning Herald*, 11/7/01.

¹³² Small *Evidence* 27/2/01 p5

The Hon. G. S. PEARCE: I am happy to have a written response, or I am happy to have it tested in any other way. Assistant Commissioner Small, can I take you to page 5 of your evidence in relation to strike force Portville about which you say, "Its charter was to investigate a number of shootings and other acts of violence and their connection with the drug trade, focusing particularly on Cabramatta." You tendered to us on a confidential basis the terms of reference for Portville.

Mr SMALL: Yes.

The Hon. G. S. PEARCE: I do not see the words "drugs", "drug trade" or "focusing particularly on Cabramatta" anywhere in the terms of reference.

Mr SMALL: Can you show me the terms of reference?

The Hon. G. S. PEARCE: Yes, certainly.

Mr SMALL: If I may.

The Hon. G. S. PEARCE: That is the document you tendered to us.

The Hon. I. W. WEST: Is Hon. G. S. Pearce referring to page 5 of the transcript of 27 February?

The Hon. G. S. PEARCE: Yes.

Mr SMALL: If we are drawing distinctions between places like Canley Vale, Cabramatta and Fairfield, whatever, this refers to a number of murders, attempted murders and other violent acts that occurred in and around Cabramatta. Now if that is not dealing with problems in Cabramatta, I do not know what is.

The Hon. J. HATZISTERGOS: It is the Cabramatta Local Area Command [LAC].

The Hon. G. S. PEARCE: It does not refer to their connection with the drug trade focusing particularly on Cabramatta, and that was what we were concerned about when you were giving this evidence. Again you misled us by not telling us what it really was about. It was really about the investigation that was required to occur after the Cook report came out.

The Hon. J. HATZISTERGOS: Point of order.

Mr SMALL: With all respect, these incidents these shooting incidents are directly tied into the drug trade and the drug activities, and the violence that attends that trade, so there is nothing that I have said that is misleading to this Committee.

The Hon. J. HATZISTERGOS: I do not know how you can mislead someone when you actually hand them the terms of reference.

The Hon. G. S. PEARCE: Well, I am reading from his evidence. Can I just ask another question?

The Hon. J. HATZISTERGOS: But he also handed in the terms of reference, so how is that misleading?

The Hon. G. S. PEARCE: His evidence led us to believe that that was about the drug trade and that was particularly focused on Cabramatta, and that is not what it was about.

The Hon. I. W. WEST: It was the Cabramatta LAC.

CHAIR: Order!

Mr SMALL: With all respect, are drug dealers and traffickers who are getting murdered because they are involved in drugs and large amounts of money is the investigation of those murders not an investigation of the drug trade and violence that attends it? That is a matter for the Committee. That is the context in which my evidence was given. There has been no misleading of this Committee.

4.53 The documents described events which took place in December 1999, January 2000 and, perplexingly, on 28 February 2000 and 5 March 2000. On 25 July 2001, the Police Service advised the Committee that the document tendered by Mr Small on 27 February 2001 was not a complete copy of the terms of reference of Strike Force Portville but that;

- Strike Force Portville was established on 2 February 2000, and
- Amended terms of reference were issued on 27 March 2000.

4.54 The document tendered by Mr Small was a compilation of the two terms of reference. Complete copies of both documents were provided to the Committee on 25 July 2001. It is noted that Mr Small in his evidence quoted from Inspector Day's comments that intelligence has been received that violence between these groups will escalate in the near future¹³³. The Committee noted that the Strike Force which commenced the investigation of the Le kidnapping on 15 November 1999 was commenced within days. The Committee was not provided with any explanation as to how or why an investigation into a shooting on 27 December 1999 was incorporated as part of Strike Force Portville.

4.55 The Committee is not satisfied about the claims that the information provided in the Cook Report was used as the basis of Strike Force Portville's terms of reference. Rather, it is apparent that Strike Force Portville was a reactive investigation into the series of shootings, stabbings and violent incidents which occurred and had been outlined in general terms in the Cook Report.

4.56 On 13 July 2001 the Premier was quoted as saying that the police had taken their eye off the ball in dealing with drug related crime in Cabramatta in 1999 and 2000:

I think in 1999 and 2000 the police got their eye off the ball in dealing with these entrenched problems at Cabramatta, Mr Carr said. During 1999-2000 you didn't have the relentless focus on fixing up Cabramatta that I would want to see.

¹³³ Evidence 27/2/01 p5

We are getting them to get their eye right back on the ball.¹³⁴

- 4.57** The suggestion that the Cook report was hidden and not acted upon is incorrect. However, the key question for the Committee in relation to the Cook Report is whether it was responded to in a timely and appropriate manner, and, whether a different response could have prevented some of the violent crime that occurred in Cabramatta in late 1999 and 2000. Senior managers in the Police Service considering intelligence risk assessments and the specific recommendations made in those assessments do not have the benefit of the hindsight with which these events are now able to be reviewed. Examining these events from the perspective of July 2001, it is difficult to understand why it took 10 weeks to establish a strike force to specifically address the violent criminal activity predicted in the Cook Report. It was during these 10 weeks that the violence predicted in the Cook report erupted. Even accounting for the benefit of hindsight, it is difficult to avoid the conclusion that the response to the specific recommendations included in the Cook Report was not sufficiently timely: it took too long to establish Strike Force Portville. This had the effect of putting at risk the people of Cabramatta. It also diminished the trust and confidence of front line police officers.
- 4.58** The Committee finds that the content of the Cook Report was such as should have received urgent priority and critical attention. The Committee further finds that the failure to take any action until at least 1 February 2000, some ten weeks after the production of the assessment, was an inadequate response. The Committee is not in a position to form a view whether the Cook assessment formed the basis of intelligence analysis undertaken during December and January and the basis for Portville¹³⁵.
- 4.59** As outlined above, Members of the Committee have had the opportunity to review the Cook Report and the terms of reference of the 11 strike forces referred to in evidence by Assistant Commissioner Small. The extent to which those 11 strike forces were addressing the specific issues identified in the Cook Report is a matter over which judgements will differ.
- 4.60** What is clear, though, is that the response of the Police Service to the evidence of Detective Sergeant Priest and the four officers who appeared before the Committee on 23 April 2001 was unfortunate and, ultimately, unwarranted. Rather than acknowledging, as the Premier has done, that police took their eye off the ball in relation to drug related crime in Cabramatta in late 1999 and early 2000, the Committee has witnessed attacks on the credibility of these witnesses. Whilst it appears that these witnesses may not have been fully informed about some of the events mentioned, it was the evidence of these officers that has brought these matters to the attention of the Committee, and the people of NSW. the Committee commends these officers for their honesty and courage. That the NSW Police Service decided to respond to their evidence in the way in which it did, does the Service no credit whatsoever and calls into question the extent to which the Service has embraced reform. These issues are further examined through the remainder of Chapter Four and Chapter Five of this report.

¹³⁴ No Excuses: Carr demands senior police do a better job , *Daily Telegraph*, 13/7/01.

¹³⁵ Small *Evidence* 27/02/01 p7

Station Downgrading, Morale and Leadership

- 4.61** Matters came to a head in late 1999 and early 2000 as the Police Service began promoting the success in reducing crime in Cabramatta as evidenced by the improvements in Crimes Index statistics. Cabramatta was rated only the 51st LAC in the State for crime problems, compared with a rating of 38 for Roseville. The Station command was downgraded in November 1999 from a Level One command to a Level Two, with a resulting decrease in pay scale for the positions of Local Area Commander, Crime Manager, Duty Manager and Local Area Manager¹³⁶.
- 4.62** This co-occurred with the escalation of gang related violence in the Cabramatta area discussed in Chapter Three and in the paragraphs above about the Cook Report. From 27 December 1999 until late March 2000 there were a number of shootings, attempted murders and kidnappings. (Murders are not recorded in the Crimes Index because they are rare offences). There was much debate during the inquiry about the extent to which this outbreak of violence was predicted and whether it could have been averted¹³⁷. It appears to the Committee that whatever the state of intelligence of Cabramatta LAC, the problems were the final straw for both the community and front line police.
- 4.63** A meeting of local Police Association members was called on 8 March 2000 and a vote of no confidence in the Cabramatta Commander proposed by Tim Priest. At the meeting no vote was taken on the motion and further action averted when some of the officers demands were addressed¹³⁸. Commissioner Ryan visited Cabramatta to meet with staff and Commander Horton was transferred to another command in late April, and replaced with Superintendent Sweeney. However the new appointment did not appear to address the morale problem. The management problems at the station remained as the Committee's inquiry began. Many officers submitted either public or confidential submissions and others confidentially approached individual members of the Committee.

New management team

- 4.64** Following a restructure of senior leadership of the Police Service in early 2001 Commissioner Clive Small replaced Commissioner Chris Evans as Regional Commander, and Commander Hansen replaced Commander Sweeney at Cabramatta LAC. It appears to the Committee that Commissioner Small is now driving the direction and management of the station. It also appears that morale has improved¹³⁹ because of Commander Hansen's management style and because a specific direction has been given to target drugs as the number one priority.

¹³⁶ Police Service *Submission* 17/08/00 p2

¹³⁷ See Priest *Evidence* 23/2/01 and the response from Small *Evidence* 27/2/01

¹³⁸ Ball *Evidence* 18/12/00 p52, Priest *Submission* 14/08/00 p, Police Chief avoids no confidence vote *Fairfield Advance* 14/3/00, Boss in Town to support Horton *Fairfield Advance* 4/04/00 (both attached to Treyvud *Submission* 3/08/00)

¹³⁹ With a notable exception discussed at para 4.--

Lessons for Police Service Management and Leadership

- 4.65** The committee does not believe corruption has played any role in the situation which has unfolded. It is a credit to the past and current management of Cabramatta LAC that this can be said. However the committee is reminded that the Wood Royal Commission found that the management and culture of the Police Service was a major problem which encouraged the spread of corruption¹⁴⁰. There has been ample evidence in this inquiry that the management and culture of the Service failed the officers and community at Cabramatta¹⁴¹.
- 4.66** The Committee believes the problems which occurred in Cabramatta LAC could easily recur, and may indeed currently exist in other LACs¹⁴². The Committee believes two problems stand out:
- The lack of a consideration of the community's priorities in the setting of performance measures and strategies; and
 - The command and control, authoritarian management style which prevents the input of junior police being usefully integrated into management decisions.

Police culture

- 4.67** The first point will be examined in the Chapter Eight. However the culture of the Police Service remains a major problem. The Committee heard evidence on this from former officer Mr Matt Casey, of the Restorative Justice consultancy. He contrasted the morale problems in Cabramatta with the success of a program in the Shoalhaven Local Area Command where junior officers were allowed to provide greater input into policing strategies. The Shoalhaven program not only resulted in significant reductions in crime but also major improvements in aspects such as sick leave and complaints against police.
- 4.68** Mr Casey explained the process by which front line officers were first introduced to the latest research on successful policing, then provided the opportunity to speak up safely:

We started initially by repairing the relationships, by dealing with the toxic behaviours within the police that prevent people from speaking up. We then move on to introducing the police to the information around what works.

We introduced the idea of contestability. We introduced the idea that a constable can put an argument, not on the basis of "I am a constable and you are a superintendent" but on the basis of "I am a constable, these are the facts, here is the research, and this is what I think" the same sort of behaviour we see operating in other professions. The difficulty in the Police Service is that we do

¹⁴⁰ *Royal Commission into the New South Wales Police Service* Final Report Vol 2 p209, May 1997

¹⁴¹ See for instance the quotes from the Police Association in paras 4.60 and 4.61; 4 officers *Submission* 23/04/01

¹⁴² eg Reitano *Submission* 17/05/01, dealing partly with Green Valley LAC

not see that. the difficulty around having the rank and file police interact with members of the community is that the rank and file police are not free to put their own ideas forward¹⁴³.

4.69 This is exactly the problem the Committee has seen operating at Cabramatta. Front line police and the community were both in agreement as to the priorities for policing but the command structure of the Service prevented these groups communicating for fear of undermining the authority of management. As explained by Casey:

Within the current structure they are bound either by the whim of the commander or the rigid structure within which they work. If somebody puts an idea forward, the idea often gets defeated on the basis of who it is who put the idea forward or who it is who disagrees with it, or simply on the rank structure: "I am a superintendent; you are not. We are going to do it my way." The facts are, when we talk about different strategies what we introduced was reform into the Police Service and the way it was done so that new ideas could come forward from the police¹⁴⁴.

4.70 Casey argues that the Police Service has not moved on to make the cultural change recommended by the Wood Royal Commission:

The fact of the matter is that when Peter Ryan arrived he described the New South Wales Police Service as a frightened and dispirited organisation. He then invited all the frighteners to his top table. The fact is we have not seen reform in terms of reform of the way business is done within the Police Service. We have not seen that change at all¹⁴⁵.

4.71 This view is also taken by the Police Association in its submission to the inquiry:

There have been many changes since the Commission, but the areas that relate to the way people are managed have remained basically the same. The Police Service, irrespective of its rhetoric, is managed in a command and control manner. Decision-making and planning is not collegial. Fear remains the overriding atmosphere fear of mistake, fear of punishment for being different. Creativity, initiative and vision is not promoted and when found, is treated with suspicion. As a result police continue to have higher than average stress levels¹⁴⁶

4.72 The Association believes this culture explains much of what has happened within the Cabramatta LAC:

Officers complain of a low trust environment where operational police are excluded from decision making and treated like kids . Decisions are made for the staff, as opposed to with staff . There is inflexibility in the way policing is carried out in Cabramatta. Management does not allow for processes that permit

¹⁴³ Casey *Evidence* 23/02/01 p32

¹⁴⁴ Casey *Ibid* p32

¹⁴⁵ Casey *Ibid* p33

¹⁴⁶ *Submission* 11/08/00 p14

policing strategies to be adapted to the special needs of the area. Management is seen to divide rather than unite police. Secretiveness is paramount¹⁴⁷

4.73 Two examples are illustrative of this continuing problem. The first is the extensive debate during the inquiry concerning the level of police strikeforces operational in Cabramatta during the outbreak of the series of violent incidents in late 1999 and early 2000. There are major differences in perceptions between Detective Sergeant Priest and the four officers who gave evidence on 23 April 2001 on the one hand, and Assistant Commissioner Small and Deputy Commissioner Jarratt on the other¹⁴⁸. The significant aspect of this is what it demonstrates about the lack of communication between senior management and junior police. Clearly there are times when confidentiality is important, but if the perception of front line police is that nothing is happening in their area, this can be very counter productive to morale. Professor Basham explained his view of the problem:

The problem is that there is a tendency for things to operate along networks of influence. Junior officers who send things up might not always receive the response that they think their hard-earned work deserves. Part of the real problem is often those people do not get back to them and they do not tell them what has happened, what they have done. Part of what I think is really important here, and I did not include it, is that there needs to be a lot more trust between levels of the Police Service, a lot more interaction. I alluded to basically this in my mentions of crime agencies and state intelligence that these local police officers when seconded could provide valuable input to the hierarchy.

My understanding of what Priest's testimony represents is an incredible frustration at the local area command level—the officers actually on the street—with what they see as a discontinuity between the world they are living in and the world that the Police Service at the higher level tells them they are living in. I think that a lot of this is probably frustration, and you can understand why. But I think that the problems are communication and different agendas at different levels of the Police Service . Particularly worrisome to me was the announcement, or the discussion, that Cabramatta had become a safer place in which to live than Woollahra¹⁴⁹.

Treatment of dissent

4.74 The second example of continuing problems is the treatment of dissent. On 21 June 2001 the Committee tabled a Special Report in relation to possible breaches of parliamentary privilege during this inquiry, which the majority of the Committee decided should be investigated by the Standing Committee on Parliamentary Privileges and Ethics. This issue was concerned with the decision of the Cabramatta Local Area Commander to issue

¹⁴⁷ *Ibid* p14

¹⁴⁸ Priest *Evidence* 23/2/01, Officers A,B, C & D *Evidence* 23/04/01, Small *Evidence* 11/5/01, Jarratt *Evidence* 14/5/01

¹⁴⁹ Basham *Evidence* 30/3/01 p11

directive memoranda to four officers who had given evidence to the Committee. The circumstances are set out in the Special Report.¹⁵⁰

Contrast with Cabramatta High School

4.75 During its inquiry the committee was particularly struck by the contrast between the Cabramatta LAC and another agency with a task almost as difficult. In contrast to the LAC, Cabramatta High School has high staff morale, a great deal of community satisfaction and excellent results in terms of student retention and HSC results. The way the school treats and manages its staff is regarded as crucial. Although the functions of the two agencies are very different, a member of staff made the following pertinent observation during the Committee's consultation:

You asked the students whether they had any ideas about what the Government can do, and I have an idea. I do not know whether this currently exists, but the Education Department puts in practice a policy to staff difficult schools. My question is: Does the Police Service have practices, incentives or initiatives to staff places such as Cabramatta? I would imagine that the worst scenario for the Cabramatta police station would be a very high turnover of staff.

I know the skills involved in teaching students from a non-English-speaking background and that developing English language is a slow process. One of the qualities of the school and one of the reasons why it is so consistent and stable is that it has a very small staff turnover. People are happy to be here and that is entirely due to the quality of the students that we have. The fact that there is consistency means that we can make progress. Do you know the level of staff turnover at the Cabramatta police station? Is it higher than elsewhere? Why are there no incentives to attract people to Cabramatta and keep them there?¹⁵¹

4.76 Until management by fear changes in the New South Wales Police Service there could be more Cabramatta LACs, with the community paying the price for demoralised and frustrated officers and staff. In Cabramatta the community has paid a very high price for management failures in the New South Wales Police Service. The situation within Cabramatta LAC has improved since 2001 (excepting the incident described at 4.64), but the legacy of past failures is a continuing lack of trust in the police by the Cabramatta community.

Conclusion: What Went Wrong

4.77 The committee is firmly of the view that what went wrong with drug related crime and community perceptions of the police in Cabramatta stems from what happened within the Cabramatta LAC, particularly between 1999 and 2000. **What went wrong in Cabramatta is that poor management, driven by inappropriate centrally imposed performance measures, prevented front line police in Cabramatta from focussing on effectively**

¹⁵⁰ General Purpose Standing Committee No 3, *Special Report on Possible Breaches of Privilege Arising from the inquiry into Cabramatta Policing* Report 6 June 2001

¹⁵¹ Senior Teacher E *Evidence* 6/2/01 p11

policing the aspects of crime which was most important to residents of Cabramatta.

Chapter Eight contains several important recommendations aimed at improving the current situation.

- 4.78** The Committee notes the public acknowledgment by Assistant Commissioner Small that there were serious problems within the Cabramatta LAC between 1999 and 2000. It is the only statement to date by senior management in the Police Service that the people of Cabramatta have suffered:

There is no dispute that disquiet in the form of tension between management and front-line staff began to emerge in Cabramatta local area command probably as early as late 1998 or early 1999. It boiled over in late 1999 early 2000, when the local area commander was absent from the local area command for around two months while on this duty and on annual leave.

There were a myriad of issues at the centre of the disputes, including the approach to the drug problem, overtime, motor vehicles and relations between management and at least some staff. The list goes on. Added to this was a widespread perception within the local area command that the service was "punishing them" or "ignoring them" by failing to recognise their number one operational problem drugs and the amount of serious and violent crime such as shootings and armed robbery that the command was facing. There was also a perception

that they were being further "punished" by the service when the command was downgraded to a category two. Fundamentally, two things occurred while this was happening. One was that the command became so internally focused that there is a real sense in which the priority was not crime in the area but disputes in the station.

As a consequence, the people of Cabramatta suffered¹⁵²

¹⁵² Small *Evidence* 11/5/ 01 p10

Chapter 5 **What Went Wrong: Cabramatta LAC's Relationship with the Community**

Introduction

- 5.1 There is very little trust between many sections of the Cabramatta community and the Local Area Command. People from a non-English-speaking background feel particularly isolated from their local police. The Committee has not spoken with every member of the Cabramatta community. There may be many who have positive experiences of policing in their area but they have remained silent during this inquiry.
- 5.2 This Chapter seeks to examine how this lack of trust has arisen. Similarly with the previous chapter, this is an attempt to state what went wrong, since this is the key to understanding how to move forward. The committee believes that there are three main issues which have led to the current situation:
- the problems within the Cabramatta LAC led to a decline in the links previously established with the community
 - the use of the Crimes Index by the Police Service for public relations purposes in late 1999 to early 2000, and
 - the failure of the NSW Police Service to address the very great challenges of policing in a community with so many different cultural and language groups
- 5.3 The Committee is aware that there are formal community/police structures of consultation and communication which currently exist in Cabramatta, such as Customer Councils and community safety committees. Some of these are valuable for the sharing of information but there appears to have been little suggestion from either Police Service or the community that these are acting as a bridge between the two. In spite of this, it appears to the Committee that in some ethnic communities and among junior police at Cabramatta in particular there is a willingness to co-operate and work together. This needs to be given the opportunity to grow.

What Went Wrong: Decline in Existing Community Relations

- 5.4 In answering what went wrong in the relationship between Cabramatta and its police there is an assumption that there was a good relationship which later deteriorated. This is by no means clear because the committee has not examined the previous history of Cabramatta as a Patrol before it became a LAC. However from the serving and former police officers who appeared before the committee, former Patrol Commander Alan Leek greatly impressed the Committee for the depth of his understanding and his empathy for the people of Cabramatta. His view of what has gone wrong between the Cabramatta LAC and the community is very direct:

The needs of the Cabramatta community have rarely been taken seriously by senior management of the Police Service. There seems to be a barrier to a real

understanding of the issues in the area, and I suspect the barrier is as high as ever¹⁵³.

So much of what I see in Cabramatta currently appears to be the result of questionable management practices – at least at the local level and partly from higher levels. I do not pretend to know what has happened at Cabramatta over the past five years but I have maintained my interest in the area. The community seems not to have been engaged in a meaningful or spontaneous way which has re-opened the chasms which were once narrowed or closed ¹⁵⁴.

- 5.5** He spoke of a range of initiatives from his period of command, many of which appear to have subsequently lapsed. These included victims support programs, allowing ethnic community liaison officers to work out of normal office hours to attend community functions as part of their work, and appearing on ethnic language talk back shows. He described the approach in evidence:

I was excited by the work that I had to perform at Cabramatta and I attended every cultural and religious function possible. As you would know, Madam Chair, we met at many of them. They extended from various Christian events, the opening of churches, to Ramadan, the opening of temples, Vesak Day, Vietnamese Martyr's Day, Chinese New Year, Lao and Cambodian New Year, and inauguration ceremonies for various community organisations, of which there many. I was accompanied always by one or more of my ethnic community liaison officers and on many occasions by my peers, my senior and junior officers. This process built relationships and trust. It educated us whilst educating our guests and other observers. It was a two-way street that provided many benefits to the community ¹⁵⁵.

- 5.6** Commander Leek was transferred in early 1995 after four years, not because he wanted to leave but because of a Police Service policy of rotating management. Since then the position has rotated with alarming regularity, particularly more recently with three Commanders serving in the nine months from April 2000. The Committee believes that this rapid turnover of senior management, indeed of all staff, may inhibit the establishment of trust with the community and leads to a loss of links previously made. Structures such as consultative committees remain but eventually wither and die because the relationships upon which they were built no longer exist. It is the personal relationships between police and the community at all levels which build trust, and this requires time and continuity. This point will be returned to in Chapter Nine, but evidence from Professor Basham is illustrative of this point:

I am not suggesting that exists here today, but the problem is that in order to work with ethnic communities effectively, you need to work with individuals. In other words, the police setting down roots in the community, ideally living in a house in Cabramatta, having their kids go to Cabramatta schools and identifying with the community. You begin to relate to individuals and not necessarily to

¹⁵³ Leek *Evidence* 18/12/00 p4

¹⁵⁴ *Ibid* p11

¹⁵⁵ Leek *Evidence* 18/12/00 p8

community leaders who may or may not be on the level. There are a number of them who are and some who are not. But the more important thing, anyway, is to police people like you would ordinary Australians, in a sense, but the difference is rather than police ordinary Australians - and you would not go through an Australian community leader to deal with an ordinary Australian - you deal with people as individuals. But you have to know something about their culture in order to do that. By doing this, in time you will begin to get co-operation from people¹⁵⁶.

5.7 In response, Deputy Commissioner Jarratt has argued that the rotation policy is an important anti-corruption measure that was supported by the Wood Royal Commission, as well as a way of preventing burn out or poor performance:

An assessment is made at the end of five years as to the continued risk to the officer and risks to the organisation of him or her staying there. The issue of corruption was raised earlier by Mr Colless. Evidence not to this commission but I think in general would show that the longer an officer stays in an area, the larger that risk becomes. Familiarity breeds contempt, if I can put it that way¹⁵⁷.

5.8 There were many organisational factors in the decline of community policing at Cabramatta LAC in the years 1999 and 2000. These include:

- The failure of senior police management to define a role for ethnic community liaison officers stationed at Cabramatta, and the subsequent ineffective use of these officers.
- The failure of senior police, particularly in the period from 1999 and 2000, to effectively communicate to the community the policing strategy they were following in Cabramatta.
- The failure of management to establish easily accessed channels of communication between non-English-speaking background communities and the LAC. For instance, this meant that when a junior officer acted with a lack of cultural sensitivity, communities and individuals felt powerless to raise complaints.
- The rapid turnover of staff at all levels, partly as a result of management problems. This prevented the establishment of relationships that are essential for communication and trust, as opposed to formal consultative forums.
- The neglect by management of the youth liaison officer position, which remained vacant for several months in 2000.
- The lack of an effective consultative or advisory body involving the Cabramatta LAC and the community.

¹⁵⁶ Evidence 30/03/01 p9

¹⁵⁷ Evidence 14/5/01 p29

5.9 In charting the decline in the relationship between the community and the Police the committee is indebted to the perceptive submission by Dr Thomas Diep, President of the Cabramatta Business Association¹⁵⁸. He refers to three periods in the communities perception of recent policing in Cabramatta:

- A time of despair when gang activity which began in late 1994 escalated in 1996 and 1997, with streets swamped by open drug dealing and violent crime
- A time of promise and hope (1997- 1999) when there was a great deal of attention paid to the area by people from the Premier down. Operation Puccini and the Cabramatta Project of the Premier s Department were launched, street crime was brought under control and links were made between the Asian communities and the Police through the Moon festival. The business community held fundraising events to purchase a new Police mobile van, the Council installed the CCTV and there were real hopes that Cabramatta could become an ordinary safe suburb.
- A time of uncertainty and bewilderment (Year 2000), when Police, the local Member and the Government heralded the past achievements of Police at a time when a spate of extremely violent crime hit the suburb and street drug use spiralled. The community perceived police operations as downgrading the efforts on street policing right at the time when more was needed. The community then read in the media of the problems within Cabramatta station, which added to their concern.

What Went Wrong: The Crimes Index and the Community

5.10 The Crime Index played an important part in the break down of community trust in the police. Inappropriate use of the Index would have had a harmful effect on the Cabramatta community if it had remained a confidential internal management tool of the Police Service. However the harm was increased because the Index became, for a period, a public relations tool used to promote the success of the new reformed Police Service in reducing crime. The people were told crime was under control and that the streets were safe at a time when it was obvious to anyone in the area that drug crime and violent crime was at completely unacceptable levels. The bitterness this caused has had lingering effects which continue in some quarters of the community about the willingness of the Police Service to speak honestly to the community.

5.11 In its submission to the inquiry the Police Service argues that the Index has been misunderstood by the media:

There are a number of misperceptions in the public domain concerning what the Crime Index measures and how information generated by the Index is used by the Service. Despite numerous public explanations of the Index by the Commissioner,

¹⁵⁸ *Submission (19/9/00)*

misinformation about the index as reported by the media, continues to occur resulting in a widespread public belief that the Index is used to determine police numbers and the resources of Local Area Commands. This is simply not the case¹⁵⁹.

- 5.12** However the way these misperceptions can arise is clearly shown in the following page of the submission. After explaining how the Index arises the Service quotes the extraordinary results in Cabramatta between January 1998 and April 2000 which resulted in its improved position on the Crimes Index. The improvements in the Crimes Index crimes are spelt out at length. In contrast, no statistics on murders in Cabramatta are referred to, and drug dealing is dealt with in a way which minimises its importance:

In the case of Cabramatta LAC, which had the highest number of drug detections in 1999, adding a drug detection ranking to the Index would only result in the LAC rising from 52 to around 40 [on the Crimes Index]¹⁶⁰

- 5.13** The message appears to clearly imply that the successes measured by the Crimes Index indicate that crime is under control in Cabramatta; the most serious crimes are not the focus of the discussion. With the Police as the source of statistics other agencies took up the message that the streets of Cabramatta were being made safer. An example is the newsletter of August 2000 of the Cabramatta Project of the Premier's Department which reported that the reduction in the crime rate proves that police efforts are effective despite adverse publicity.¹⁶¹

- 5.14** Although he later sought to undo some of the damage, the role of the Police Commissioner was particularly unfortunate. The Police Commissioner was quoted as saying on 25 February 2000 that the streets had been reclaimed, and that

What we've done is have such a success at Cabramatta that it's no longer regarded as dangerous or as difficult a place as it used to be.¹⁶²

- 5.15** The following week the Commissioner was reported using the Index to argue that crime was under control, and that any residual problem was largely the community's fault:

Cabramatta at the moment is 51 on the index, and that is really quite remarkable there are 50 places which are worse, Mr Ryan said. Yes, there is more to do but we are limited by a lack of co-operation generally by the community.¹⁶³

- 5.16** The Committee does not believe the media is to blame for the way the Crimes Index has been reported. It has been used by the Police Service not just as an internal management

¹⁵⁹ *Submission* 17/08/00 p4

¹⁶⁰ *Ibid* p5

¹⁶¹ Cabramatta Project *newsletter* August 2000 volume 2 issue 1 p2

¹⁶² Ryan Says Cabramatta streets Safe *Daily Telegraph* 25/2/00 p26

¹⁶³ Suburb's crime in hand: Ryan *Daily Telegraph* 2/3/00 p12

tool but as a public relations tool. Members of the community at Cabramatta had no doubt about what was happening:

1999 saw the worsening of the problem in Cabramatta, shopkeepers and residents complained about the increasing numbers of injecting drug uses causing problems around the town. Senior Police, local politicians and public servants claimed we were simply mistaken, as there was no hard evidence of any increasing problem. The crime index ranking showed Cabramatta was better off than it had been for many years¹⁶⁴.

I received an enormous amount of community anger that drug, murder and attempted murder crimes are not counted in these statistics. The general feeling in the community range from Police apathy to a Police cover up of crime in Cabramatta. As a result, there is a strong feeling that the community has lost out and that nothing will be done to make the community safer¹⁶⁵.

although the police leadership's explanation of the reason for setting up the index was for internal purposes only, the community perceived the low crime index rating of Cabramatta as misleading. This further affected the confidence of the community in the police¹⁶⁶.

- 5.17** The media and local businesses together with the community groups played a responsible role in highlighting a dubious public relations exercise by the New South Wales Police Service, best summarised by one journalist:

In recent weeks a wide gulf has opened between, on the one hand, what appears to be a sudden upswing in crime and, on the other, official statements downgrading the crime threat in Cabramatta and claiming that the police are reclaiming the streets ¹⁶⁷

- 5.18** The Police Service did respond in the face of media and community criticism: Commissioner Ryan visited Cabramatta in early March and 3 April 2000, and changes were made to management at the LAC (see Chapter Four). But the damage in terms of broken trust remains in many parts of the community; The misleading use of the Index in publicity considerably worsened police and community relations at a particularly difficult time when crime in the area was at its worst.

- 5.19** In his evidence Dr Diep suggested that, despite the hope given by the Puccini operations the Cabramatta community's faith in the police became greatly weakened by the events in early 2000. He states that from this time onwards a widespread belief that the Police were seeking to contain the drug problem in Cabramatta emerged:

¹⁶⁴ Treyvuad *Submission* 3/08/00 p17

¹⁶⁵ Thang Ngo *Submission* 10/08/00 p7

¹⁶⁶ Dr Diep *Evidence* 23/02/01 p17

¹⁶⁷ Knox, *Sydney Morning Herald* 8/3/00 p13, quoted in Diep *Submission* 19/9/00 p3

However, the Cabramatta people, including business people, local residents and ethnic communities in general now live in fear and uncertainty for their future. They have started to ask questions. Do they have to bear this stigma of being the capital of drugs forever? They have started to question why police failed to control heroin in Cabramatta, and the policies, strategies of policing and the willingness of government and police to drive heroin out of Cabramatta. I put that in my submission to alert the Committee, the Parliament and the Government that there is an increasingly popular belief in the community of the so-called containment policy. I make it clear that I have not advocated this conjecture and I do not mean by mentioning this in my submission and my speech today to advocate conjecture, but I raise this as we have great concerns about this belief among the community. It would and does significantly affect the confidence of business people and residents towards the Government and the Police Service and further aggravates the problem of the wall of silence and the co-operation between the community, the Government and the police¹⁶⁸.

5.20 Interestingly, front line Police such as Detective Sergeant Priest also came to the same conclusion. The Committee does not believe that a policy of containment has been deliberately pursued. However the fact that a belief such as this can spread says much about the trust and communication between the people of Cabramatta and the Police Service, and between Police management and front line officers. Other symptoms of this lack of trust have included moves by local businesses to employ private security guards, or vigilante action involving the use of citizens arrest, and threats to launch a class action against the government for lost income to businesses as a result of failure to adequately police the area.

5.21 Public statements by senior Police officers tend to see the difficulties in Cabramatta as being caused by a difficult, unresponsive community. However the Committee has heard very little acknowledgment by the Minister for Police, or by senior management of the Police, other than Assistant Commissioner Small, of the very real responsibility of the Police Service for the breakdown in relations with the Cabramatta community.¹⁶⁹ Deputy Commissioner Jarratt has accepted that any perceived operational policing failures in Cabramatta are his responsibility. At a hearing on 14 May 2001 he accepted that under the chain of command he had responsibility for any failures in operational policing in Cabramatta LAC:

The Hon. G. S. PEARCE: Who will take responsibility for the disaster in Cabramatta the destruction of the community, the countless tragedies of youngsters on drugs, the wasted time and the free kick that drug lords have had in the last two years? Will your head roll, or will Commissioner Ryan take some responsibility?

Mr JARRATT: I guess it would be for others to determine whether or not my head rolls, but in relation to the policing of Cabramatta, for the last couple of years there are people like me who will take that responsibility.

¹⁶⁸ Dr Diep *Evidence* 23/02/01 p16

¹⁶⁹ *Evidence* 14/05/01 p27. The Committee notes Commissioner Ryan issued a press release on 17 July 2001 to the effect he was misled about the situation in Cabramatta.

The Hon. G. S. PEARCE: Who are they?

Mr JARRATT: I am satisfied that a lot of effective policing has been carried out in Cabramatta. I have also said that the issues that confront Cabramatta are not solely issues of policing, and can never be. There has been quite effective policing in Cabramatta over the past few years. I am happy to be accountable for that, through a chain of command¹⁷⁰.

- 5.22** The Committee notes the positions of Greater Hume Regional Commander and Local Area Commander have been changed and filled by new occupants, Regional Commander Small and Local Area Commander Hanson.

What Went Wrong: Police Service Responses to Policing Non English Speaking Background Communities

- 5.23** A barrier sometimes cited by the Police to effective community relations is that a *Wall of Silence* exists, particularly in Asian communities. This theory suggests that for cultural reasons, individuals are reluctant to cooperate with the Police. The Committee believes a *Wall of Silence* exists in Cabramatta, only as a *symptom* of the poor relationship between police and community rather than a *cause* of this problem. Communities fear reprisals when they do not have adequate confidence in the police to protect their safety, whatever their cultural background. Former Commander Leek suggested in evidence that every community he worked in was reluctant to be witnesses to a crime or inform on criminals, and that the *Never Dob in a Mate* Australian ethos is a wall of silence in itself¹⁷¹.
- 5.24** The Committee believes there will be less talk by police of a wall of silence when they begin to regain the trust of the Cabramatta community. The cultural problems in non English speaking background communities are more about understanding the role of the police than any inherent reluctance to cooperate:

In this area most of the migrants are coming from Indo China, like Vietnam, Cambodia I myself am Cambodian Chinese born and Laos and other countries such as Indonesia, Taiwan and other countries. People migrate to this country. Some of them still are not really understanding how the police force works in this country. If they thought back to the country they come from, the police is really much different work compared to our country here. I believe some of our distinguished guests here do not quite understand back to the other countries where the police are working for certain agencies or certain forces quite different to here¹⁷².

The Hon. R. D. DYER: How about the code of silence or, to use your expression, the white feather syndrome? How can the police deal with that unwillingness for whatever reason to inform to police?

¹⁷⁰ Evidence 14/05/01 p27

¹⁷¹ Evidence 18/12/00 p8

¹⁷² Huynh Evidence 6/02/01

Dr BASHAM: Basically what has to be conveyed to people is that police care about them and they are also able to protect them. That is a process that requires time and it requires an understanding that people can actually co-operate with the police and not suffer the consequences, not be threatened with death and forced to leave the country, forced to go underground, for example. You find even a problem with roll-over witnesses. They are reluctant to go beyond a certain point because it is pretty risky. You have to realise the problem. You do not necessarily go to the police. There are ways of coping with this, but they are difficult. What we need to let everybody know is that Australian law really cares about them, that they are really part of Australia¹⁷³.

5.25 Some of the reasons proposed by witnesses for a wall of silence include:

- Lack of confidence that the police will act if they are given information. This includes perceptions (which the Committee believes have no basis in evidence presented) that police are corrupt because drug dealing carries on without interference
- Lack of confidence that witnesses will be protected from any reprisals, particularly when residents see people charged with offences being released and back in Cabramatta the following day
- Language difficulties in approaching the Police (see Chapter Seven)
- A statewide problem in the New South Wales Police Service involving the current management of police informants¹⁷⁴
- Confusion from those from a different cultural background as to the role of Police in Australian society
- The mixed feelings in making reports to Police by families whose child or relative is a drug user or in another way connected with the drug trade
- Lack of continuity in Police personnel often means that personal relationships, through which information can be safely exchanged, do not develop
- Fear of business owners who are the subject of standover or protection rackets. The Committee also recognises that some businesses have been found to have connections with drug crime, whether through drug distribution or, at a lower level, sale of goods stolen by users.

5.26 Many of these points have little to do with cultural background and everything to do with being in an area of high crime and economic disadvantage. The lack of understanding of the role of Police can be overstated. Certainly for young people it is less of an issue since

¹⁷³ Basham *Evidence* 30/3/01

¹⁷⁴ Reitano *Submission* 17/5/01. The Police Service has stated that it will not respond to this allegation by Detective Sergeant Reitano as to do so may impede or thwart the effectiveness of investigations NSW Police Service Court and Legal Services Correspondence 14/6/01 p1

they grew up in Australia. For those raised in other countries understanding the difference in an Australia context can be a barrier. However this can be addressed in practical ways with constructive community policing¹⁷⁵. Language is also a problem, but again it can be addressed with practical measures, as is examined in Chapters Seven and Nine.

- 5.27** The Committee recognises that the Police, and multi-agency initiatives such as the Fairfield Drug Action Team have periodically sought to promote better understanding of the role of the Police. Multi-lingual information kits and the like have an important role and should to continue to be developed. However, the ultimate way for a better understanding is by personal contact and experience. In his evidence, Dr Diep stressed that it was not enough for community leaders to establish a good relationship with the Local Area Commander. Rather, there needed to be a relationship at all levels of the community¹⁷⁶.
- 5.28** The Committee believes that any attempts by the Police Service to use a wall of silence to explain policing difficulties in Cabramatta should be examined for what it says about the Police Service as much as what it indicates about the community being policed. The Committee welcomes the priority that Assistant Commissioner Small and Commander Hansen have given to community policing¹⁷⁷. The continuing effectiveness of this will need to be monitored, as indicated in Chapter Ten.

What Went Wrong: Young People of Asian Background

- 5.29** The Committee heard evidence that major factors underlying strained relationships between the Police and Community in Cabramatta have been cultural insensitivity. Specifically, the evidence was that:
- Improper behaviour by officers during searches and arrests. Young people of an Asian background have largely borne the brunt of inappropriate police behaviour. Young people in the Cabramatta region are often subject to routine harassment, intimidation and mistreatment by police officers. They are often detained and searched without clear legal authority and in a manner which is interpreted as denigrating and offensive by the Indo Chinese community¹⁷⁸.
 - Young people of Asian background assess police activities according to the principles of justice and equality, which, they have been taught, are fundamental to Australian society. They expect to be treated fairly and equally with the respect due to them as citizens of a liberal democracy. In particular, they expect the police to operate within the rule of law. The argument that Australians of Asian

¹⁷⁵ For example see Leek *Evidence* 18/12/00 p3

¹⁷⁶ See Chapter Nine for Dr Deip and Professor Basham s evidence on this

¹⁷⁷ Hansen *Evidence* 11/5/01 p27.

¹⁷⁸ Dixon and Maher *Submission* 11/08/00 p13-14

background equate policing operations with activities in their home countries is a simplistic analysis that verges on being racist¹⁷⁹.

- There is a growing recognition that in order to eliminate a person's association with the drug trade support is required in many areas, not just limited to detoxification. A range of programs are required so that young people do not feel that the drug market provides their best (and sometimes only) chance for employment, for entertainment and for a way out of the cycle of boredom that dominates their lives¹⁸⁰.
- The negative attitude displayed by some police officers towards people of non-English speaking background, particularly young people, is a continuing problem. Discriminatory and degrading treatment of young people of an Asian background has harmed relations between police and the community. The suggestion that Asian culture is the cause of the poor relations has also contributed to the lack of confidence on the side of the community¹⁸¹.

Community Perceptions of the Police

5.30 It is almost impossible to generalise about the Cabramatta community because it is made up of so many diverse, often overlapping communities. Yet, the majority of those who have written or spoken to the Committee are at best bewildered, not understanding why the Police cannot do more to make their lives less fraught with fear and threats. Those who are angrier, and who have spoken out, such as Mr Ross Trevyaud and Councillor Thang Ngo, have found themselves criticised for speaking out.

5.31 The committee undertook several community consultations during the inquiry, which showed that there are many common concerns about policing in the Cabramatta area. The most typical concerns were:

- Police did not respond quickly, or at all, when crimes were reported.
- Police appeared to ignore blatant drug dealing in public places.
- Police had insufficient resources to respond to even serious violent incidents when they occurred.
- Police numbers were very low after normal working hours when much of the illegal activity takes place.
- The community was generally unaware of the strategies being pursued by the police in their area.

¹⁷⁹ *Ibid* p13

¹⁸⁰ *Ibid* p13

¹⁸¹ *Ibid* p3

- Police did not appear to build links of friendship with local businesses or community organisations.
- The role of Police ethnic community liaison officers (ECLOs) appeared not to be understood by the communities they were meant to work with or indeed the ECLOs themselves.
- Some, though not all, junior police treated young people, especially those from a non-English speaking background, unfairly and without dignity.
- The lack of an effective consultative or advisory body through which community members could communicate with the Cabramatta LAC.

5.32 Not all members of the non-English-speaking background community held negative perceptions about the police. Some of the students at Cabramatta High spoke positively about the links established between the school and the LAC. When the school acted as an intermediary police were said to be very receptive to assisting students and their parents. Many witnesses appreciated the very difficult job faced by Police and the limited resources they had available. The Committee recognises that there are also individuals and communities in Cabramatta who have had traumatic experiences of the police in their own country which impacts on the level of trust and cooperation they are willing to extend to the Police. Families are some times ambivalent in their attitude to Police if their children or relatives are involved in the drug trade as either users or dealers. However the Committee is concerned that those who *are* willing to work together with Police have not been given the opportunity to do so. Dr Diep, of the Cabramatta Business Association, sums up the struggle to communicate:

I myself do not know how to approach the police. What I could do in the past, and what I am inclined to do, is to contact the police leadership. I try. I have the concept but I do not know who I should approach, the rank and file police, to put forward my thinking, my willingness to put my people to them. Who should I talk to? I do not know¹⁸².

5.33 Community witnesses have also expressed concern about the lack of responsiveness of the Police. In numerous submissions and in evidence members of the Cabramatta community described a local police service that did not have sufficient officers to respond to most calls for help. Overwhelmed by the level of drug related crime in the area, the response from local police was most typically that they did not have the staff to respond. Police resources, and the way they were utilised, appear to have been insufficient to protect the physical safety of residents and businesses living in streets such as John St, Mc Burney Rd, Hughes Street, Railway Parade, Longfield Street, Bridge Street, the bus shelter on the east side of the railway station and several other trouble spots identified by residents. The Committee has provided many examples of the experiences of Cabramatta residents in Chapter Three. Some of the many comments made which indicate concerns about police response times:

¹⁸² Evidence 23/02/01 p23, this also reflects the inadequate use of the ECLOs to establish a bridge with the community.

Recently I called, and the same thing happened, "Look, we don't have enough staff, we don't have enough police." It is not because the drug dealers or drug users are on the street, but they are in my private premises. If they are in my private premises, I am entitled to that help, to that call. But most of the time the call has never been met ¹⁸³.

I had never really heard shots before and the first time I heard them I thought "Maybe I am wrong. Maybe it is a car backfiring and now speeding off very quickly." The second time the vehicle came round and I heard the noise again some 10 shots and, as I say, the ricocheting shots I knew then that it was a gun being fired. In fact, it was a machine gun that was fired at the house opposite was petrified. I spoke to my next-door neighbour, a young woman who lived in the house next door with her brother. She too was frightened. I heard people running. In fact, what they had done was run and hid behind my next-door neighbour's garage. It took 10 days for the police to come. The police did not come and knock on our doors and ask what did we see, what did we hear, what did we know. When I called and asked why no one was interested in our statements, I was told "But there's nobody dead". As I have mentioned before, this is not a regular occurrence. This has never happened before since I have lived in that home. No one has ever shot at anybody ever since I have been in that home, and it really has changed our lives¹⁸⁴

The person, who was coming here to buy drugs, just simply went like that to the ticket inspector. His glasses were broken. Three other people jumped across the railway station and got into the ticket inspector. I intervened in the melee, along with security. The response time by the police was about 22 minutes. Those incidents are monitored on the cameras, which are monitored at Liverpool. The incidents would have been monitored by the cameras at John Street¹⁸⁵.

The police came half an hour later [after a violent altercation with a drug user in her shop]. I said, "Excuse me, sir. How come it takes so long for you to get from the station to here?" He replied, "I don't have a car and it is not my job to do this job, you know. I am a sergeant-something-something." I said, "Oh, I am sorry I am not in the right department but I thought that if I called, someone would come." He said, "Today is a public holiday. I am not supposed to come and deal with this matter."¹⁸⁶

Also the response of the police, if they receive any report, if they would cut it a little bit short or something, if they report and five minutes or 10 minutes the police attend the scene it would be a lot better for the people who report it. Otherwise, they report it for a long time and no one comes and they feel very lonely, embarrassed and also scared. When you report it we expect someone to come straight away. If it is half an hour later you do not know what has happened while you are waiting there. Once, last year or so, I was in John Street, and the people were also upset and very terrified when a bundle of Vietnamese kids tried

¹⁸³ Taing *Evidence* 7/05/01

¹⁸⁴ Heggie *Evidence* 7/05/01

¹⁸⁵ Starr *Evidence* 6/02/01 p3

¹⁸⁶ Tew *Evidence* 6/02/01 p13

to kick and punch and nearly killed another Vietnamese boy. What can we do? I was there, I was just checking, you know. I feared that bunch of youth would kill another person but they were doing something like conflict, so they were doing it in front of John Street, Belvedere Arcade. I was there walking to my office. Some people just stand still. I just pulled out the mobile phone. I forgot about the Cabramatta police and I just called triple-0, but that happened in just two or three minutes and they disappeared and the police come too late anyway. That was under the surveillance camera in John Street¹⁸⁷.

- 5.34** Some of these complaints about Police response times may be found in other areas of New South Wales; what is unique about Cabramatta is the quantity and intensity of the incidents giving rise to the complaints. A submission from the Ethnic Affairs Commission (as it was then known) on the feedback it has received from community representatives in Cabramatta on the apparent lack of police resources, comments:

The Police have informed the Commission that it is their policy not to attend cold crimes such as house break-ins. However police interest and support is vital to the victims of such crimes. A quick police response, even if no further action will result from it, is very important to the victims. A lack of police interest only re-inforces the negative perception of the police by the community, thus further reducing trust and cooperation. Any procedures or policies regarding police response to crimes due to lack of resources or otherwise need to be explained and understood by the community. Where possible, resources need to be increased, or procedures changed, to give residents confidence in the Police Service¹⁸⁸

- 5.35** The Committee agrees with the Commission. The recommendations in Chapter Seven include a clear communication to the community of policies on responding to crimes.

The Stardust Hotel

- 5.36** There is one example of what went wrong in the relationship between police and community Cabramatta which demonstrates how difficult it is for the community to gain a response unless a problem is highlighted in the media. One of the first submissions to the committee, from the Cabramatta Chamber of Commerce, raised the problem of the Stardust Hotel in Cabramatta as a major site of drug dealing:

Another sad event which took place in 1997 was the financial investment by a senior police officer in the Stardust Hotel Cabramatta¹⁸⁹. The [officer s] involvement in the hotel became common knowledge amongst police and had the effect of breeding mistrust and suspicion, especially as an Inspector from Cabramatta controlled the security personnel working there This certainly

¹⁸⁷ Tran *Evidence* 6/02/01 p12

¹⁸⁸ *Submission* 14/08/00 p3

¹⁸⁹ The officer, who is identified in the submission, was not and is not a serving officer at Cabramatta LAC. The allegations made in this submission are the subject of a Police Integrity Commission inquiry.

deserves further investigation. There are a number of references contained in the attachments to this submission that may be of interest in relation to the personalities involved with this scenario¹⁹⁰.

- 5.37** Despite the great volume of official comment on the inquiry there was no official response to the concerns raised about the ownership of the Stardust¹⁹¹ or the drug dealing which was said to occur from the premises. A television channel did however become interested in filming activity within the hotel. Once the Local Area Command became aware of the television channel's involvement there was immediate contact made by the Police, and later a raid took place, filmed by the television station with police approval. There is a difference between Chamber of Commerce representatives as to the reasons for this response. The Chamber believes the media attention generated the later police raid:

It is interesting to note that the Stardust Hotel has been closed now for a week in relation to the drug raid that took place there. But it is funny that when I was in charge of the police customer council meetings and there is another person there who was the chairman who took on after I did, Richard Dekker is here many times I raised issues about the Stardust and the drug dealing and the impropriety that was going on, but nothing happened by the licensing person at Cabramatta, Rudi Chanazie, and still he never had anything to do with the closing of it. It had to come from Greater Hume¹⁹²

- 5.38** The Police Service have argued that the response was made so as not to prejudice a covert police operation then in effect at the Hotel, and that the raid was always going to take place:

The Hon. G. S. PEARCE: It is not a debate. My concern is that the Stardust Hotel had, according to evidence we have been given, been an identified drug dealing place for a long time. What we seem to have is Channel 9 initiating an investigation and an action at the Stardust Hotel. My next question was going to be: Why had not you at Cabramatta dealt with the Stardust Hotel earlier? Why did you have to wait for Channel 9 to give you directions to do so?

Mr HANSEN: Clearly, that is not correct. I was aware that TAG was already investigating the operation of the Stardust Hotel. In fact, in the conversation I had with Channel 9 they undertook not to release their footage on the date that they had planned to do so because our operation was in mid stream and we needed to continue with our collection of evidence. We needed to continue our surveillance operation when I say "our", the Police Service operation and we would be concluding that some time in the future. Channel 9 undertook not to release the footage they had because it would clearly disrupt an ongoing police operation.

The Hon. G. S. PEARCE: But why was nothing done about a Stardust Hotel until Channel 9 forced you to do it?

¹⁹⁰ Treyvaud *Submission* 3/08/00 p13

¹⁹¹ Perhaps because of the PIC inquiry

¹⁹² Starr *Evidence* 7/5/01 p12

Mr HANSEN: No, I just said that it had been an ongoing operation before Channel 9 approached me. I was aware that we were already conducting an investigation.

The Hon. G. S. PEARCE: How long does that investigation take? Sergeant Priest, in his letter to the Police Association, which I am sure you have seen, of 5 April 2000 complained about not taking action against the Stardust Hotel even though it was common knowledge that a superintendent that Mr Horton worked with at Newtown was involved in possibly one of the sleaziest hotels in Sydney, a major source of drug-related crime, however no positive action was taken until Sergeant Novak threatened to go to the PIC. That was at the beginning of 2000. Why has it taken until now and Channel 9 to do something about it?

Mr HANSEN: I am unaware of what happened before I took up my position but suffice is to say an operation was ongoing at the time Channel 9 came to see me. I have not seen the document you referred to.

The Hon. G. S. PEARCE: It is in the evidence.

Mr HANSEN: I was unaware of that particular document and in fact unaware of that passage of words. But we were operating against the information that we had received about the Stardust and, as I said, it was ongoing when Channel 9 visited us.

The Hon. R. H. COLLESS: When did that operation commence?

Ms WALLACE: I had been there about a month and so had Mr Hansen. TAGs commenced formal operations in about February. At that time we negotiated what operations they may look into, something that was beyond our capacity, a longer-term project. TAG took on the project of the Stardust.

The Hon. R. H. COLLESS: So you would have been aware of the problems at the Stardust prior to that?

Ms WALLACE: Yes.

Mr HANSEN: Oh yes.

The Hon. R. H. COLLESS: But nothing was done about it for a long time?

Ms WALLACE: When we took office we took action on that immediately.

The Hon. R. H. COLLESS: We are looking into the bigger picture here. We are not looking into the performance of you three people; we are looking at what has been happening over a number of years in Cabramatta. When I first came onto this Committee one of the first things that was brought to my attention by the community out there was the problems in the Stardust Hotel and the fact that the police refused to do anything about it. So why had nothing been done about it for all those years?

Mr SMALL: If I can just make this observation, I have already said that there were problems in Cabramatta during the years 1999 and 2000 and I readily admit that. I cannot provide this Committee with details of every aspect of the problem but I readily admit that there was poor management, there were serious

management issues and there were also legitimate concerns by management about the activities of some front-line police. There is no question about that. There was a very complex problem existing. I have also said that during the year 2000, from what I can see, the problems of the conflict became so great that the primary issue became the internal conflict within the station rather than the problems out on the street. As a result of that the people of Cabramatta have suffered.

I cannot answer why things were or were not done at that time, although I acknowledge the problems. What I am saying is that since we arrived in January we have been trying to get some priorities together and a way of moving forward, and I think that has been achieved. We are and have been knocking off, so to speak, the bigger issues. The first matter we had to tackle was the visible drug problem in the streets of Cabramatta. And we have done that. We have moved through that now to places like the drug houses and the Stardust Hotel, and that will be ongoing. I cannot give you an answer to the question, if you like both you gentlemen I can acknowledge the problem though¹⁹³.

- 5.39** Important sections of the community in Cabramatta believe that their concerns will be ignored by the Police unless there is the threat of adverse media attention. The long delayed Stardust Hotel raid is an example of the way this perception has developed. It demonstrates why the committee has made a major priority of this report its recommendation in Chapter Eight for local communities to be given a real opportunity to contribute to police performance assessment.

Positive Police and Community Relations in Cabramatta

- 5.40** There are some positive examples of police interaction with the Cabramatta community. An officer successfully initiated a basketball project that has been commented on favourably by those in contact with youth¹⁹⁴. The Police and Community Youth Centre (PCYC) provides an opportunity for police to become involved in the community. An example of the problems experienced was provided by the following submission:

Little resources are given to help run the PCYC at Cabramatta, it is more of a community run organisation rather than a police partnership. Having never been street police the Management Team couldn't grasp that Police involvement at this most basic level was the start in developing relations with Asian youth, who saw the Police as an unknown body of predominantly Anglo-Saxon and aloof, because of lack of suitable interaction between both sides. On a recent blue light disco night at the Cabramatta PCYC, I worked off duty along with the Constable attached to the PCYC and friends of ours and a few civilian volunteers. Not one single Police Officer attached to Cabramatta LAC attended or was rostered to assist. The night drew some 300 to 400 young people who turned up there because of the safe environment it offered. What a dreadful waste of opportunity for the Police and Asian youth of Cabramatta to meet¹⁹⁵.

¹⁹³ *Evidence 11/5/01 (morning transcript) p34-35*

¹⁹⁴ *Hamkin Evidence 30/03/01 p38, Justice Action submission 18/08/00 p4*

¹⁹⁵ *Priest Submission 14/08/00 p15-16*

5.41 Other junior officers have played a low key role in the PCYC but over the last two years the revitalisation of the facility has come from Chamber of Commerce President Ross Trevyaud and the management committee rather than the LAC¹⁹⁶. It is unclear to the Committee why the Cabramatta LAC has not utilised, or been more involved in running activities at the Cabramatta PCYC in recent times.

5.42 The LAC appears to be at its most effective in linking in the community in its dealings with local schools. A senior teacher commented on these links:

There was probably a time when our police links liaison officer did disappear but there is one back now who seems very keen. For years 7 and 10 the school holds an excellent school-police links program. I would say that most of these kids here would have been through it and they really enjoy the day. The police come down and the rapport that is developed is excellent¹⁹⁷.

5.43 There is hope in the positive responses given by students at Cabramatta High School who were asked about their attitudes to police, but also indications of why bridging the gap between community and police is so difficult:

My name is Student C. Most of the students when we see the police we give them respect and say hello to them, and the police do the same thing to us. Also the school has provided, I think in year 10, the police link program. We spend one day for that and the police teach us how to get close to them and if we have some problem to report to them. They teach us how to report to the police and everything like that. I think that the relationship between the students and the police is normal as for other Australians.

CHAIR: What do you mean by normal?

STUDENT C: I mean we are not scared of the police and it is just normal. If we have something to ask we ask. We are not scared of the police at all.

STUDENT A: My name is student A. I am ----- . I have been living in Australia over the past three years. I have learned a lot about police in Cabramatta. One of my friends bought a computer and the dealer changed the promise. He says he is going to take this much requirement, how many gigabytes hard drive and how many RAMs, and when the students goes to pick up the computer the deal changes. They say they do not want to sell it. Being students we know some law and how we use our right to the police in the community, so one of my friends called the police. We have been waiting for three hours and we have not seen the police turn up. The question is why.

We do not fear the police. We do respect them and we do think that they might help us. But in the reality of life they help less. Over the last week I have done a replacement of a computer at Cabramatta east, the other side, and there has been a thief that has broken into the house. The house owner has called the police as well and the same thing happened the police did not turn up. There is no choice. They have to let the thief go and they lost everything. They lost their money,

¹⁹⁶ Hankin *Evidence* 30/3/01 p39

¹⁹⁷ Senior Teacher A *Evidence* 6/02/01 p6

jewellery and a lot of things. From that point of view they are the loser and they are helpless.

EX STUDENT A: My name is Ex-student A. I am a former student at Cabramatta last year. In my opinion there is no interest from the police in that respect. I have lived in the community all my life. Most of us come from non-English speaking backgrounds. Obviously there is a barrier between the police and the community and a general fear in the community because of that barrier. My family rang the police a few times about junkies who slept under the front stairs. We have called the police and when they arrived they are all gone. They could not do anything about it. Obviously the community fears the police in some respects because of that barrier.

The Hon. G. S. PEARCE: What is the reason for that fear?

EX-STUDENT A: Mostly because they are afraid given the perception in the community and among the people that they are incapable. They are afraid to approach them because of their literacy and communication problems.

STUDENT A: The reason why they fear, Cabramatta is a multicultural location. Most of the residents come from a non-English speaking background. So language is the major problem. Most of them might not be able to communicate with the police. Let us say the story is short but because they cannot communicate well the story might take longer. Most of the people from Cabramatta do labour for a living. Most of them are not educated. They work as farmers and they do not have time to spend on that. That is the reason why. Of course, they do not fear the police but the way that they cannot communicate with the police is hard. If you know a lot of English that is perfect but if you do not know English that is it¹⁹⁸.

5.44 The Police work positively with Fairfield City Council on many projects, the largest of which is the CCTV program. Relationships with the Council are not without tension, though in submissions and evidence the view generally expressed by the Mayor on behalf of the Council is that the Police require more resources rather than any inherent criticism of the way those resources are used. The Council argued in its first submission to the inquiry that the Police should not be asking them to pay rent, currently totalling \$40,000, to the Service for using its shopfront premises to house the CCTV¹⁹⁹.

5.45 Finally, it is useful to consider how police themselves saw the community relations problem which developed. Four police officers who served during the period in which community confidence reached its lowest point gave evidence which very much supports the many contributions made by members of the Cabramatta community:

C: If you want to blame anything or anyone for the problems that you had back in those days, it is very hard to go past the OCR process, because it directed us, both strategically and tactically, at the street level. Therefore, when the Community expressed concerns about drug dealers here, there and everywhere, we said, "Thanks for that, but we are still going to do this." That was our main

¹⁹⁸ *Evidence 6/02/01 p7*

¹⁹⁹ *Submission 21/08/00 p8*

problem. Therefore community relations broke down, and we therefore stopped finding out what was going on at the street level because the community had lost faith in us. Although we went to community meetings and interacted with the community at the street level, at the level above us the contact was becoming less and less and the trust was getting worse and worse. I would say it is very hard to look past the OCR process to find a reason for that.

The Hon. I. W. WEST: Are you suggesting that the relationship with the community at some point in time in the past was at a respectable level and that it has diminished?

D: At one stage we had two officers specifically tasked to striking up relationships with the business community. They were doing an excellent job, but for some reason that that was stopped. I would say that that was probably the biggest mistake that the command ever made. You have to keep your community consulted to some degree, because you can learn a lot from the people who are running the businesses. All you have to do is go up there and, instead of introducing yourself as D, say, "Hi, my name is D." They know who you are, because you are dressed like a police officer. You just have to try to strike up a rapport with these people. I think the sooner we do that, the sooner we will get the community of Cabramatta starting to trust us again.

The community has a perception and the perception is not right that they see the drug dealings, the robberies, the shootings and all these crimes happening day in and day out, but they do not see the police doing much about it. Coming from a different country, they have a perception of their law and order over there and believe that we are doing the same here; they believe that we are turning a blind eye and are not doing anything. If we can get over that perception and have them trust us again, I think we will go a long way towards getting their confidence back and doing some more good work²⁰⁰.

5.46 In evidence on 11 May Assistant Commissioner Small acknowledged the importance of community policing:

We see community problem-oriented policing as being the major vehicle to improve our effectiveness. It is, however, a vehicle that must keep changing and modifying itself in what are times of turbulent environments for law enforcement but are always times of increasing complexity and relentless change in society more generally. Why have we chosen community problem-oriented policing? The leadership team is committed to embracing problem-oriented policing because through it we can become more focused, proactive and community sensitive.

It makes us more thoughtful about what we do to help to alleviate local crime and disorder problems. It makes our decisions and actions more transparent. It breaks down the barrier separating the police from the community. It provides police with a broader set of community service ideals for public safety, crime, fear of crime and community quality of life. It supports the development of coordinated service delivery with other public, private and community agencies and groups that affect neighbourhood safety, linking informal and formal social control in important ways.

²⁰⁰ Evidence 23/04/01 p30

Community problem-orientated policing requires us to focus on resolving substantive community crime and disorder issues, not simply responding quickly to calls for assistance and then completing the paperwork. It also requires us to build networks that bring together a wide array of social and community services that might be brought to bear on community problems²⁰¹.

²⁰¹ *Evidence* 11/5/01 p12

Conclusion

5.47 Community policing and community relations suffered in Cabramatta in the years 1999 and 2000. An summary of a similar position in England, with a particular emphasis on the multicultural nature of the community, is contained in the following:

found few examples of community and race relations considerations systematically informing developments in policing at force level and beyond. They were not evident in the setting of operational and strategic priorities or the allocation of resources, and the role and status of staff with specialist knowledge of local community and race relations in setting operational or strategic priorities varied considerably but tended, overall, to be relatively marginal.

Local commanders identified the stick of performance indicators as a key consideration in their resource-deployment decisions. There appeared to be limited appreciation of the differences between indicators and measures. Indicators were often treated as targets which had to be met and this sometimes means channelling effort into short-term goals which put at risk both gains in longer term effectiveness in performance and existing investment in building community trust in the police.

This over-concentration on a narrowly quantitative view of police performance had further unfortunate implications. For example, by failing to capture the proactive efforts of community/beat officers, specialist and support staff, it implicitly devalued the way these regularly enhanced the reputation of the police in the community. Additionally, this approach often led to the pursuit of priorities in isolation from their broader community context.

5.48 This quote could have been written about Cabramatta, but it is taken from a 1997 UK report of Her Majesty's Inspector of Constabulary entitled *Winning the Race: Policing Plural Communities*²⁰².

5.49 The committee believes the Cabramatta community and the majority of officers at Cabramatta LAC both want to work together. Both have very similar concerns about the quality of life in the area and the way it has suffered because of drug related crime. It will take time to rebuild trust between the Cabramatta community and the Police Service after the events of 1999 and 2000.

²⁰² (paras 2.34-2.36)

Chapter 6 Government Initiatives in Cabramatta

Introduction

6.1 The New South Wales Government has responded at various times in recent years to the needs of the Cabramatta community. This chapter outlines some of the more significant interventions, but with a particular focus on the Cabramatta Package announced by the Premier on 27 March 2001. The Committee believes that efforts by the Cabramatta community representatives and individual police to highlight problems through this inquiry have been the catalyst for these initiatives. The Committee notes the initiatives are an indication that the Government has begun to listen to the Cabramatta community.

Fairfield Drug Action Team

6.2 An early initiative of the current State government was the Fairfield Drug Action Team, established in 1996. Based upon an English model, it was intended to bring the Police into contact with other government and non-government agencies to work on initiatives to combat drug abuse in the area. Organisations represented currently include the Area Health Service, Fairfield City Council, Burnside and Open Family. It has been responsible for producing information on young people, drugs and the law available in Vietnamese, Lao, Khmer, Spanish, Chinese and Arabic. With Federal funding it has also assisted the Vietnamese community to run a family support program.

Cabramatta Project

6.3 The Cabramatta Project was announced by the Premier in April 1997 after a visit to the area. Funded by the Premier's Department, it aims to provide a whole of government approach to the complex problems faced by Cabramatta, particularly to ensure that government and non-government agencies worked together rather than in parallel. A place manager, working in partnership with a similar person at Fairfield City Council, works to improve relationships between agencies and with the community so problems can be sorted out more quickly and effectively. The focus of the Project's activities are:

- Drug treatment and law and order
- Vocational training and employment for young people
- Tourism development, and
- Urban planning

6.4 The Place Manager's role is to work behind the scenes to facilitate greater co-operation between government and community agencies. An evaluation of the Project conducted in late 1999 identified major achievements in which the Project contributed, including:

- A 20 bed detoxification unit at Fairfield Hospital, opened in March 1999

- The opening of the Drug Intervention Service Cabramatta (DISC) (see below)
- Operation Puccini
- Employment and training partnerships formed between TAFE and public and private employers
- Various tourism projects such as the Cabramatta Food Trails, the Lunar New Year Festival and a Main Street Coordinator
- Urban amenity improvements to the Cabramatta CBD
- Assisting Open Family and the Cabramatta Community Centre obtain funding for projects²⁰⁵

- 6.5** The Committee strongly supports the need for greater government resources to be invested in Cabramatta and for those resources to be co-ordinated effectively. The Committee supports the aim of a person working behind the scenes to better co-ordinate agencies, stimulate joint projects and resource community groups. However it is concerned that the Project has in some instances appeared to take credit for initiatives by representing them in publicity as part of the Cabramatta Project. For instance the Police should take the credit for Operation Puccini, and the Council for improvements in urban amenity. The Project may play a facilitating role in many of these activities but the credit, and the publicity should go to the other organisations, including Fairfield City Council, who played the key role in initiating, planning, funding and implementing the activities.
- 6.6** The staff of the Project may not intend to take the credit for the work of others, but publicity material can convey a contrary intention. The newsletter produced by the Project is problematic and may undermine some of the work of the Project in facilitating agencies to work together.
- 6.7** Newsletters of the Project are only published in English, which makes the committee query what audience this material is aimed at and what purpose the newsletter serves other than to promote the Government. It is desirable to translate the newsletters into other languages, although given the cost of this and the need for translated material generally it may be preferable to use such funding on translating information of more direct benefit to the community.
- 6.8** The Cabramatta Project should confine its work to behind the scenes support of agencies in the area and let others take credit for the many successful initiatives which occur in Cabramatta. If it does not, the Project risks being blamed for problems in Cabramatta for which it has no ability to control, such as the breakdown in relations between the Police and the community. As an example of this, the newsletter was used to

²⁰⁵ Quoted in Cabramatta Project *newsletter* Volume 2 issue 1, August 2000, p5

promote the view, based on the Crimes Index, that crime was under control in Cabramatta²⁰⁴.

Drug Intervention Service Cabramatta (DISC)

6.9 A useful initiative of the NSW Government, facilitated through the Cabramatta Project, was the establishment in December 1998, of the Drug Intervention Service Cabramatta (DISC). NSW Health provides funding of \$1.5 million annually for this facility that currently has 15 staff. DISC provides the option of early intervention, treatment, counselling and education for young drug users. It also coordinates the needle program, including collection services.

Drug Summit Initiatives

6.10 In May 1999 the New South Wales Government convened a Drug Summit which brought together all parties and many community representatives and experts to work on a comprehensive response to the drug problem. The communique from the Summit contained a set of 20 principles and 172 recommendations. The Government responded in July with a Four-Year Plan with funding of \$176 million for 400 specific projects²⁰⁵. The Drug Summit implementation plan targets 11 key areas for action. They are outlined below because each is relevant and appropriate for the complex problems faced by the Cabramatta community:

- Drug prevention programs to strengthen and protect families
- Preventative measures to keep young people from taking up drugs
- Early intervention to prevent young people entering an addiction cycle and to divert them from the criminal justice system into treatment
- Law enforcement and crime prevention programs to make the community safer
- Better health and treatment programs
- Community action programs to strengthen and involve communities
- Better community and school drug education programs
- Better programs in prisons, including treatment, education and detection programs

²⁰⁴ In August 2000 its newsletter reported that the reduction in the crime rate proves that police efforts are effective despite adverse publicity, Cabramatta Project *newsletter* August 2000 volume 2 issue 1 p2

²⁰⁵ Details referred to in this section derive from Barnden *Evidence* 12 /03/01

- Programs for rural and regional communities

6.11 The Special Minister for State has been given the responsibility for the implementation of the Government's response and chairs a Cabinet committee consisting of Ministers for Health, Corrective Services, Juvenile Justice, Police, Education and the Attorney General. An Office of Drug Policy oversees the rollout of the program.

6.12 The effect of this is that initiatives in Cabramatta and the Fairfield area relating to treatment, rehabilitation, education and prevention are part of a Statewide services plan. Every area will have a drug and alcohol treatment services plan. The Director of the Office of Drug Policy informed the Committee that the South West Area Health Service, which encompasses Cabramatta, will release its plan later in the year. It is expected to include a major increase in drug treatment places if comments by Dr Wilson of New South Wales Health are to be an indication:

I think we need something in the order of a thousand additional places there [Cabramatta/Fairfield], we are talking of having achieved only a couple of hundred of those. There have been some other real challenges in that area²⁰⁶

6.13 There is agreement from many Cabramatta residents that there are insufficient treatment and rehabilitation facilities currently available. There is a dilemma, however, in locating treatment services in Cabramatta. Many drug users in Cabramatta commute by rail from other suburbs; residents of Cabramatta argue that facilities should be located in suburbs from which the users come. The advantage of the statewide planning approach arising from the Drug Summit is that it can be used to consider this planning dilemma in context, and for that reason it has the Committee's support.

6.14 The Committee recognises there is a dilemma posed by the need for services as against creating a 'honey pot' effect. At a local level, one resolution of this is the home based detoxification program run by Open Family. As explained by Vincent Doan:

the majority of people we are dealing with are drug users. They always want to quit; they want to get out of the whole thing. Unfortunately, we do not have many services to cater for their needs. We have one detoxification service in Fairfield that was built about two years ago and they were already at full capacity when 20 beds were provided a year ago. We are only 20 beds available at any one time and we need much more than that. There have been requests by them for beds because they want to give it up but we cannot refer them to an outer area because each area has their own priorities for local residents. A person living in Fairfield who tries to approach another detoxification unit outside the area will not be given priority and with only 20 beds in Fairfield, it is difficult to access the service.

We have to do something. That is why we thought that home detoxification would be the best thing because most of the kids have said that they went through the detoxification service already and have felt that they are not getting the proper support. They say, "They just put me in a room and do not support me. I know that physically I am going to go through all the pain but mentally that is what I need, but I have no support." Using the family environment, with the love and care from parents, will fill those gaps and that is why we hope to have home

²⁰⁶ Wilson *Evidence* 12/03/01 p12

detoxification. The kids will be able to go home and have the love and care of their parents throughout their detoxification and it will be easier for them to do well at home because it is a more friendly environment. It is cost effective. Basically, it costs about 10 or 15 bucks to get the medication from the chemist²⁰⁷

- 6.15** The Committee understands that the Drug Summit implementation plan includes increased funding for home detoxification services. The Committee has been advised that since the Drug Summit an additional \$1.7 million has been allocated over 4 years to establish a drug treatment service for Fairfield/Cabramatta, although negotiation is still underway with Fairfield Council for a suitable location²⁰⁸. A position at \$50,000 per annum has been established at the Drug Intervention Service in Cabramatta for home detoxification. The next 12 months should be the time in which the planning and policy statements are translated into on the ground services. The committee and the Cabramatta community will be keenly watching to see what eventuates, and to see that local community based organisations such as Open Family are included in working partnerships with funded services. The Committee would welcome a mid term appraisal of the implementation of the Four Year Drug Summit initiative, including those in Cabramatta.

Seven Point Plan

- 6.16** Assistant Commissioner Clive Small was appointed Regional Commander for the Greater Hume Region in January 2001. Prior to this he was in charge of New South Wales Crime Agencies with responsibility for re-establishing the Service's investigative capabilities into major crime and organised crime. Shortly after his appointment he and Superintendent Frank Hansen, the newly appointed Local Area Commander for the Cabramatta LAC, announced a Seven Point Plan to improve policing in Cabramatta. It was based upon creating a crisis in the life of the user by having the LAC follow the following strategies

- Drug related crime is the number one operational priority for Cabramatta LAC, because it is the cause of most violent and property crime in the area
- The Theft Unit and Puccini are to be combined at Regional command into one coordinated Target Action Group (TAG), to ensure a concentration of resources on crime and public order issues. Up to 90 officers can be deployed as a flying squad in the Cabramatta area for this purpose in addition to the LAC's resources.
- The Regional command will build an increased response capability to major crime throughout the Hume Region, the rationale being that many major crimes in Cabramatta cross local boundaries and require a comprehensive response
- Mobilising strong and effective leadership within the region to develop a team-based approach to region management

²⁰⁷ Doan *Evidence* 12/12/00 p42

²⁰⁸ Answers to questions on notice from Wilson *Evidence* 12/03/01

- Creating a management and operating environment that values all officers, invests in their education and training and is built upon transparency, trust, ethics and professionalism.
- Developing a performance management system that is the basis for continuing improvement.
- Developing and nurturing partnerships with community residents, businesses, neighbourhood associations and other agencies, ensuring that the diverse communities are represented and are able to participate in maintaining order and preventing crime²⁰⁹

6.17 In evidence to the Committee, Assistant Commissioner Small outlined the approach was to arrest and charge offenders, and if possible seek bail conditions preventing those who do not live in the area from returning to Cabramatta:

The purpose of this new strategy is not to clog the gaols with users and user dealers but to disrupt the local drug markets, reduce visible drug using and dealing, improve the conditions for local residents and, for the drug dependent user, to try to coerce them into treatment. Essentially when they get into this situation, there is a crisis caused which requires them to make a decision. If they wish to go into treatment, which we would encourage, we would give them every support. If they do not wish to take those treatment options, they then have a choice of going to gaol. What they do not have a choice of is causing problems and harm to the community of Cabramatta through public dealing and threatening community residents²¹⁰.

6.18 The Committee believes the Seven Point Plan is a step forward from recent management of policing in Cabramatta. Primarily its strength is that it is simple and communicates to the community and to front line police the strategy that police are following. The community can make judgements about whether the strategy is being properly pursued, whereas in the past there was no real indication what strategy the LAC was following. Assistant Commissioner Small advised the Committee that six practical projects arising from the Plan had been identified by management of LACs in the Region and were being implemented urgently²¹¹. A complete summary of the Plan and the actions arising from it appears as Appendix Seven.

6.19 It appears that the Plan also has strong support from front line police. Four officers who spoke to the Committee wrote in their submission:

This plan has been presented to the police at Cabramatta and has been met with general support. For the first time the significance of the drug problem has been highlighted. It is also pleasing to note that Commander Small intends to establish

²⁰⁹ Small *Evidence* 11/5/01 p13

²¹⁰ Small *Evidence* 27/02/01 p6

²¹¹ *Ibid* p14

region-wide consultation about the plan with police at all levels involved. This can only be a positive move²¹².

- 6.20** Despite their support one reservation the officers had was that the Tactical Action Group (TAG) does not provide a permanent uniformed police presence in Cabramatta. The concern is that when the situation improves in Cabramatta the additional 90 officers will move to another area, a similar scenario to that which happened when the Puccini operations were wound down. Running the TAG from regional office is also said to risk similar problems to that which occurred with Puccini:

They are a regional resource as Puccini was a regional resource. None of them are stationed at Cabramatta. In fact, some of them have come to Cabramatta to get our intelligence, as they have been told. In the early stages of TAG there were significant relationship problems with the commander of TAG and our crime manager. Police were told to come over here, get Cabramatta's intelligence, do not talk to her, and that type of stuff which is very negative. I think that is slowly getting fixed up over a period of time but it should never have happened in the first place. But there still has been no true interaction between TAG and local Cabramatta police. One of the problems a couple of weeks ago was when our crime response team went to execute a search warrant at a fortified premises only to find TAG personnel, plain clothes police, crawling all over it. They did not know that they were there and they should have never been there. They should have told us that they were going to be there in the first place but they did not. That is the problem we have at the moment and it is my concern that we are going to have another Puccini getting directed from a distance again²¹³.

- 6.21** This needs to be revisited once the Plan had been in operation for a sufficiently long period. The Committee, and the Cabramatta community, needs to know that the TAG presence is not a temporary measure; it also needs to be assured that it and local police are working together rather than separately. The other issue raised by the officers was that the Seven Point Plan did not contain a community based performance measure. This is very important and will be addressed in Chapter Eight.

- 6.22** During the Committee's community consultation on 7 May 2001 there were indications that the Cabramatta community were appreciative of the efforts of Assistant Commissioner Small and Commander Hansen, and that some improvement in the situation around Cabramatta railway station had occurred. The success of the Seven Point Plan needs to be evaluated after it has had sufficient time to achieve results. This evaluation, as discussed in Chapter Eight, will need to include the community's assessment of its success in making their area safer to live in. There are positive signs for the future if the still very shaky confidence of the community can be built upon by genuinely effective policing.

Premier's Cabramatta Package

²¹² *Submission 23/04/01 p7-8*

²¹³ *C Evidence 23/04/01 p26*

6.23 On 27 March 2001 the Premier announced in Parliament a plan to tackle the drug and crime problems in Cabramatta. The Committee notes the recognition by the Premier that the situation is sufficiently serious to warrant a package of this type. The Committee also notes the content of the package, and that much of it draws from ideas put forward by community and police witnesses to this inquiry.

6.24 The first part of the package deals with reforming police powers statewide²¹⁴. These particularly target the problems Police have had with obtaining evidence to prosecute those operating drug houses. Measures include:

- Powers to arrest lookouts, persons entering or leaving drug houses, and those knowingly using their premises as drug houses
- Powers to detain an individual and have a medical practitioner conduct a search for drugs where it is suspected they have been swallowed
- Powers to move on individuals loitering (targeting those who act as go betweens for dealers)
- New laws to target the illegal trade in fire arms, with up to 14 year jail terms for illegal supply or possession
- Removing the presumption in favour of bail for those charged with handgun, prohibited firearm and offensive weapon charges.

6.25 The second part of the package addresses the Police Resources of Cabramatta LAC, one of the terms of reference for this inquiry. Cabramatta Station has, at the Premier's direction, been reclassified as a Grade One command, reversing the earlier decision made by the Police Service in regard to Cabramatta. Other initiatives include:

- Establishment of a Greater Hume Tactical Action Group, initially dedicated to Cabramatta, which will eventually comprise 90 officers
- 10 extra drug detectives, addressing the concerns of Detective Sergeant Priest and others about the decline of the detectives office at Cabramatta and the need for a dedicated drug unit
- 6 extra bicycle patrols for rapid street level and alleyway response, which begins to address part of the concerns of businesses and residents about slow police response times. A team of drug detection dogs will also be deployed to the area.
- 10 interpreters contracted by the Community Relations Commission for a Multicultural NSW (CRC) to work with operational Police at Cabramatta to provide quick translations of telephone intercepts and assist investigations. This

²¹⁴ All references here refer to Premier Carr Releases Plan to Tackle the Drug and Crime Problems in Cabramatta Premier, *Press Release 27/3/01* unless otherwise noted

goes some way to improving the language barriers highlighted by many witnesses to the inquiry from non English speaking backgrounds.

6.26 The third part of the package consists of improving treatment facilities in Cabramatta and surrounding areas. This extends the direction given by the Drug Summit but also meets the calls from welfare workers, health workers and Fairfield City Council for increased facilities. The resources promised are said total \$4.4 million and include:

- Up to 500 extra treatment places, 8 transitional rehabilitation beds, three acute care beds and four mental health beds;
- 47 extra crisis places through the Department of Housing
- a three person team of health professionals working with police and Department of Community Services workers to identify the best method of treatment at the first point of contact

6.27 These resources will complement a Magistrates Early Referral into Treatment Scheme in Cabramatta to start from 1 July. This will enable magistrates to set compulsory treatment as a bail condition. According to the Premier's statement, it will be a breach of bail to fail to attend drug treatment, and if a person is from outside the area, it would be a breach of bail to return to Cabramatta.

6.28 A fourth part of the package is prevention and early intervention. An additional \$270,000 has been allocated to set up a mobile child care team and provide extra family counselling services to help a further 350 families per year. A six person DOCS team will be set up to assist police address homelessness, a major issue identified by witnesses such as Mark Hamkin and Vincent Doan and by Fairfield City Council in their submissions to the inquiry. A \$600,000 community drug education team will be set up to work in local high schools and the government's Families First program will provide support for 100 Cabramatta families.

6.29 Finally, the Premier announced a City Watch program to be organised by the CRC to bring together local businesses and the police to exchange information and develop solutions to local crime. There appears to be some suspicion from businesses for the program at this stage because of their lack of involvement in its design, and this is discussed in Chapter Nine.

6.30 The Committee welcomes the Premier's package. It remains to take measures to restore the relationship between the LAC and some sections of the local community. The Committee recognises that this is not something able to be changed as easily as legislation or service funding. However there needs to be a start made to learning lessons from past mistakes. The Committee will examine in Chapter Nine how some trust between the community's and its Police can be restored, and in Chapter Ten the need to ensure accountability and oversight for the new initiatives which have been committed to Cabramatta.

Recommendation 2

The Committee recommends that the Premier require the Ministers for Police, Health, Community Services, Housing and Juvenile Justice, together with the Special Minister of State, to regularly report to him on progress in the implementation of the package of initiatives for Cabramatta announced by the Premier on 27 March 2001. The Committee recommends that the existing Cabinet sub-committee on Drug Policy, co-ordinate and **drive** the implementation of the package of initiatives for Cabramatta announced by the Premier on 27 March 2001.

Chapter 7 The Adequacy of Police Resources in Cabramatta

Introduction

- 7.1 At the commencement of this inquiry, the adequacy of the level of Police resources in Cabramatta was seen as one of the major issues facing the community; consequently, this was included as one of the specific issues identified in the Committee's terms of reference. The Committee has been told that feedback regularly received by residents reporting crime was that Police either could not respond, or not respond quickly enough because of scarce resources. As outlined in Chapter Six, the Government has responded to these concerns and has announced that additional resources will be provided.
- 7.2 This chapter seeks to identify the actual level of resources available to the Cabramatta LAC. It also discusses the method by which the Service allocates resources between Local Area Commands across the State. A number of specific resource issues, raised in submissions, are then discussed. Finally, the chapter also examines the actual resources required for effective cross cultural policing.

Resource Allocation Formula

- 7.3 When Deputy Commissioner Jarratt first appeared before the Committee on 8 November 2000, he was asked to outline the process by which resource allocation decisions were made in the NSW Police Service. Mr Jarratt described the content and use of the Resource Allocation Formula that was used to allocate officers following the restructure of the Service from patrols to Local Area Commands in 1997.

We have used up to the time of the allocation what we call a resource allocation form. I could provide a copy of that to you. I hope you would not charge me with explaining it because it is complex. In essence, it takes into account a lot of factors including levels of reported crime, but not a position on a crime index. It is actually the level of crime and not the position of index. It takes in population, other demographics, and I have been rude enough to suggest your grandmother's age and wife's birthday. But at the end of the day it is a formula that generates a guide. Clearly, that is influenced by all sorts of other factors ²¹⁵

- 7.4 Mr Jarratt further explained that the formula had fallen into disuse and that the Service was now essentially making resource allocation decisions based upon the margins of current allocations. He also indicated that changes to resource allocation were influenced by due and proper lobbying by Members of Parliament.

CHAIR: Coming back to my question on allocation of resources, you refer to a document that showed indicators of how resources are being allocated.

Mr JARRATT: Our so-called resource allocation formula?

²¹⁵ Evidence 8/11/00 p 15.

CHAIR: Yes. Can you make that available to the Committee?

Mr JARRATT: Yes. We have suspended that but you are welcome to it because we are trying to develop a reasonable alternative. It is the basis upon which the allocations were made in 1997 and which prevailed, so it is relevant to your considerations.

CHAIR: What is the new one? You have not devised it yet?

Mr JARRATT: We are starting from the premise that we have Cabramatta police station. In order for it to meet its so-called first response needs as agreed to with the Police Association, we need a certain number of people on any given shift to staff the station, to be in vehicles, to do a range of those first response activities. We need an intelligence officer, a youth liaison officer, so on and so forth. You add those up and make sure you have detectives, highway patrol, anti-theft officers and in Cabramatta's case, Puccini, so you are looking to do those sorts of things. But if we change the demographics of that, then you would look to say, "Well, maybe you do not need as many people doing those things inside; you can do that with a reduced number, which means more outside."

CHAIR: I would appreciate you giving the Committee that formula.

Mr JARRATT: Yes.

The Hon. R. D. DYER: Did you say earlier that the formula is complex and difficult to understand?

Mr JARRATT: Yes, I did. It certainly is for me. Members might not find it so, but it is a complex formula.

Ms LEE RHIANNON: And you said that that is suspended?

Mr JARRATT: It is suspended in the sense that we used it to determine the allocations in 1997. Suspended is probably too strong a word. It has fallen into disuse because we feel that there are more practical ways of dealing with the allocation within the local area command.

Ms LEE RHIANNON: So you are devising a new one?

Mr JARRATT: We have not got one.

Ms LEE RHIANNON: How do you do it in the interim period then?

Mr JARRATT: We essentially look at the margins of where we are.²¹⁶

7.5

Mr Jarratt subsequently provided the Committee with a copy of the Service's Resource Allocation Formula used in 1997. The document is 25 pages in length and, as Mr Jarratt indicated, it appears to be very complex. It is understood that the effort to develop an effective methodology for the objective allocation of resources within the Police Service

²¹⁶ Evidence 8/11/00 pp 15-16

has been an ongoing issue, dating from the early 1980s.²¹⁷ Mr Jarratt stated that an effective police allocation formula was a Holy Grail that was sought by Police Forces across the world²¹⁸.

7.6 On 12 March 2001, the Committee received evidence from officers of the Audit Office and the Council on the Cost and Quality of Government. Dr Elizabeth Coombs, from the Council on the Cost and Quality of Government, was questioned about a 1996 report on the NSW Police Service which found that human resources are not allocated between patrols according to service demands.²¹⁹ The Council called for the Police Service to develop a more comprehensive set of indicators to establish where the service demands are highest and, therefore, where to allocate police officers (and other resources). The Council reported that its own analysis of the available data indicated that there is a higher demand for policing services in patrols that have a lower socio-economic index.²²⁰ Set out in an appendix to the Council's report was a copy of what appears to be a relatively straightforward resource allocation formula from the United Kingdom:

Overall formula is:

Police establishment

1.40 per 1000 rural population
 + 1.64 per 1000 urban population
 + 129.420 * deprivation index
 + 1.50 per 1000 reported crime
 + 21/75 per 1000 road traffic accidents
 + special manpower allowances

On average the two population factors account for about 67% of police establishment; deprivation accounts for some 22%; reported crime 6%; road traffic accidents for about 4% and special needs for about 2%.²²¹

²¹⁷ NSW Police Service, Establishment Control Branch Research Section, *Resource Allocation Formula*, undated, p1.

²¹⁸ *Evidence* 8/11/00 p17

²¹⁹ Council on the Cost of Government, *NSW Police Service: Review of Resource management Scoping Study Report*, November 1996, p 12.

²²⁰ *Ibid*, p 32.

²²¹ *Ibid*, Appendix Seven, p 73. The deprivation index is not explained in detail in the COCOG report. It appears that this is the mechanism by which socio-economic disadvantage is taken into consideration in the allocation of resources.

7.7 The witness from the Audit Office, Mr Tom Jambrich, referred to a recent performance audit report on the NSW Police Service which discussed the Resource Allocation Formula. The report noted that the formula operated from 1992 to 1997 and that the relevant software to support the formula was currently under revision. The report further noted that at present, an interim system is used to assist with distributions of newly appointed police officers to LACs with the highest need although use of the formula resulted in minimal variations in allocations.²²² The Audit Office report made a number of critical observations about the then current resource allocation formula used by the Police Service and made recommendations for improvement. Specific reference was made to the need to include consideration of socio-economic factors and the need for the process to be transparent.

The RAF [Resource Allocation Formula] considers a range of variables such as level of activity or workload (as indicated by the operational systems COPS and CIDS), population, work studies and surveys, geographical and man-made barriers (lakes and bridges), and Government policy.

The RAF is designed to identify total staffing needs and to distribute on the bases of objectivity and equity. An improved RAF might give additional consideration to socio-economic factors, crime victimisation surveys (help detect underlying demand) and seasonal trends such as tourism.

In addition, the information used to allocate officers to LACs is that available from current operational systems and therefore includes limited consideration of proactive policing but provides an allocation that must support both reactive and proactive policing

In addition, the processes determining and allocating resources to LACs are not transparent to the public. This was also an observation of the Royal Commission.²²³

7.8 When Mr Jarratt appeared before the Committee on 14 May 2001, he indicated that work on a new resource allocation formula was underway. The UK model quoted in the 1996 report of the Council on the Cost of Government appears to demonstrate that it should be possible to devise a relatively simple, understandable formula. The recommendations contained in the recent report of the Audit Office are of particular relevance to Cabramatta, as they would see issues such as socio-economic conditions taken into account in resource allocation. Furthermore, a more transparent system for the determination of resource allocation may go some way to restoring the confidence of the community in the Police Service, as described in Chapter Five.

²²² NSW Audit Office, *NSW Police Service: Staff Rostering, Tasking and Allocation*, performance Audit Report, January 2000, section 4.2.

²²³ *Ibid.*

Recommendation 3

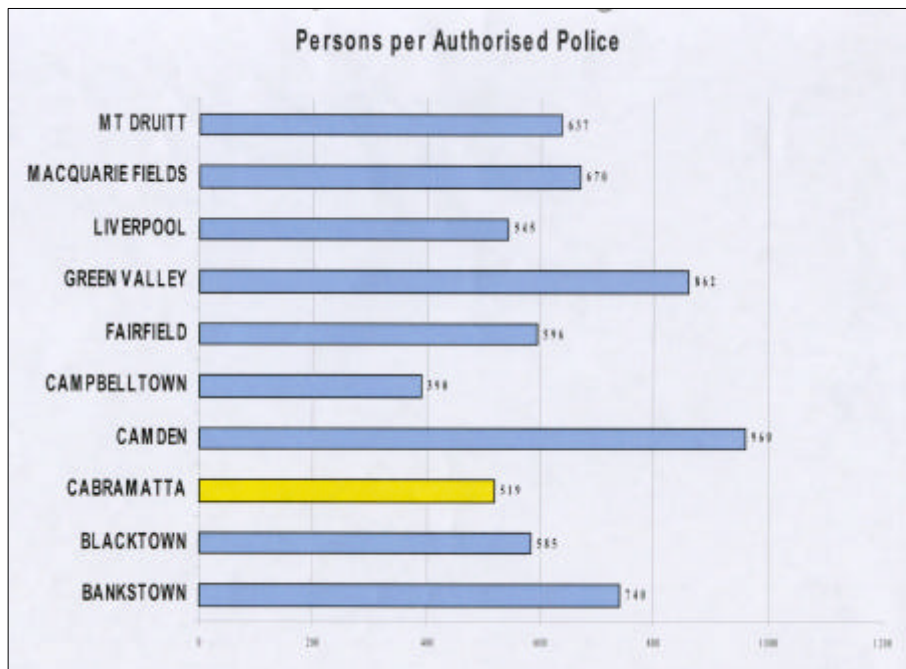
The Committee recommends that the NSW Police Service develop and publish a clear, useable Resource Allocation Formula to guide the distribution of resources for each Local Area Command, such as Cabramatta LAC. The new Resource Allocation Formula must be used in an open and transparent way, so that the public is able to understand the basis of the allocation of resources across the Service.

Recommendation 4

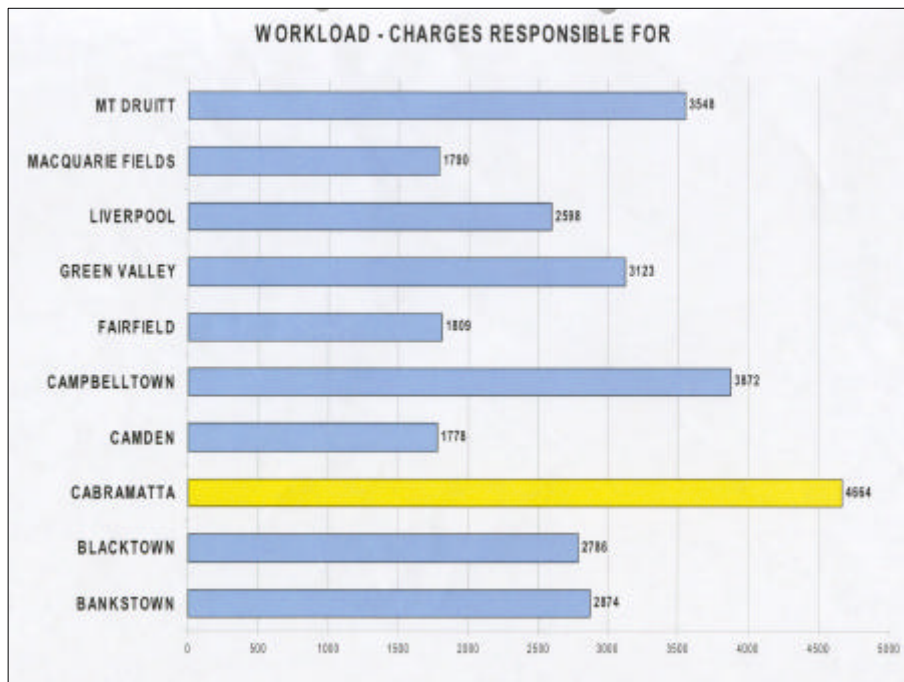
The Committee recommends that the new Resource Allocation Formula outlined in Recommendation Two include specific consideration of the socio-economic factors facing Local Area Commands, together with the specific resource implications of the multicultural diversity of Local Area Commands.

Staff Resources at Cabramatta LAC**Authorised Strength**

- 7.9** In evidence to the inquiry on 8 November 2000 Assistant Commissioner Jarratt advised the Committee that the authorised strength of the Cabramatta LAC was 111 officers, with 14 additional civilian staff which included 3 police ethnic community liaison officers. This level was said to have remained constant for three years. In addition, operations directed from regional office, such as Puccini and Portville, added 25 additional officers at that time. Cabramatta is a relatively small command in terms of population served. As the table below shows, there is one officer for every 519 persons in Cabramatta, a very favourable comparison to say, Bankstown LAC where the ratio is one to 740.



7.10 However Deputy Commissioner Jarratt also produced a chart which recorded the workload of the Commands. It can be seen from this chart that Cabramatta police carry an extremely heavy workload, in terms of incidents reported, charges laid and court appearances, compared to their counterparts in other Commands. Deputy Commissioner Jarratt described Cabramatta as comparatively a high charging area ²²⁴.



7.11 What the chart does not show is the added difficulty of the workload posed by the language and cultural difficulties with which Cabramatta officers have to negotiate on a daily basis, which can greatly add to the time spent on each matter. As stated by former Commander Leek:

Cabramatta command has never had sufficient resources. I suspect that now, as it was in my time, staffing at Cabramatta is sufficient to meet the normal day-to-day requirements of a patrol of its size. However, staffing is insufficient because of the special circumstances that prevail at Cabramatta. Every task undertaken by a constable at this location takes double the usual time. A simple exchange becomes a time consuming and difficult exercise. Where language is a barrier, interpreters have to be found. If a child or young person is being interviewed, a parent, guardian or nominated person has to be added to the equation. The volume of young people and children who are involved in the sale and distribution of heroin at Cabramatta exceeds the number in any other part of the State²²⁵.

7.12 The submission from the New South Wales Police Association explored the staffing levels at Cabramatta LAC in detail. It puts the authorised strength of the LAC at 159, but that included 31 vacancies so that only 110 were available for duty. The Association stated that

²²⁴ Evidence 8/11/00 p8

²²⁵ Leek Evidence 18/12/00 p4

the 31 vacancies remaining unfilled cast serious doubts on the ability of the LAC to adequately meet the demands placed upon the police. Loans of police to other areas without replacement as well as long term sick leave was also said to place further pressure on police and the requirements of minimum shift staffing agreements²²⁶. Deputy Commissioner Jarratt stated that Cabramatta did not make anywhere near the level of contribution to the region's activities as other Commands²²⁷.

7.13 The Association queried the relevance of authorised strength as a way of measuring the resources available²²⁸. When officers are on sick leave, or attending court or on long service leave and so forth, a misleading picture will be given. Also, many police are utilised in non-operational positions which could be staffed by civilians. Both the Association and Deputy Commissioner Jarratt agree that this process of civilianisation needs to be expedited.

7.14 As outlined in Chapter Six, on 27 March 2001 the Premier announced a package of initiatives for Cabramatta. This included additional resources for the Cabramatta LAC. While the Premier's statement to Parliament talked about a police presence of over 200 police²²⁹ this figure is not quite what it seems. The 90 extra police included in this are a flying squad from the Greater Hume region. They can leave the area at any time when it is considered a problem has occurred in another Command. Some sections of Cabramatta such as the Chamber of Commerce see this as a negative for the area:

We hear 200 and all this. What you need to be aware of is that the local area command, or the Greater Hume as it is known, we used to have Puccini and different operations, but it has now become a TAG system out at Wetherill Park. You have heard from Frank Reitano and the President of the Chamber of Commerce, and we have called for the drug centre to be set up here, staffed by detectives, because this is where the problem is. It is no good having it at Wetherill Park or anywhere else²³⁰.

7.15 Assistant Commissioner Small has argued that Cabramatta is not an island and that

Just as crime in Cabramatta affects other areas, crime in other areas affects Cabramatta. Drugs are brought into Cabramatta from other locations as part of an importation and trafficking process. Drugs sold in Cabramatta are distributed elsewhere, including in other States of Australia. The profits derived from these activities are widely distributed – relatively speaking, very little remains physically within the confines of Cabramatta. Tackling drug networks cannot be limited to investigative efforts confined to Cabramatta: The chain must be tackled at several points. Any strategy based on the notion that the best way to tackle Cabramatta's problems is simply by increasing police strength in Cabramatta and limiting their

²²⁶ *Submission* 11/08/00 p5

²²⁷ *Evidence* 8/11/00 p18

²²⁸ *Ball Evidence* 18/12/00 p46

²²⁹ *NSWPD* 26/03/01

²³⁰ *Starr Evidence* 7/05/01 p13

investigative focus to the confines of Cabramatta is a naive and seriously flawed strategy²³¹.

- 7.16** The permanent gains for Cabramatta appear to have been 10 extra detectives with specialised drug experience, and 6 extra bicycle patrols for rapid response. The first initiative seems to vindicate the calls by officers such as Detective Sergeant Priest for the need to rebuild the detectives office at Cabramatta with officers with drug detection experience²³². The second appears to answer some of the concerns of many residents about the slowness of police to respond to crime reports, especially those where physical violence is involved²³³.
- 7.17** The Committee notes the additional resources for the Cabramatta LAC announced by the Premier on 27 March 2001. The Committee is supportive of the allocation of 10 additional detectives with experience in drug investigations.

Specific resource issues raised in evidence

Rosters, Overtime and Use of Personnel

- 7.18** One of the recurring complaints of serving officers at Cabramatta and the Police Association has been the way that restrictions on overtime have hampered effective police work at the LAC (see Chapter Four). The Committee is aware that this is an industrial issue that extends beyond Cabramatta.
- 7.19** The issue of rostering, for example, was discussed in the reports of the Council on the Cost of Government and the Audit Office referred to above. The Committee explored the recommendations made by the Audit Office, with Mr Jambrich when he appeared before the Committee.

The Hon. R. D. DYER: When you did the performance audit on staff rostering, tasking and allocation, do you recall whether you drew any conclusions or expressed any criticisms regarding the allocation of police as between, shall we say, duties in day time as opposed to night time? In other words, was there an imbalance that you thought was worth taking notice of?

Mr JAMBRICH: First, not initially just a distinction between day time and night time. It is the matter of considering the demand. I think that the demand for the Police Service is 24 hours a day, seven days a week, and if you can measure the demand and if you are able to respond and if you have resources, then I think you should try to match resources. What we found was that, that it was not as well done as, in our opinion, it could or should have been.

²³¹ Small *Evidence* 11/05/01 p4

²³² *Submission* 14/08/00 p24-25

²³³ See Chapter Five, paras 5.30 5.32

The Hon. R. D. DYER: I agree with what you are saying. However, anecdotally at least, the understanding of most people is that criminals do not keep office hours and that there is a disproportionate amount of crime committed under cover of darkness. The relevance of my question was, for example, if 75 percent of police were rostered during the day and only 25 percent at night time, I would see that as possibly being problematic

Mr JAMBRICH: Yes. That was basically the recommendation in our report, that they ought to consider the rostering more in line with the demand.²³⁴

7.20 Rostering is an issue raised by members of the Cabramatta community just as frequently as police officers, and it appears to have a particular impact on policing in the area. There appear to have been recent improvements. It appears that the new TAG operation is expanding the use of police at night, going back to the level of operation of the early days of Puccini. It is also important that the new detectives office is not hampered by previous problems of discontinuity of investigations caused by overtime restrictions.

7.21 There is also a resource issue about the responsibility of other agencies. No other agency working in Cabramatta provides as many employees available to the community out of normal working hours as does the Police. Police numbers may be inadequate after 8pm but at least there are some police rostered to work, and perhaps if they were not having to undertake tasks left vacant by the funding shortfalls of other agencies there would be greater resources available for policing:

part of the problem with contemporary policing is that anything that gets put into the too hard basket ends up at the feet of the police. Mental health is a good example. The schizophrenic who is wandering around the streets at 1 o'clock in the morning has the potential to do himself or herself a great deal of harm, but what does the police officer do? Police are the only ones called out to deal with the issue, and it is not appropriate²³⁵

7.22 The Drug Intervention Service Cabramatta (DISC) for instance, has 15 employees but is not funded by New South Wales Health to provide services after 6 pm at night. Corella Lodge, the only New South Wales Health funded drug detoxification facility in the area, does not take referrals on weekends. Drug use is not confined from 9 until 5, but for budgetary reasons services appear to be based on that assumption²³⁶.

7.23 Any consideration of increasing Police overtime should take into account the responsibility of other agencies for out of hours work which is otherwise borne by the Police. The Committee sees great value in a multi-agency approach which considers all the services provided by agencies out of hours in Cabramatta, and how these can be more fairly distributed so that Police have more time to undertake their core roles. It should consider the impact of the Premier's Cabramatta package and the implementation of Assistant

²³⁴ Evidence 12/3/01 pp 59-60.

²³⁵ Chilvers Evidence 18/12/00 p49

²³⁶ The Committee during its visit to DISC were told that staff were attempting to devise a roster system to extend the hours of service.

Commissioner Small's Seven Point Plan on the need for services out of hours. The Cabramatta Project should undertake this facilitating role.

I would like to see a multi-agency approach. Either last month or this month the Premier made some good comments. At the moment we are the only agency that works 24 hours a day, seven days a week, 365 days a year. At 2.00 a.m. when we have a drug affected person we try to find a proclaimed place. I can tell you that B tried to do that last week. We cannot find a proclaimed place for anybody at the moment. Everybody needs to realise that the police cannot solve this problem on their own. Everybody else must help.

We need the involvement of the Department of Health. We need more rehabilitation beds and more detoxification centres. We need a lot of things. We cannot achieve what the public wants us to achieve on our own. But to do that we need all other agencies to be accessible 24 hours a day, seven days a week. Until we do that, it will be a hassle. If you make something too hard for people they are going to avoid it. If you make it easy, they will use it.²³⁷

7.24 Once an out of hours strategy is developed the LAC can properly consider its own ability to provide resources after 8pm. Particular priority needs to be given to ensuring the new expanded detectives office has sufficient access to overtime to prevent disruption to investigations to avoid mistakes of the recent past.

Recommendation 5

- (a) The Committee recommends that the Cabramatta Project of the Premier's Department bring together all agencies providing services in the Cabramatta area to outline the need for services and staff resources outside 9 to 5 office hours, with particular reference to the effects of the implementation of the Premier's initiatives for Cabramatta announced on 27 March 2001 and Assistant Commissioner Small's Seven Point Plan. The LAC should identify the services it currently provides out of office hours which are more properly the responsibility of other agencies, and a strategy should then be drawn up with those agencies to address this issue.
- (b) Following the development of this strategy the Committee recommends the LAC prepare a revised overtime policy which gives priority to ensuring continuity of investigations and effective protection of the community. The policy needs to be clearly explained to all staff and to the wider community.

Physical Resources, Vehicles and other equipment

²³⁷ *Evidence*, officer D, 23 April 2001, p 32.

7.25 The physical resources available to Police in Cabramatta are inadequate. The most obvious example is the LAC building itself, as pointed out by a teacher at Cabramatta High School:

I have been with some of our students to make statements at Cabramatta police station, so I am saying this in support of the police. The conditions down there are appalling. The detectives work out of demountables and they are living on each other's desks. When one of our students was almost killed I accompanied witnesses and I was amazed at the conditions that those detectives had to work under²³⁸

7.26 The Committee concurs with this view, having witnessed the overcrowded and sub standard condition of the Police station. There are no immediate solutions to this problem. Neither the Committee, nor the Cabramatta community, nor indeed the Premier, support amalgamation with Fairfield LAC.

7.27 While few officers have raised complaints about their working conditions, the lack of police vehicles has been frequently raised by both officers and the community, and is one explanation of the poor police response times. Detective Sergeant Priest claimed that prior to 2001 there were only 3 vehicles available to the 14 detectives in the station, and that senior managers at times commandeered up to 2 of those vehicles to attend courses. On one occasion a female police officer was forced to travel by train to Court with \$10,000 in heroin exhibits because the only detectives car available was being used²³⁹. This was verified by another officer at Cabramatta in evidence:

I have personal knowledge of a number of those issues. The constable had to convey drugs by train because no cars were available. I was her supervisor at the time and she came and spoke to me straight afterwards. There has always been a shortage of physical resources for us in Cabramatta in relation to motor vehicles. When we are trying to perform an operation, there has been a shortage of communications equipment, and those sorts of things. I believe that we are getting more police on deck at Cabramatta. To my knowledge I do not think there has been any increase in the number of vehicles available²⁴⁰.

7.28 The Committee has also been informed that surveillance equipment such as vans, videos and radio kits are also lacking at the command:

Surveillance equipment to ensure the success and the safety of police undercover operatives is paramount. We lack things like enough video equipment to record transactions between police and dealers. Surveillance vans and covert vehicles are not sufficiently available. This has constantly hampered and frustrated police at Cabramatta²⁴¹

²³⁸ Senior Teacher C *Evidence* 6/02/01 p14

²³⁹ Priest *Submission* 14/08/00 p7, p19

²⁴⁰ Officer A *Evidence* 23/04/01 p16

²⁴¹ *Confidential Submission* 2 4/08/00 p3

- 7.29** Submissions and evidence of serving officers at Cabramatta describe a station greatly lacking in the physical resources essential for the task of policing, and of a management prior to 2001 which sometimes exacerbated the shortage of resources by the way in which they were used. The Committee has been told that Cabramatta LAC does not have enough resources, particularly in respect of vehicles, to adequately undertake its investigations of drug crimes or to provide response times which match the expectations of the community²⁴².
- 7.30** The inclusion of 6 additional bicycle patrols may assist in providing rapid response times to calls from the public. However as part of a restoration of its relationship with the Cabramatta community, the LAC needs to develop a strategy to address the gap between the community's expectation of a quick response time to calls for assistance and the limited resources it has available to provide a response.

Recommendation 6

The Committee recommends the Cabramatta Local Area Commander, together with representatives of the Police Association, undertake an immediate audit of the vehicles and other physical equipment available for use by frontline officers in the carrying out of their duties so that sufficient funding can be allocated to provide the necessary resources.

Resources for Cross Cultural Policing

- 7.31** Police in Cabramatta face one of the most difficult tasks in the New South Wales Police Service because cross cultural understanding is an essential part of every officer's work. The Committee believes the senior management of the New South Wales Police Service are aware in general terms of these difficulties, but in the past have underestimated the resources necessary to overcome these barriers. The decision to downgrade the Cabramatta LAC to a Grade Two station, which has subsequently been reversed by the Premier, is evidence of this lack of understanding of the extent of the problems experienced on the ground.
- 7.32** There has been extensive evidence from front line police and representatives of non English speaking background organisations regarding the need for:
- greater recruitment efforts to attract officers from an Asian, particularly South East Asian background
 - cross cultural training of officers

²⁴² Police Association *Submission* 14/08/00 p8

- language skills training
- more accessible use of interpreters at the LAC
- clarification of the duties of the ethnic community liaison officers (ECLOs) and the appropriate cultural background and language skills of these officers at Cabramatta (for instance there is no Chinese speaking ECLO yet Chinese speakers are the second largest non English speaking background population at Cabramatta).

Interpreters

7.33 With regard to interpreters, the Government has recently announced an additional 10 interpreters being contracted to Cabramatta LAC (see Chapter 6). The Committee believes this is one of the most important parts of the government's Cabramatta package. Councillor Thang Ngo, in particular, has highlighted how difficult is it for those with poor English at Cabramatta to report crimes, and his frustration at his community being blamed for putting up a wall of silence :

That is not to say that there is not someone at the Cabramatta police station who can speak, say, Vietnamese; there is. But if a person is called an ethnic community liaison officer [ECLO], that person is not actually a police officer but more or less a public service person, and that officer works between nine and five. God help us if we happen to have a crime happen out of those hours, because we know that police work irregular hours. When they are on leave, they are not replaced. If they need to go to court to translate for crimes and other problems, there is just no help²⁴³

To me, the final and obvious point that shows that they [Police Service management] do not understand cultural diversity is Mr Jarratt's comments before you on 8 November, when he signalled that perhaps Cabramatta and Fairfield police stations may be merged. The community is saying to me, "We can't speak English. We can't ring on the phone. No-one speaks our language at the station. But at least if we go to the station we might gesticulate, we might make a noise, we might even play charades to try to get the point through to them."²⁴⁴

7.34 The use of interpreters dedicated to the LAC (instead of the LAC competing with users across the state for access to interpreter services) has the potential to assist the community and officers in the reporting of crimes. Careful attention will need to be given to ensuring these interpreters are available when the community and police need them, which will not always be confined to nine to five.

²⁴³ *Evidence* 12/12/00 p15-16

²⁴⁴ *Ibid* p17, the Committee notes the Premier has given a commitment that Cabramatta LAC will not be closed

Recommendation 7

The Committee recommends that, following the deployment of the additional ten interpreters for the Cabramatta LAC announced by the Premier on 27 March 2001, the Local Area Commander and the Community Relations Commission for a Multicultural NSW (CRC) ensure that there are interpreters available to assist police officers at the police station 24 hours per day.

- 7.35** There are two issues regarding interpreters and translators that the Committee believes require further action. Councillor Thang Ngo was critical of the Police Service for promoting its Police Assistance Line (PAL) in the ethnic media but not providing language services to back up the claims made in its advertisements:

I called that number on behalf of a constituent, and said, "She doesn't speak English very well. It is a sensitive matter. She doesn't want to tell me, but she wants to see whether you can take the call in her language." I was advised that it is better to go to the police station. So we are back to square one. I was alarmed to see that police have placed in-language advertising in ethnic papers to promote the police assistance line but they cannot speak that language. I have here an ad which was run in a Fairfield local paper on 8 August: "Call 1800 333 000 help us get the people who deal in illicit drugs before they destroy more families." That is perfect; I would be quite happy with that. Underneath they have a TTY number for the hearing-impaired. I would have liked to see a number for the Translation Interpreting Service. Then we get this spin that comes out and says that the community does not want to help, that it does not want to report. We cannot report if we cannot speak English²⁴⁵.

- 7.36** Other residents have raised concerns about the PAL, typically of the nature that callers were referred back to the Cabramatta LAC, which was then unable to assist. The Committee has not received sufficient evidence to conclude whether the PAL is currently inadequate in its provision of assistance to those unable to communicate effectively in English. However this would be relatively easy to establish by conducting a random call survey, preferably by an agency independent of the Police Service. Callers speaking various languages could seek assistance; if it is considered that the service provided is inadequate then the Police Service should take immediate steps to enhance the service before advertising again in the ethnic media.

Recommendation 8

The Committee recommends that the Community Relations Commission for a Multicultural NSW, or other agency independent of the Police Service regularly conduct a random call survey to test the effectiveness of the Police Assistance Line in assisting callers from a non-English-speaking background. If problems are identified the Police Service, working with the Commission, should take immediate steps to enhance the service before advertising again in ethnic media.

²⁴⁵ *Ibid* p16.

7.37 Another issue raised is the need for translations to be undertaken to assist the Police in communicating with those from a non-English-speaking background. The Vietnamese Buddhist Society of New South Wales expressed concern that there was no competent Vietnamese translation of formal police cautions available:

It has also come to our notice that some people who have been arrested may have had difficulty understanding the various cautions and instructions concerning their rights when being held in police custody. We would suggest that these cautions and instructions should be translated by a competent agency recognised by the legal system. At present there are ad hoc translations which are being used. These translations were prepared by persons whose competency may be questioned. One person told us that it was difficult to understand and appeared to be Vietlish , Vietnamese words and phrased with an underlying English syntax²⁴⁶

7.38 Deputy Commissioner Jarratt has provided the Committee with an apparently useful resource produced by the Fairfield Drug Action Team with funding assistance from the Police Service on young people and drug laws, which has been translated into six languages. A new video education package is also soon to be released in Cabramatta which will contain visual and translated material on cautions, community youth conferencing and other police instructions²⁴⁷. This is a welcome initiative and many address some of the concerns expressed earlier in the inquiry.

Recruitment of officers from an Asian or other non English Speaking background

7.39 The Committee has received several submissions from individuals and community groups in Cabramatta critical of the New South Wales Police Service for the lack of officers from a non-English-speaking background. State wide officers from a non English speaking background are currently less than 2 % of the total officers in New South Wales, despite making up 23 % of the population²⁴⁸. The Committee believes the problem for Cabramatta is specifically in recruitment from Asian backgrounds, particularly South East Asian. Both police and community agree that it is a problem; they differ greatly on where they see the cause of the problem. Deputy Commissioner Jarratt said:

As I say, it is a two-way street. Both the community and police need to find a better way of engaging people from the widest possible sector of the community. It is our ambition to have a thoroughly representative organisation. We have modified our recruitment processes, and have made it so that people can enter the service through distance education or universities as well as a whole range of other ways. There are many entry points. We actively seek out people in all

²⁴⁶ *Submission* 15/08/00 p2

²⁴⁷ Jarratt *Evidence* 14/5/01 p6

²⁴⁸ See Ngo *Submission* 10/08/00 p3, also NSW Police Service *Annual Report* 1999-00 p46: there were 268 officers from a non English speaking background out of 13,483 officers statewide.

communities. So, yes, we need to improve. But, to be honest, we are coming to the end of our tether in terms of how we can be more successful at recruitment²⁴⁹

We are trying a multi-faceted approach involving not only taking out advertisements but visiting schools, colleges and other places where we can interact with people. It is extraordinarily difficult to overcome years of experience in another country under a different regime. I recall a police commissioner of 15 or 20 years ago telling a Vietnamese community group that came to see him: "It is your responsibility to put your young people forward to become police officers". That is still the case. We must obviously continue to build the confidence and trust of the community such that, once those experiences from other parts of the world are overcome, more and more people will come forward. Frankly, each person that we are able to attract who is able to sustain membership of the service becomes an advertisement in his or her own right²⁵⁰.

7.40 In written answers to a question taken on notice on 14 May 2001, Deputy Commissioner Jarratt subsequently advised the Committee that:

The Service does not maintain a database of the cultural background of its employees, and therefore no comprehensive answer can be provided on this issue without specific inquiry into the background of police attached to Cabramatta. Should such an inquiry be conducted, staff could only ask to participate on a voluntary basis. According to ABS standards, a series of 7-8 questions would need to be asked to ensure the integrity of the information volunteered.

It should be clearly understood that the Service does not have a policy of using police of particular ethnic background to police their own community. The expectation of the Service is that all police officers provide a professional and culturally appropriate policing service within a multi cultural society. However, should individual officers seek to work in areas having regard to their cultural background, the Service would certainly consider the application.²⁵¹

7.41 Councillor Thang Ngo gave a perspective from the community:

At a local level, how does that translate? Not one police officer speaks Chinese, Vietnamese, Khmer, Lao, or any South-East Asian language. I am not saying that ethnic police officers are the answer to everything, but I am saying that understanding and trust is built upon communication. If you do not have communication, you do not have any of the other things.

That brings me to my next question: Why do we not recruit more police from an ethnic background? I would have thought that one leads to the other. I have been told that the police have tried, but I cannot find any evidence of that. I work in multicultural marketing as a consultant and I scan all the ethnic newspapers. While I was scanning the papers in March this year I found that Victorian police had put in an ad to try to attract Vietnamese police officers. At that time I rang the New

²⁴⁹ Jarratt *Evidence* 8/11/00 p24

²⁵⁰ Jarratt *Evidence* 14/5/01 p13

²⁵¹ Correspondence from NSW Police Service, 14/6/01.

South Wales police, the police media unit, and said, "Are you conducting it? Can you let me know?" I had no response. Last week I rang the police ethnic affairs unit and asked the same question. I still have not got an answer ²⁵².

- 7.42** In April 2001 the Police Service began a new recruitment drive aimed at the Vietnamese and Chinese communities, targeting parents. The Police Service spokesperson for ethnic affairs was quoted as saying that advertisements address the concerns of parents who did not approve of policing as a career. ²⁵³
- 7.43** The Committee received a submission from the retiring Executive Director of the National Police Ethnic Advisory Bureau (NPEAB), Mr Ivan Kolarik. ²⁵⁴ Mr Kolarik drew attention to the work of the NPEAB on recruitment from ethnic communities across jurisdictions, resulting in the *National Recruitment and Retention Strategic Framework: Culturally Competent Police Organisations*. Deputy Commissioner Jarratt tendered a copy of this document when he appeared before the Committee on 14 May 2001. The Framework includes detailed strategies developing a culturally competent workforce, including recruitment and retention strategies. The framework also recommends the development of performance measures on recruitment and retention. ²⁵⁵
- 7.44** The Committee's attention has also been drawn to recent developments in the United Kingdom in the area of recruitment of Police officers from ethnic communities. The Home Office has commissioned research into the attitudes of people from minority ethnic communities towards a career in the Police Service. ²⁵⁶ In the wake of the Stephen Lawrence inquiry ²⁵⁷, the Home Secretary has set targets for the recruitment of people from ethnic communities for each of the 43 Police Services in England and Wales (as well as the Prisons, Fire and Probation Services). Retention targets and career progression targets have also been established. The Home Office publishes regular reports on the progress of the services in achieving these targets, together with strategies. Strategies include the conduct of recruitment seminars and familiarisation courses for members of ethnic communities considering applying for entry into the Police Service, together with other pre-application support programs. ²⁵⁸

²⁵² Ngo *Evidence* 12/12/00 p15

²⁵³ *Ibid.*

²⁵⁴ *Submission*, 9/5/01.

²⁵⁵ National Police Ethnic Advisory Bureau, *Culturally Competent Police Organisations: National Recruitment and Retention Strategic Framework*, September 2000, p 13-23.

²⁵⁶ Home Office (UK), *Attitudes of People from Minority Ethnic Communities Towards a Career in the Police Service*, Police Research Series Paper 136, November 2000.

²⁵⁷ *The Stephen Lawrence Inquiry*, Report of an Inquiry by Sir William McPherson of Cluny, February 1999. this report examined the murder of Mr Stephen Lawrence and subsequent police investigation, and made far reaching recommendations concerning police/community relations.

²⁵⁸ Home Office (UK), *Race Equality – The Home Secretary's Employment Targets: Staff Targets for the Home Office, the Prison, the Police, the Fire and the Probation Services*, 28 July 1999.

7.45 The Committee sought the views of Mr Richard Acheson, author of the 1994 report of the Ethnic Affairs Commission, *Police and Ethnic Communities*, on the value of a quota for recruitment from ethnic communities. Mr Acheson suggested that there may other more productive approaches, such as examining the successful lessons from recruitment from Aboriginal communities:

CHAIR: Do you have any comment about a quota to recruit police from ethnic communities?

Mr ACHESON: In the context of the inquiry we looked at a range of issues with respect to the recruitment of police and police of non-English speaking backgrounds. We noticed that there were attempts to recruit people from the Aboriginal community in the Police Service. There were opportunities for tutorial assistance while at the academy and we looked at those sorts of possibilities for people of non-English speaking backgrounds. I do not know that if a quota were established whether or not it would be achievable. If it is not achievable then I would ask why would you do it. I think one can have a target and measure performance against that target and see reasons why this is achieved or not would be a far better way. I know that the Victorian police have been looking at ways to improve the percentage of people of non-English speaking background in the service. One of the targets of any communication strategy or campaign on that must be parents of children of non-English speaking background because, as we know, the parents have a significant role to play in the career choices that children make, and perhaps that is one way of attempting to address the issue.²⁵⁹

Recommendation 9

- (a) The Committee recommends that the Government establish targets for the Police Service in relation to the recruitment and retention of officers from non-English speaking backgrounds, against which the Service should report progress in its annual reports to Parliament.
- (b) The Committee further recommends that the Police Service include in its annual reports the strategies put in place to raise the proportion of officers from a non-English speaking background to a level reflecting the proportion of the NSW population from such a background.

7.46 Regarding Cabramatta's immediate problems the Committee found evidence from Professor Basham and former Commander Alan Leek particularly persuasive. They argued that there were barriers on both sides to recruitment that would take many years to

²⁵⁹ *Evidence*, 30 March 2001, p 49.

overcome, but the more immediate priority for Cabramatta was to have a culturally literate Local Area Command with a sense of ownership by the community²⁶⁰.

7.47 Deputy Commissioner Jarratt gave evidence before the Committee on 14 May 2001 about the pressures that can be imposed upon police officers from particular ethnic backgrounds if they are required to serve in Local Area Commands with a large number of people of the same cultural background:

We have heard suggestions from external stake holders that we should consider placing non-English-speaking background police officers in local area commands that have a large number of residents of the same racial, language, cultural backgrounds. There is considerable research on this subject and the conclusion is and I quote from John Casey's work: it [is] highly undesirable to designate minority officers to their own communities unless they express a specific preference to serve there. Leishman, Loveday, Savage and Casey have all concluded from their research on the placement of police officers of non-English-speaking backgrounds in areas where there is a significant number of residents of the same cultural background, that they are likely to experience difficulties in their relationships with their own communities; that they are placed in greater risk of being harassed and held accountable by members of their own communities for action that is not the responsibility of that police officer; there is the potential of pressure, rejection, harm and lack of respect from their own communities; they are an easy target for some sections of that community.²⁶¹

Language Skills and Cross Cultural Training

7.48 The Committee has received ample evidence that one of the biggest barriers to effective policing in Cabramatta is the ability of police and community to communicate with each other. This goes well beyond police not being able to speak languages other than English, but many submissions raised this as a starting point:

We are also of the opinion that bi-lingual officers should be employed to improve the adequacy of the resources available. By bi-lingual officer we mean an officer who can converse fluently in both English and a second language, preferably a South East Asian language. A bi-lingual officer would be better able to understand the cultural views and needs of residents of the area from other cultural backgrounds. The officers should be truly bi-lingual not a stop gap as happened previously when officers were sent to an obviously inadequate short language course²⁶².

7.49 The Committee heard a rebuttal of this argument from former Commander Leek, :

²⁶⁰ Basham *Evidence* 30/12/01 p4, Leek *Evidence* 18/12/00 p7 Commander Leek noted however that 20 of his staff of 80 came from a non English speaking background, many of whom were administrative staff he actively recruited

²⁶¹ *Evidence*, 14/5/01, p 4.

²⁶² Vietnamese Buddhist Society in New South Wales *Submission* 15/08/00 p1

The oft-quoted and misguided judgment that police should be skilled in languages is a cross that Cabramatta police will have to bear for some time to come. The fact remains that over 90 cultural groups, using many more dialects, live in the Cabramatta area. It would never be possible to accommodate all languages and dialects. Even where officers have learned other languages, the pursuit of career opportunities will see them moving from one area to another. As for the niceties of greeting people in their native tongue, a simple "hello" is universally understood. I recall during my first week at Cabramatta walking through the streets with my Vietnamese ethnic community liaison officer. The officer greeted a man in Vietnamese, only to find that he was Cambodian. It was a great lesson for me to learn very early in my stay there²⁶³.

7.50 Dr Maher from the University of NSW agreed it was difficult to make the Police Service attractive to some ethnic groups, but suggested the ethnicity of the police serving in a multicultural area was not as important as their sensitivity to cultural issues :

Experience has shown that in North America the expectation that you will have, say, an African-American police force in an African-American community perhaps does not go to the core of the problem. The core of the problem may be that there is a lack of cultural sensitivity. We tend to be monolingual in this country people speak only one language. It is putting the expectation on the ethnic minority community to provide the service rather than up-skilling and training the mainstream Anglo-Saxon police force to be bi-cultural, to speak more than one language, to have an awareness of the issues and to have some cross-cultural competence.

we are redesigning the undergraduate medical curriculum at the University of New South Wales. A big part of that is increasing cross-cultural competence for medical students in the hope that they, as doctors, will not have to rely so much on health care interpreter services. We will make it a criteria for entry and say, "There will be increased access to entry into the medical undergraduate degree for people who speak more than one language." So we will have recruitment and entry procedures that reward people for having those skills. Those sorts of skills are valued in a multicultural society. The Police Service could perhaps have a look at some of those kinds of things rather than just saying, "It is them. They need to join the police force. They need to go and work in their communities. It is their problem." It is our problem²⁶⁴.

7.51 Professor Basham said in evidence that it would be desirable if police officers were bilingual, but that it would be very difficult for native speakers of English to achieve fluency in a tonal language such as Vietnamese without living in the country²⁶⁵. While officers at Cabramatta wishing to learn a local language should be given every encouragement, the Committee believes the language issue has to be bridged by use of specialist resources such as interpreters and ethnic community liaison officers. More generally however it needs to be bridged by culturally sensitive community policing. This is not dependent upon language skills, but does require training. It may also require effective vetting of officers placed at

²⁶³ Evidence 18/12/00 p4

²⁶⁴ Maher Evidence 8/11/00 p43

²⁶⁵ Evidence 30/3/01 p5

Cabramatta to ensure they have a desire to police in non English speaking background communities:

Police officers should be assigned to an area such as Cabramatta for many years and encouraged to set down roots in the local community. The officers assigned to the Cabramatta command need to be vetted to make certain that they have a genuine interest in the people they will be serving, and that they can relate to them as individuals and not just as members of an ethnic group. As well, they need thorough cultural training, both in general cultural issues and in matters related to criminal activity and the reporting of criminal activity. As I have argued elsewhere, , all officers should be encouraged - indeed, required, so it will not be seen as a personal weakness to seek expert consultation on both regular and emergency bases. There are a number of investigations that have failed because police failed to seek assistance when it would have been appropriate²⁶⁶.

7.52 Deputy Commissioner Jarratt has detailed the programs the New South Wales Police Service has in place to train culturally sensitive police²⁶⁷. These include:

- Ensuring a comprehensive focus on cross cultural training in the Diploma of Policing Practice.
- Including cultural diversity components in all relevant police training programs delivered both centrally and at Cabramatta.
- Employing an experienced trainer to work with officers on Police and Community Training Programs, including the soon to be completed Cabramatta video project.
- Participating in the National Police Ethnic Advisory Board with its development and implementation of culturally appropriate policing strategies and training courses.
- Use of the ethnic community liaison officer program to promote cross cultural awareness in Commands.

7.53 Deputy Commissioner Jarratt raised the point that the most effective cross cultural training took place in the workplace based around workplace issues, and that ethno-specific information only considering cultural norms and values can be counter productive. The Committee agrees, but would concur with Professor Basham in suggesting the most effective cross cultural training is to have officers working in an area for a long period, and if possible living in the area:

but the problem is that in order to work with ethnic communities effectively, you need to work with individuals. In other words, the police setting down roots in the community, ideally living in a house in Cabramatta, having their kids go to Cabramatta schools and identifying with the community. You begin to relate to

²⁶⁶ Basham *Evidence* 30/3/01 p4

²⁶⁷ Jarratt *Evidence* 14/05/01

individuals and not necessarily to community leaders who may or may not be on the level. There are a number of them who are and some who are not. But the more important thing, anyway, is to police people like you would ordinary Australians, in a sense, but the difference is rather than police ordinary Australians - and you would not go through an Australian community leader to deal with an ordinary Australian - you deal with people as individuals. But you have to know something about their culture in order to do that. By doing this, in time you will begin to get co-operation from people²⁶⁸.

7.54 Professor Basham is critical of short-term operations such as Operation Puccini which bring in junior officers from outside the area as a quick fix to policing problems in the area. In a subsequent submission, he suggests having the New South Wales Police Service treat Cabramatta as a special case, a plum assignment with employment conditions such as additional remuneration and even assisted housing for those who choose to live in the area. There is value in this suggestion. The Committee believes that whether or not the Service progresses to this, an essential starting point is to use the current rotation policy more flexibly so as to allow suitable officers in Cabramatta to stay beyond the current five year maximum, while giving due weight to the concerns as to the risk of corruption increasing over time of service in one area²⁶⁹.

7.55 Aside from this, management at the LAC needs to monitor new staff to ensure wherever possible they have had experience in other culturally diverse Commands and, for junior staff, that they have completed at least minimum requirements of the Service regarding cross cultural training. Care needs to be taken to ensure that officers are not employed with inappropriate attitudes to non English speaking background persons: the research by Drs Dixon and Maher found significant evidence of derogatory and discriminatory treatment of Asian young people²⁷⁰.

²⁶⁸ *Evidence* 30/03/01 p9

²⁶⁹ See also Chapter Nine

²⁷⁰ *Submission* 11/08/00 p1

Recommendation 10

- (a) The Committee recommends that all officers who work at Cabramatta LAC must have completed in excess of the minimum requirements of the Service for training with a cross cultural component.
 - (b) The Committee further recommends that no officer be employed at Cabramatta who has been the subject of substantiated complaints of a racially discriminatory nature. Any officer who is the subject of a substantiated complaint of discriminatory behaviour should be immediately transferred to another LAC.
 - (c) The Committee further recommends that the Cabramatta LAC liaise with the Regional Command to ensure junior officers stationed temporarily at Cabramatta, such as the TAG operations, have received in excess of minimum Service requirements for cross cultural training.
 - (d) The Committee recommends that where positions at Cabramatta LAC are being filled on a competitive, merit selection basis, weighting should be given to previous experience in Commands with large populations of non English speaking background communities and to officers who have skills in a second language.
 - (e) The Committee recommends that the NSW Police Service develop incentives for officers to acquire skills in a second language and to enhance their level of cultural literacy generally.
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Ethnic Community Liaison Officers**7.56**

There was a great deal of discussion, much of it critical, of the role and effectiveness of ethnic community liaison officers (ECLO s) at Cabramatta LAC. These are civilians rather than Police, but their role is primarily to act as a bridge between the largely Anglo-Celtic police and the diverse multicultural community. Criticisms raised by the community include:

- Being unavailable after 5 pm, causing non English speaking background residents to have no access to anyone at the Command able to speak their language.
- Lack of awareness in the community of the existence of ECLO s
- No Chinese speaking ECLO despite this being the second largest language group.
- Lack of liaison with community groups by ECLO s.

- ECLO s holding positions in community organisations, making it difficult for those organisations to criticise the police without appearing to criticise their own office bearers.

7.57 Front line police have raised some of these issues, but also:

- Unclear job descriptions, so officers do not know what work to assign to ECLO s.
- Unclear accountabilities, with officers unaware as to the whereabouts or workload of ECLO s.
- Failure to work hours that assist other police operations.
- Failure to establish good links with the community which other officers can use in policing.
- Lack of usefulness to assist police inquiries such as by providing interpreter services.
- Insufficient numbers of ECLO s for the demands of the command.

7.58 Deputy Commissioner Jarratt has advised the Committee that a statewide review of the ECLO program was completed in October 2000 and is currently being implemented²⁷¹. It appears that the problems raised during this inquiry extend beyond Cabramatta. A particular problem appears to be an inappropriate expectation (by both the communities they serve and fellow police at the LAC) that the ECLO s will primarily be used as interpreters or translators, leading to ECLO s being chosen for their specific language skills rather than their general cross cultural communication skills:

The review confirmed that view held by the Police Service that cross-cultural competencies in our employees needed to be emphasised over linguistic abilities alone. ECLOs are required to work with a wide range of cultural and linguistic groups, thus their ability to recognise diversity, adapt their communications to respond to the language styles, needs and expectations of others, use culture as a productive resource both in the workplace and out in the community determines their cultural competence. This is vastly different to ECLOs using their second language to interpret primarily for community members from their own cultural and linguistic backgrounds²⁷².

7.59 It appears to the Committee that in the recent past the ECLO positions at Cabramatta have been poorly defined and inappropriately used. The ECLOs have suffered from management problems at Cabramatta LAC as have other officers. There have been expectations made of those in the position to take on far too many roles, many of which are perhaps not suitable to undertake or which should be the role of either official

²⁷¹ *Evidence* 14/05/01 p5

²⁷² *Ibid* p5

interpreters or other staff at the LAC. It is unfair, for instance, to see the ECLO's role as being responsible to translate court documents. Their role should be more of a bridge between police and the ethnic community, and facilitating better understanding by police at the LAC and ethnic communities. It is the responsibility of every officer to establish relations with the community; the ECLO's should be a resource from which all officers can seek guidance in their own efforts to build links with the community.

7.60 The Committee believes the recently implemented changes to the ECLO's positions are a step in the right direction. The Committee attaches a copy of the revised job description for ECLOs as Appendix Eight. For the first time in 12 years these positions will be permanent rather than casual. ECLO's will be part of the crime management unit, reporting to the Crime Manager. Their role will include training and development of local area personnel on issues relating to cultural diversity as well as advice to front line police on issues they confront during their work.

7.61 Deputy Commissioner Jarratt also advised that a major promotion strategy is being developed to promote the role of the ECLOs in ethnic media. If so, it is also important that the role of ECLOs be clearly understood and explained to serving officers within commands such as Cabramatta, because it is apparent that there was little understanding of their role in evidence given by front line police. The only (former) officer with a clear appreciation of their value as expressed to the Committee was former Commander Leek:

Ethnic community liaison officers [ECLOs] are one of the most valuable resources available to police managers. I cannot emphasise too much the importance of ethnic community liaison offices to local area commanders. I found them invaluable and I would go so far as to say that I could not have successfully managed the Cabramatta patrol without their assistance.

These people were as important to me as were my senior management team and they reported directly to me. They provided me with entree into various cultures, not only their own, and were responsible for spreading the police message to the community. They transcribed and transmitted my press releases and represented me at specific forums. Over protest from an entrenched public service hierarchy, I gave them free rein to pursue my objectives, which were largely to forge links with the community. They were hugely successful. They accompanied me to many functions and explained the cultural significance of them. They warned me of functions that it would not be appropriate for me to attend. There were not many of those, but they did arise on occasions. These officers were not constrained by office hours and their roster was as flexible as my own. I understand that that is not the case, and has not been the case in recent years.

My ECLOs were held in high regard in the community, but their roles were not always understood by junior police who saw their forays into the community as absences from the workplace. This is not surprising, given the regimentation that junior police were used to and which I spent a lot of time trying to undo. My ECLOs facilitated many meetings with cultural leaders. We did talkback programs. Those officers and police officers conducted high school programs and adult migrant English courses. My ECLOs would interview and advise, or refer individuals for assistance. They would brief police on impending problems in the community. A fourth position was promised by Government, but it never

eventuated. I would not blame any government for that. I blame the management of the Police Service²⁷³.

7.62 The Committee is conscious that the Police Service appears to be entering a new stage in developing the ECLO position. It will be interested to see what progress has been made in Cabramatta LAC by 2002. Aside from reviewing this, the Committee believes there is value in appointing an additional ECLO to Cabramatta LAC from a Chinese speaking background. Although the role of ECLOs is clearly to be adaptable to a variety of cultures, having a person from a Chinese background will be an important gesture towards the second largest community in the area. Superintendent Hanson has indicated his intention to engage a Chinese speaking ECLO when he appeared before the Committee on 11 May 2001²⁷⁴.

7.63 There is some concern that the Police Service management does not fully understand the value of having ethnic community liaison officers with good understanding of specific communities as well as language skills. In response to questions on notice from the hearing on 14 May 2001, the Police Service stated that:

It is important to stress ECLOs are not recruited solely on the basis of their language/ethnic background, but for their ability to provide cross-cultural service to police and community groups in the local area. ECLOs are expected to work with all communities, not simply their own²⁷⁵.

7.64 An ECLO from a specific cultural group will understand their own group much better than an outsider. As evidence from Professor Basham has indicated²⁷⁶, it takes many years of living in a community for a person from a different background to become culturally skilled. It would appear reasonable to select ECLOs from a similar ethnic background to the major ethnic groups within the LAC.

²⁷³ Leek *Evidence* 18/12/00 p9-10

²⁷⁴ Hansen *Evidence* 11/5/01 p17

²⁷⁵ Correspondence Court and Legal Services 14/06/01, response to questions on notice from 14 May 2001 hearing

²⁷⁶ *Evidence* 30/3/01 p4

Recommendation 11

- (a) The Committee recommends that the Police Service increase the number of ECLOs at Cabramatta from 3 to at least 4 by appointing an additional Ethnic Community Liaison Officer to Cabramatta LAC from an appropriate language or ethnic group.
 - (b) The Committee further recommends that all police at Cabramatta LAC are educated about the role and revised work duties of the ECLO and similarly to the Cabramatta non English speaking background community about the role of the ECLO s within the Cabramatta LAC.
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Community Policing Support Unit

7.65 This chapter has included a detailed discussion of the need for enhanced police resources and improved management of the available resources in the area of ethnic community relations. Clearly there are already a number of initiatives underway within the NSW Police Service which will address this issue. The implementation of the recommendations made in this chapter will give further impetus to positive and constructive reform in the area of police and ethnic community relations. However, there may be an opportunity to further enhance these developments through providing for the establishment of a unit within the NSW Police Service which can act as a driver of these reforms, as well as acting as the focal point for cross cultural training within the Service, and for the provision of expert assistance across the Service as required.²⁷⁷ Such a unit could also become a location of support, both for ethnic community liaison officers and for police officers from a non English speaking background. The unit could also provide a focal point for the development of educational material for the community. In order to be effective, however, it would be important for such a unit to be staffed primarily by police officers and to be led by an experienced and senior officer.

7.66 It is understood that such units have been established in a number of police services around the world. There may be value in the Service investigating the operation of these units in other Services, with a view to the establishment of a similar unit within the NSW Police Service.

²⁷⁷ Reference is made to the evidence of Professor Basham quoted at paragraph 7.51 above suggesting that officers should be encouraged to seek expert assistance in relation to cultural issues where appropriate.

Recommendation 12

The Committee recommends that the NSW Police Service investigate the operation of Community Policing Support Units established in other police services, with a view to the establishment of such a unit in the NSW Police Service. The unit would act as a driver of reform in the area of police and ethnic community relations. Its role should also be to provide a source of expert assistance to operational police officers in relation to cross cultural issues, and to be a source of support for both ethnic community liaison officers and police officers from a non-English-speaking background.

Chapter 8 Performance Indicators for Policing

Introduction

- 8.1 Paragraph 2 of the Committee's terms of reference for this inquiry require the Committee to examine the impact, if any, of the crime index on Cabramatta policing. As outlined in Chapters Four and Five, the Committee is of the view that the Crimes Index had a critical and damaging impact upon Cabramatta policing. At the very first hearing of this inquiry the Committee was advised that the Crimes Index was no longer used by the New South Wales Police Service, it having been suspended by the Commissioner from 31 March 2000²⁷⁸. In view of the suspension of the operation of the Crimes Index, and the earlier discussion in Chapters Four and Five, this Chapter does not discuss the Crimes index in detail.
- 8.2 This Chapter does, however, address three related issues in an effort to ensure that the lessons from the use of the Crimes Index in Cabramatta are not lost. Firstly, the Chapter briefly examines the need for flexibility in the Operations and Crime Review (OCR) process to ensure that local conditions are taken into account. Secondly, the Chapter discusses the need for the development of more appropriate indicators of performance, particularly for the Cabramatta LAC. The Chapter concludes with a significant recommendation proposing the development of a mechanism by which the input of the community can be taken into consideration in the assessment of the performance of local area commands and commanders.

Need for flexibility in Operations and Crime Review process

- 8.3 The rationale for the Operations and Crime Review (OCR) process has been outlined in Chapter Four, in the discussion of the Crime Index. When Deputy Commissioner Jarratt appeared before the Committee on 14 May 2001 he described the OCR process as an evolving accountability tool. He also indicated that the process was currently the subject of a review.

CHAIR: Can you tell the Committee whether there has been any change to the OCR process?

Mr JARRATT: We began the operational crime reviews in January 1998 and they have been an evolving accountability tool for the organisation. The current phase of the operational crime review has moved to what I would call more of a problem solving case study but it is still about calling the management team of a local area command before the executive to analyse what can better be done to reduce the level of crime. That will continue to be its main theme

CHAIR: Has its effectiveness been evaluated?

²⁷⁸ Jarratt *Evidence* 8/11/00 p5. There was no mention of this in the earlier submission from the New South Wales Police Service received on 17 August 2000.

Mr JARRATT: Professor Ed Davis from Macquarie University is in the process of concluding an evaluation of the OCR.

CHAIR: When will that evaluation finish?

Mr JARRATT: I think it is due to conclude in June next month.

CHAIR: What is the process of evaluation?

Mr JARRATT: Professor Davis has used an agreed evaluation framework and will report on it.²⁷⁹

8.4 When he appeared before the Committee on 11 May 2001, Assistant Commissioner Small was asked how he would assess the performance of the Cabramatta LAC. Mr Small's observations are of direct relevance to the OCR process:

The Hon. I. W. WEST: How do you assess the performance in the Cabramatta LAC? What role does the crime index play in that assessment? How do you measure the outcomes of community liaison officers with the community? What sort of performance criteria do you use?

Mr SMALL: If I could make an observation of fact and put it that way best, I was not involved in the determination of the crime index. It was a corporate decision. I think it is fair to say that the statements I have made quite publicly since January show that the No. 1 priority of Greater Hume and in particular Cabramatta will be drugs and the attendant violence full stop. I would prefer not to comment any further but you can rest assured that my commitment to the drug problems in Cabramatta is the No. 1 priority and that is what our performance in Cabramatta will be measured against.

The Hon. I. W. WEST: When you say Cabramatta you mean

Mr SMALL: In the broadest sense. I am not talking about the small geographic location. Our performance in Cabramatta and Greater Hume will be measured by our impact on the drug trade and particularly the priority problems in Cabramatta.²⁸⁰

8.5 Implicit in Mr Small's answer to the Committee's question is the need for the OCR process to be flexible so as to ensure that local area commands and their commanders have their performance assessed on the basis of their response to the real crime problems of their area. The response by Deputy Commissioner Jarratt when asked for his comments upon Mr Small's observation, is a matter of some concern to the Committee because it appears to discourage tailoring assessment to local conditions:

CHAIR: I refer to a question that I asked earlier about the crime index and I refer also to the assessment of the area command. If the crime index is no longer used in the OCR what statistical information is now used in the assessment of local

²⁷⁹ *Evidence*, 14/5/01, pp 11-12.

²⁸⁰ *Evidence*, 11/5/01, pp 36-37.

area commands? I will read to you what Mr Small said on Friday in response to a question asked by the Hon. I. W. West

Mr JARRATT: I accept Mr Small's comments. I will also be measuring performance on the number of car thefts, the number of stealings which are also related to the drug trade activity in relation to drugs, the application of the police and public safety Act as it applies to the area, as well as the application of the traffic Act and all the aspects of the Crimes Act. It will not simply be a matter of the drug trade. It certainly has implications for all those other offences, but I would take a wide-ranging view of the performance of that local area command, as we do with every other local area command²⁸¹.

8.6 Another concern that has been raised in relation to the OCR process relates to the adequacy of the statistical information upon which the process is focussed. For example, Councillor Thang Ngo has explained in detail the impact that high number of persons from a non English speaking background may have on the reporting of crime²⁸².

8.7 The Committee has also been told that the OCR process is based upon fear.

C: As we have stated in the submission in paragraph 2.12, most local area commanders find the OCR process one of the most stressful parts of their job. That is one of their criticisms of it.

CHAIR: Why is that?

C: Because it is regarded as a process whereby their every action and inaction is thrown up against a wall and minutely examined. If there is a slight increase in the percentage of break and enters, for example, they are asked, "What's going on? You're not working. Why aren't you doing this? What have you done about it?" It puts them under an inordinate amount of pressure. That is one of our criticisms of it. Because they are so focused on it, and because it is one of the most stressful parts of their job, we are all focused on it too, the whole command.

I remember an OCR they did last year. The command basically stopped as they prepared for the OCR. The intelligence office stopped doing intelligence, stopped responding to us, and started again responding to the commander, who was fielding questions or preparing for the OCR process. It took our eyes off the ball, I suppose or took the eyes of the people who were supposed to be looking after us away from us and onto the OCR process.

The Hon. J. H. JOBLING: That might explain the stressful part of the job. But your submission starts off: "The reality for most local area commanders has been that the OCR process has become one of fear and dread." I understand stress, but I would like you to amplify fear and dread.

C: I suppose it goes hand in hand. I would assume that fear and dread are part of the stress process.

²⁸¹ Evidence 15/5/01 p28

²⁸² Evidence 12/12/00

The Hon. J. H. JOBLING: What do you fear?

C: The concept of having your every action and inaction plastered up on a high screen and

The Hon. J. HATZISTERGOS: Accountability?

C: Accountability I suppose, yes.

D: The transcripts of the OCRs were there for everyone to read, on the police bulletin board. If you are one of the 80 LACs and you go down to the OCR and all of the questions and answers that are put to you are available to be read by your peers, obviously there is an opinion that will be formed by other commands. If you go down there and your break and enters have gone up by, let us say, 20 per cent, you are going to be severely criticised at the OCR and everyone is looking at your answers and how you are going to get out of it.

My opinion of seeing the reaction of the commanders who were preparing to go down to the OCR was something of fear.²⁸³

8.8 The Committee explored this view with Deputy Commissioner Jarratt on 14 May 2001:

CHAIR: I gather from evidence provided to the Committee that the OCR process somehow creates fear and concern among many policemen in area C. Why is that?

Mr JARRATT: I have heard that and I read about it in the transcript. I was interested to note that none of those officers have ever been to OCR, so it is interesting that they developed that fear without ever having been subject to it. It is addressed primarily at local area command.

The Hon. J. HATZISTERGOS: The comment was made on the basis that, when the LAC prepares to go to a meeting, fear permeates the ranks of the local force preparing for that meeting.

Mr JARRATT: It is a high-accountability process. I think there is a degree of agitation, but I do not know that any fear is prolonged. I think a natural nervousness might precede an appearance, but there is also a great deal of satisfaction when a team comes along and is able to demonstrate its excellent performance, which is endorsed accordingly.²⁸⁴

8.9 The Committee endorses the efforts of the Police Service to ensure that Local Area Commanders are properly accountable for the achievement of reductions in the level of crime. Furthermore, accountability can be searching and uncomfortable at times. However, for accountability to be effective, there must be some capacity for Local Area Commanders and the officers under their command, to engage in dialogue with senior management about the appropriateness of performance indicators and the basis upon which their performance will be assessed. Comment has already been made in Chapter Four about

²⁸³ *Evidence*, 23/4/01, pp 5-6.

²⁸⁴ *Evidence*, 14/5/01, pp 11-12.

police culture and management. The words of the Police Association are telling in this regard:

Decision-making and planning is not collegial. Fear remains the overriding atmosphere – fear of mistake, fear of punishment for being different. Creativity, initiative and vision is not promoted and when found, is treated with suspicion²⁸⁵.

8.10 The Committee, in making the recommendation below, is conscious that it requires support from senior management to have any meaning. Without genuine cultural change in the management style of the Police Service it will have no effect.

Recommendation 13

- (a) The Committee recommends that the Police Service make public the report by Professor Davis on the evaluation of the OCR process.
- (b) The Committee recommends that the Police Service take steps to ensure that the OCR process is flexible enough to enable the assessment of the performance of local area commands and their commanders to take into account the real crime problems in their areas, in addition to the five crimes that have been the focus of the assessment process to date.
- (c) The Committee further recommends that Local Area Commanders be encouraged by senior management to use the OCR process to provide input on the indicators that are to be used to assess their performance in the OCR process.

Need for Performance Indicators Relevant to Drug Related Crime

8.11 Once again, the discussion of the Crimes Index in Chapter Four outlines the reasons why the Police Service chose not to include drug offences as one of the five categories of crime in the index. Basically, the view was taken that drug offences are not matters that are typically reported to police, so that figures for drug offences are indicators of police activity rather than underlying levels of crime.

8.12 The other difficulty that has been brought to the Committee's attention in relation to measuring drug crime and drug related crime is the fact that, at this stage, there is no agreed set of reliable indicators. The Committee received evidence from Dr Don Weatherburn, Director of the NSW Bureau of Crime Statistics and Research, about the sorts of indicators that may be useful. Dr Weatherburn also provided examples of possible performance measures used overseas, such as the time taken for regular users to score , drug testing of

²⁸⁵ *Submission 14/08/00 p14*

offenders arrested for unrelated offences compared over regular three week periods, and use of hospital data²⁸⁶. Dr Weatherburn also called for a greater sharing of data between the Police Service and NSW Health to enable the development of useful performance indicators.

Dr WEATHERBURN: At the moment in New South Wales we have, although we pour a large sum of money into drug law enforcement, no objective indicators as to whether that money is being well spent or badly spent. My concern about the index is that at present it does not put people involved in drug law enforcement under any critical scrutiny, and it does not give the taxpayer any clear judgement of whether investment in drug law enforcement is having any effect on the drug problem. Is that clear enough? If we put \$150 million into drug trafficking, what do we have for the money?

Ms LEE RHIANNON: The statistics we have at the moment are not really showing us the situation. They are not really reflective of results, good, bad or indifferent.

Dr WEATHERBURN: In relation to drug law enforcement, no, they are not telling us anything.

The Hon. R. D. DYER: Did you say they are not telling us anything?

Dr WEATHERBURN: The short answer is, no, they are not telling us anything about the effectiveness of our investment in drug law enforcement. They are telling us a good deal about the effectiveness of our measures against motor vehicle theft, or against break and enter, or against robbery, or against house breaking because recorded rates of these offences tell us something about the size of the problem. But recorded drug offences do not tell us anything about the scale of our drug problem, or the scale of the harm caused by that drug.

The Hon. R. D. DYER: What would you need to measure the extent of the drug problem in Cabramatta?

Dr WEATHERBURN: There are a variety of indirect indices. If you were looking, for example, at the size of the dependent heroin using population you might have recourse to hospital data for the number of people being admitted with overdoses. Or you might have regard to the number of needle exchanges going on in Cabramatta. You could, if you had the money, conduct regular surveys. There is absolutely no reliable method for gauging the scale of problems, but there are a number of things that would give you a better handle on it than arrests for drug crime.

The Hon. R. D. DYER: Presumably the figures to which you refer would be available from other sources?

Dr WEATHERBURN: Yes, there is material in a publication I presented recently on performance indicators for drug law enforcement. I suggested that Police and Health work more closely to develop measures of the size of the harm produced, and it is the harm we are concerned about here, the magnitude of the

harm generated by the drug problem. Those harms, I should point out, fall into different categories. There is the public amenity problem, which could be best measured through surveys of the local population, then there is the size of the crime problem generated by illicit drug use, and that is perhaps best measured by the drug use monitoring program we have out at Bankstown and Parramatta where people who are arrested by police are routinely interviewed about drug-related crime.

The Hon. R. D. DYER: Are you saying that there needs to be a matching between statistics emanating from different sources, for example, Health and Police to get a true picture?

Dr WEATHERBURN: From whatever source I think we need to put a lot more effort into identifying what are the harms produced by drugs, what are the strategies we are embarking on to try to reduce those harms and how effective are those strategies. At the moment we are not doing anything terribly well to measure, and I should point out this is true of other States in Australia. Most Australian States are not doing a good job of measuring the effectiveness of drug law enforcement.²⁸⁷

8.13 The Committee raised the issue of the sharing of data with Dr Andrew Wilson, Chief Health Officer, on 12 March 2001. Dr Wilson indicated that NSW Health was working towards a formal agreement with the NSW Police Service in relation to the sharing of relevant data.

Dr WILSON: The issue is not one of reluctance on our part to provide the information to the police, but the issue has been one of accessing the information that they want at the level that they want it in a way they want it. We have a first draft of a set of indicators that police have requested from us. We are currently trying to work out how we get that information to them in a timely way. As much as anything, the information has to be timely if it is going to inform their processes.

As I flagged earlier, a key part of what we are trying to do in our response to the Drug Summit is develop their information systems, and there is now people specifically working on that in the Health Department, and we believe we will be able to provide the information that the police have been looking to as part of their performance indicators, but they are also part of, if you like, our performance indicators as well.

CHAIR: Is there any formal mechanism between the Health Department and the Police Department?

Dr WILSON: Where that is leading to is that we will have a specific agreement with the police to provide that information to them. Once we have given them this copy, say, here is our information that we think we can provide on a regular basis for what you want, and if they agree, then we will sign an agreement with them and they will get that information flow to them on a regular basis.

²⁸⁷ *Evidence*, 8/11/00, pp 28-29. Dr Weatherburn subsequently provided the Committee with a copy of his paper, Performance Indicators for Drug Law Enforcement, *Crime and Justice Bulletin: Contemporary Issues in Crime and Justice*, No 48, February 2000.

I should just be cautious here and be clear that this is all de-identified data, this is not data which identifies clients in any way that could be used for criminal detection activities. This is information about trying to understand the number of people who are coming into treatment or the number of people who are in a particular area. I want to stress that it is information which is de-identified and in no way useable for detection of individuals.²⁸⁸

- 8.14** The Committee has been informed that the NSW Police Service has been working together with the Bureau of Crime Statistics and Research on the development of drug performance indicators²⁸⁹, and that a draft set of indicators has recently been submitted to Government.²⁹⁰

Recommendation 14

The Committee recommends that the Government make public the set of indicators to be adopted in relation to drug law enforcement, and that performance against these indicators be publicly reported upon on a regular basis.

Need for Performance Indicators which incorporate Community Assessments

- 8.15** As outlined above, the Committee is of the view that the OCR process needs to be flexible and sensitive to the particular circumstances of different local area commands. The need for a flexible approach was outlined by Dr Don Weatherburn in evidence before the Committee:

Dr WEATHERBURN: If I were designing the OCR process I would be trying to draw on data wherever I could find it that gives us an indication of how effective policing strategies are. If an index serves that purpose for offences like break enter and steal, and car theft, and I think the police index is pretty good for that purpose, then by all means have it. Where it does not serve this purpose, and I suggest drug law enforcement is an area where it does not serve this purpose, then bring in other indicators, other sources of information...

To take another illustration, suppose you adopt some strategy in Cabramatta to try to improve the level of public amenity in the area. One could survey every three months residents of Cabramatta and ask them a range of questions about the quality of life or public amenity in Cabramatta, and those survey results would be fed back into the analysis and the evaluation of police performance. Do you get

²⁸⁸ *Evidence*, 12 March 2001, p 20.

²⁸⁹ Weatherburn *Evidence* 8/11/00 p36

²⁹⁰ *Written Answers to Questions on Notice*, tendered 11/5/01, question 19.

my drift? I can give you some more examples if you like. In general, you identify the strategies police are undertaking to deal with the problem, be it a drug problem or some other problem, find some suitable measures of effectiveness, and present those back to officers to give them some sense of whether they are achieving their goals or not achieving their goals. At the moment, we spend a large sum of money on drug reinforcement and all we see as a result is how much money we spend, that is, the number of people arrested.²⁹¹

8.16 The point made by Dr Weatherburn about surveying the views of local residents about the effectiveness of policing activities is of particular interest to the Committee.

8.17 The Committee received evidence from Mr Richard Acheson, author of the Ethnic Affairs Commission, 1994 report on *Police and Ethnic Communities*. Recommendations 21 and 24 of that report were:

21. That patrol commanders consult community consultative committees to assist in the determination of the operational Police priorities for the local area and that this be included as a performance indicator for local patrol commanders.

24. That liaison and consultation activities be considered for inclusion as performance measures for the positions of patrol commander, patrol tactician and station sergeant.²⁹²

8.18 Mr Acheson explained the background to, and intent of these recommendations:

CHAIR: I refer to your report, item 21, recommendation and item 24. Are you aware of any other jurisdiction where consultation with communities about operational priorities is a performance indicator for the Police Service and what is the rationale for these recommendations?

Mr ACHESON: With respect to recommendation 21, that the commanders consult with the consultative committees to assist in the determination of operational procedures, in the report I quoted Peter Moir in a paper he wrote in 1990. He also taught at the academy in Goulburn at that time. In his analysis of community-based policing, and that is the fundamental drive within the State, what Mr Moir wrote was that present arrangements do not allow the privacy of the community in establishing police policy and practice. The community must be empowered to make decisions concerning the way policing is carried out at a local level. What we were attempting to do was to move into the area of community-based policing at the local level where you develop powerful, effective relationships with your communities and the police, so that the community, and the police have responsibilities. It was to allow the community to work with the police to say, "We think these are the three priorities in this area" and for the police to then say, "Yes, okay, we are working with you, we will work with you on those three priorities. We still have functional/statutory responsibilities to do but these are the three priorities we will work on." It was to try to engender that. My understanding is that police local area commanders do work with their local communities to a degree and listen to what they are saying. To what extent that

²⁹¹ Evidence, 8/11/00, pp 29-30.

²⁹² Ethnic Affairs Commission, *Police and Ethnic Communities*, November 1994, pp 47, 49.

recommendation has been implemented, you would need to talk to the Police Service. I cannot give a firm comment on that but that was the rationale behind it.

CHAIR: In other words, the local commander had really good communication with the community?

Mr ACHESON: That is right. The idea is to develop communication with the communities, allow them to assist you to identify the priorities and meet your other requirements that you must meet functionally. You can achieve an outcome for specific targets. There is no point in having wonderful ideals if you are not going to get any where. That is also one of the other things about this report, the recommendations that were put out were exceedingly practical and achievable. That is one of the key points. The second point, liaison and consultation activities be considered and included as performance measures, again, it is part of the push and through the royal commission of making local area commanders accountable for their business planning and so on. In this instance community-based policing strategies is the inclusion and the empowerment of the community in assisting to determine priorities. We do not want people paying lip service to it. We wanted to see the evidence of it. That also means from the other side of the fence, if you like, if the police are then challenged that they do not consult or they are not doing the right thing, the local area patrol commanders can say, "We sat down with you last week and the community said this", and so it allows, again, to stop, if you like, the police being blamed for things or criticised about things where they have attempted to do the right thing.²⁹³

8.19 The Committee received further evidence in relation to proposals for community involvement in the assessment of the performance of local area commands from Mr Ross Treyvaud, President of the Cabramatta Chamber of Commerce. Mr Treyvaud made the following recommendations in a supplementary submission:

Introduce additional performance criteria such as quality of service ratings by the community, and assessment of strategic partnerships.

Introduce a mandatory community element into Local Area Command performance assessment.²⁹⁴

8.20 Mr Treyvaud elaborated on these submissions in evidence:

CHAIR: Your supplementary submission makes constructive recommendations, some of which focus on improving the operation and crime review process. You might wish to take this question on notice because of time constraints. In your opinion, has the operation of the crime review process been effective in ensuring that local area commanders are accountable for their performance? Have recent Cabramatta local area commanders been accountable for their performance?

Mr TREYVAUD: I can only answer that in a qualified way because I am not a member of the Police Service nor have I been present at any of the OCR meetings. I have had numerous conversations with officers who have been there

²⁹³ *Evidence*, 30/3/01, p 48.

²⁹⁴ *Supplementary Submission*, 12/12/00, p2.

at varying levels. The comments I mostly hear from them is, yes, it is a very valid process the Police Service has undertaken in organising the OCRs but the OCRs focus on the five crimes on the index, so basically the local area commands, particularly in Cabramatta, were not held accountable for what was happening as far as police interaction in drug issues. I believe the OCR process is now changing and the new terms of reference will include community perceptions of policing, drug issues and wider crime issues. However, I believe the commissioner is now addressing concerns we have regarding those issues. With any large organisation it will take time to change a culture, and although in the past senior police were not accountable for drug issues and such, hopefully in the future they will be²⁹⁵.

8.21 During Mr Treyvaud's evidence he made reference to the Humberside police. The Committee Chair subsequently made contact with the Chief Constable of the Humberside Police, Mr David Westwood. The Committee Chair also wrote to Her Majesty's Inspector of Constabulary, Sir David O Dowd, to seek further information about the work of the HMIC in relation to police/community relations. Sir David O Dowd subsequently provided the Committee with a range of the recent reports of the HMIC addressing this issue.

8.22 As quoted at the end of Chapter Five, the HMIC identified over-reliance upon quantifiable performance indicators as damaging to the essential role of proactive policing strategies which build community confidence, such as beat policing and liaison activities.²⁹⁶ As one antidote to this problem, the HMIC has for some time advocated the adoption of quality of service performance indicators for police services in the United Kingdom.²⁹⁷ The HMIC has further developed this concept and has recently recommended the use of surveys of community satisfaction:

Forces should develop performance indicators constructed around local community satisfaction rates. Satisfaction rates must be measured regularly and individual results obtained for key sub-groups within the local community. Forces should use this information to identify gaps in the quality of their service delivery to the community at large and thus establish a linkage with the requirements of the Crime and Disorder Act.²⁹⁸

8.23 Chief Constable Westwood, in a telephone conversation with the Committee Chair, indicated that whilst Humberside Police placed considerable emphasis upon community consultation, there were other services which had progressed further in the adoption of the use of community satisfaction surveys.²⁹⁹ Most recently, the HMIC has audited each of the

²⁹⁵ Treyvaud *Evidence* 12/12/01 p30

²⁹⁶ HMIC, *Winning the Race: Policing Plural Communities*, HMIC Thematic report on Police Community and Race Relations, 1996/97, p 24.

²⁹⁷ *Ibid*, p 58.

²⁹⁸ HMIC, *Winning the Race: Policing Plural Communities Revisited*, HMIC Thematic report on Police Community and Race Relations, 1997/98, p 50.

²⁹⁹ The Committee chair has also recently met with Chief Constable Westwood, Mr Dan Crompton of the HMIC, together with senior representatives of the London Metropolitan Police, the Toronto Metropolitan Police and the Los Angeles Police for detailed briefings in relation to these issues.

43 police services in England and Wales in relation to their implementation of earlier recommendations. Services recognised as exhibiting good practice in the area of the use of community satisfaction surveys included the Suffolk Constabulary and the Devon & Cornwall Constabulary. The HMIC identified these services as having developed sophisticated methods of surveying their communities. Appendix Nine contains further information on the sorts of consultation methods that have been developed by these Services in order to survey community views, including details on an electronic keypad used by participants in public meetings held by Suffolk Constabulary and an online survey available on the website of the Devon & Cornwall Constabulary.³⁰⁰ The use of community surveys by police services appears to be a widespread phenomena.³⁰¹

- 8.24** It is not hard to see the direct application of these sort of ideas to Cabramatta and the way in which they could have avoided the problems that emerged in 1999 and 2000. The people of Cabramatta had no input into the decision that the Crimes Index categories of offences would be used to assess the success of policing in their area. Had they been consulted the obvious question would have been 'But what about drugs?'. The people of Cabramatta had no way of querying or commenting on the way policing strategy was being shaped. Instead a few community leaders, particularly Ross Treyvaud and Councillor Thang Ngo, were forced to raise their concerns in the adversarial arena of the media because this was the only way to influence a change. For the many in the rest of the community various assumptions were made about police inaction on drugs, and whatever trust had existed rapidly eroded.
- 8.25** The Committee notes that under Action item 7 of the Seven Point Plan introduced by Assistant Commissioner Small there is a commitment to engaging the community in identifying issues and contributing to their solutions. Assistant Commissioner Small describes it as 'community problem-orientated policing'³⁰². The Committee also notes the very clear focus of Assistant Commissioner Small and Local Area Commander Hansen on drug related crime. No officer in the Command, nor any member of the public, is left in any doubt as to the strategy being pursued, and the Committee believes the strategy has the support of both groups.
- 8.26** Action item 6, however, raises some concern. It is a commitment to developing a performance measurement system, as a basis for continuing improvement. However the Committee has not heard any evidence that there will be a direct role for community input into either the development or the continuing modification of such measures. It appears to be an internal performance measurement process only.
- 8.27** Input from the community is absolutely vital. The police, as with any organisation, have to have the final decision on what decisions are made about strategy and use of resources. But the community needs to be engaged in the process of ensuring appropriate performance

³⁰⁰ HMIC, *Winning the Race: Embracing Diversity*, Consolidation Inspection of Police Community and Race Relations, 200, pp 57-58.

³⁰¹ For instance, in addition to Police Services in the United Kingdom, the Los Angeles Police also use such surveys on a regular basis.

³⁰² *Evidence* 11/5/01 p13

indicators are developed. The community must also be engaged in commenting on progress towards achievement of targets set. In the absence of this Cabramatta risks a continuing cycle of police and community conflict and a breakdown of the relationship.

8.28 For the community assessment process to work it will need to be entered into with good will on both sides. This will be discussed in the next chapter. It is important that critics of the Police are not frozen out of the process, and that constructive criticism reaches the OCR when necessary. Equally there will be a responsibility on community participants in the assessment process not to use criticism of the police as a way to build a constituency or a public profile. It is essential that the community at Cabramatta be given an opportunity to comment on the performance of the LAC.

8.29 It is hoped that the constructive participation of the community, in the development of performance indicators and the assessment of performance of the police, will ultimately help develop a mutually supportive and constructive relationship. It is to be hoped that it will not take would be sign of success if the community itself took on a role as supporter and advocate for the Cabramatta LAC.

Recommendation 15

The Committee recommends that the New South Wales Police Service use Cabramatta LAC to trial a process that will enable the community to have a role in the assessment on the performance of the LAC. This should include a mechanism whereby the community is surveyed for its views on the performance of the Cabramatta LAC in (a) reducing crime, especially drug related crime; (b) quality of service in responding to community concerns; (c) the quality of the strategic partnerships being built between the Police and the community.

The Committee recommends that the outcomes of this process of performance assessment including community satisfaction surveys be the subject of ongoing evaluation by an organisation independent of the Police Service (such as the Bureau of Crime Statistics and Research) and that the results of this evaluation be considered in the future development of the OCR process statewide.

Chapter 9 Police and Community Relations

Introduction

- 9.1** The third term of reference for this inquiry is to examine the effectiveness of the Police Service in addressing the needs and problems of Cabramatta residents and in particular people from non-English speaking backgrounds. The Committee intends this chapter to look forward to the work that needs to be done, to rebuild and in some cases to establish links which have never existed. The Committee does not underestimate the difficulty of this, nor does it claim to have any quick answers. Above everything else there is a need for goodwill on both sides and a willingness to trust despite the problems of the past.
- 9.2** During the period of this inquiry the New South Wales Government has taken action on the first two terms of reference: police resources have been increased and the Crime Index has been scrapped. The Cabramatta LAC has, through Assistant Commissioner Small's Seven Point Plan, been given a clear strategic direction on fighting drug-related crime, something it lacked for two years previously. Perhaps recognising that police/community relations is a longer term project, the Government has not announced a raft of initiatives in this area. The Committee believes the responsibility for the building of bridges lies ultimately with the new Local Area Commander and each and every one of his men and women, as it does with not only Cabramatta community leaders but at every other level of the community.

Overcoming Lack of Trust

- 9.3** The Committee believes this inquiry has provided a constructive outlet for some of the anger in the community and in the LAC over what has happened in Cabramatta. With the ending of this stage of the inquiry, however, it is time to move on. Constructive criticism remains a valid role for community representatives, but adversarial positions need to be put aside to work together to make Cabramatta a safer, more effectively policed community.
- 9.4** The Committee notes that witnesses in its community consultation on 7 May 2001 acknowledged that the many of the problems identified during the inquiry have been recognised in the development of the Seven Point Plan and the Premier's Cabramatta package. Significantly, in Assistant Commissioner Small's evidence on 11 May 2001 he expressed the following statement which acknowledges that the people of Cabramatta had suffered as a result of problems at the LAC:

There were a myriad of issues at the centre of the disputes, including the approach to the drug problem, overtime, motor vehicles and relations between management and at least some staff. The list goes on. Added to this was a widespread perception within the local area command that the service was "punishing them" or "ignoring them" by failing to recognise their number one operation problem drugs and the amount of serious and violent crime such as shootings and armed robbery that the command was facing. There was also a perception that they were being further "punished" by the service when the command was downgraded to a category two. Fundamentally, two things occurred while this was happening. One

was that the command became so internally focused that there is a real sense in which the priority was not crime in the area but disputes in the station.

As a consequence, the people of Cabramatta suffered.³⁰³

- 9.5** The Committee believes there is a great desire in the Cabramatta community, particularly among many of the non-English-speaking background community groups, to communicate more effectively with police. Most locally based police also seem willing to improve relations with the community. A Committee member described the situation as everyone being dressed and ready for a party that never happens. The consultations with Vietnamese and Chinese groups held by the committee in Cabramatta on 6 February 2001 were particularly instructive. As one representative explained:

Yes, I would like the police and also the Committee to set up something like that. I think that in a higher channel it is very easy because normally we have meetings something like this with the Local Area Commander, the superintendent and some detectives. It is easier for us to contact directly the person responsible so they have the power to make a decision. Otherwise, if we ring through to administrators or some lower ranking people, they are sometimes more effective than high ranking people, but the high-ranking people can make the decision and that is better. They can report on something and that will permit a quick response to the issue. I think that is a lot better and I think the community would also very much like to be involved in something similar to what the Hon. G. S. Pearce just asked my friend about. He asked whether the Vietnamese community would be willing to be involved with the police in networking. I think they would very much like to do that³⁰⁴

- 9.6** There have been Customer Councils and Business Watch programs in the past, many of which have foundered or become meetings without any real purpose. City Watch, outlined in Chapter Six and part of the Premier's initiatives for Cabramatta announced on 27 March 2001, risks going the same way without a stronger foundation in the community. What is required is a genuine and continuing dialogue at every level, not just leader to leader. The Committee was particularly impressed with the analysis presented by Dr Thomas Diep on behalf of the Cabramatta Business Association:

We want to see a good relationship, a trust, between the rank and file police and the NESB people. What we have achieved so far is something between police leadership and community leadership. It is very easy to establish this relationship, but the problem would be how the community leaders can pass on their information or relay to people to trust and co-operate with the police.

To achieve a good relationship between the police and NESB people we need to work a link from different angle. We have to establish a relationship between the police leadership, rank and file police and the people. We also have to establish a relationship between the community leaders, the police and the people also between the police leaders, community leaders and the people, and between the police leaders, rank and file police and community leaders. Some

³⁰³ Small *Evidence* 11/05/01 p12

³⁰⁴ Tran *Evidence* 6/02/01 Vietnamese consultation p12

programs have been introduced to address the issue such as the Neighbourhood Watch program and the Business Watch program and various youth and community programs. The NESB people did not participate actively in the Neighbourhood Watch program.

The Business Watch program appears to have lost momentum. The Police Customer Council is not an appropriate forum to raise any problem or relationship issue between police and NESB people. I draw your attention to the dilemma for the community leader to raise the issue of relationship. Raising any case of police insensitivity in treating NESB people could be perceived by rank and file police as attacking the reputation of police, as discrediting their efforts to help the community fight the drugs war. This further aggravates that strained relationship³⁰⁵.

- 9.7** Trust is only built up over a long period and on the basis of shared, ongoing experience. However, the Committee believes a starting point needs to be made, and a symbolic gesture initiated from the community, rather than government, may be needed. The current City Watch proposal may have some value in the future but at present it appears to be becoming tied up in past disputes between the Council, the Chamber of Commerce and other agencies. It is also an initiative where the government is bringing a solution to the community instead of the initiative coming from the community. It should be a partnership.
- 9.8** The Committee read with interest the positive description provided by Dr Diep of the welcome given to Local Area Commander Horton by the business and Asian communities as part of the celebration of the Moon Festival in 1997³⁰⁶. The Committee believes the process of rebuilding trust could be assisted by the Cabramatta community initiating a function, the focus of which is an intention to make a new start. (Some possibilities include a Moon Festival, Chinese or Vietnamese New Year or a celebration as part of the Centenary of Federation celebrations.) If there is a celebration of cultural significance that has a theme of restoration or renewal this would be particularly suitable. The event needs to be as inclusive as possible: representatives of front line police need to attend as well as senior management of the LAC; representatives of both major business groups and as many ethnic and community groups as are willing to attend. Fairfield City Councillors, the local Member and the Regional Commander should all be invited but the focus of the function should be police at Cabramatta LAC and the Cabramatta community. If there is a need for anyone to perform a role it should be taken by the Local Area Commander, or his representative, and a community leader, or his or her representative.
- 9.9** The Committee would discourage attempts to draft any statements of mutual intent or any other arrangements with potential for dispute. Trust needs to be rebuilt slowly, avoiding any sweeping statements or glib public relations exercises.

³⁰⁵ Dr Diep *Evidence* 23/02/01 p17-18

³⁰⁶ *Submission* p1

Recommendation 16

The Committee recommends the Cabramatta community initiate and invite representatives of the Local Area Command to a community function to signify an intention to begin improving police community relations in the area. The event needs to be a joint effort and conclusive, but the community needs to be the major organiser, rather than government agencies, Fairfield City Council or the local member, although all these should be invited to attend.

City Watch

- 9.10** The newly announced City Watch program needs to be a working partnership where criticisms and dissenting views can be raised and worked on rather than avoided for fear of harming relationships. The relationship between leaders and rank and file, both in the police and in the community, is the hardest barrier to overcome, and is the key to its success. This report has fully documented the difficulties of front line police expressing even constructive criticism of the Service but it is equally a problem for ethnic community organisations. For instance, the Committee was informed that the Cabramatta LAC Vietnamese ethnic community liaison officer was also the Vice-President of the Vietnamese Community in Australia, the peak body for Vietnamese community groups. This made it difficult for Vietnamese community workers to speak about problems experienced in their relations with the Police in case the impression was given that they were criticising him personally³⁰⁷.
- 9.11** The key to City Watch should be that it is recognised as a forum where complaints and suggestions can be made and acted upon, not ignored or used for publicity purposes. There should be an expectation that complaints will be received, and that those who make them will receive a response even if this can only be an explanation of why no further action can be taken. It may also provide an opportunity for those making complaints to engage in constructive action themselves to make their community a better place.
- 9.12** The other important point about City Watch is that it should allow some organisational role for the community, which to date appears to have been excluded. Only the residents and police of Cabramatta can make City Watch work. Within the community in Cabramatta there is the talent, the skills and the people to develop the project and work with the LAC to make it a success.

³⁰⁷ Thang Ngo *Evidence* 6/02/01 p14

Recommendation 17

The Committee recommends that the Community Relations Commission for a Multicultural NSW consult and discuss with representative organisations of the Cabramatta community how the City Watch initiative can be used to facilitate communication between residents, businesses, community workers, community leaders, senior police management and front line police.

City Watch should be a forum and a channel for complaints about any aspects of the relationships involved. The expectation is that those making complaints are prepared to work with those complained about to achieve progress in their area. City Watch needs to be a partnership, with mutual respect between participants.

- 9.13** One issue which may be pursued either by City Watch, or independently of it, is that of encouraging community reporting of crimes. Chapter Five detailed the language and cultural problems that inhibit the reporting of crimes by some sections of the Cabramatta community. However in regard to making reporting easier a helpful suggestion has been made, in different forms, by both Councillor Thang Ngo and Dr Thomas Diep. This is to have a crime report form in different ethnic languages for residents reporting crimes to fill in when there is no interpreter available at the Police station. This will save time for police and provide an easier way for locals to safely report crimes. Dr Diep suggests this form could also be available in banks or post offices for those who want to anonymously report crimes without wanting to directly contact the Police to seek an investigation³⁰⁸.
- 9.14** Consideration should also be given to the development of third party crime reporting. This was an initiative developed in the United Kingdom, in the wake of the Stephen Lawrence inquiry³⁰⁹. Initially being developed to encourage greater reporting of hate crime, third party reporting may utilise technology to allow independent third parties to receive and pass on crime reports, or use neutral venues where police and victims of crime can meet by appointment.³¹⁰

³⁰⁸ Evidence 23/02/01 p17

³⁰⁹ See fn 43, Chapter 7 for explanation of Stephen Lawrence inquiry

³¹⁰ See for instance London Metropolitan Police, *Third Party Crime Reporting: a guide to New ways of reporting hate crime*, September 2000.

Recommendation 18

The Committee recommends that the Cabramatta LAC introduce a local crime report form, translated into ethnic languages, to enable local residents to make reports of crime when no interpreter is immediately available at the LAC. The NSW police Service should examine the potential for the application of third party reporting, as used in the United Kingdom, to make it easier for victims of crime who face language or cultural barriers to report crime.

Continuity of Relationships with Community: Turnover of Staff at the LAC

9.15 An earlier chapter contrasted very briefly the high morale and effective student/teacher relationships at Cabramatta High School with the demoralised and inward looking Cabramatta LAC in the period 1999-2000, and highlighted the importance of low staff turnover to the success of the school. The Committee believes the lack of continuity at all levels at Cabramatta LAC in recent years is one of the biggest barriers to an effective relationship between police and community. It has very little to do with the cultures of the Cabramatta community – it has much to do with the culture of the New South Wales Police Service. Officers and other witnesses giving evidence to the committee raised concerns such as:

- very junior officers being sent to areas such as Cabramatta as a training ground;
- staff at all levels being assigned to Cabramatta rather than going there out of choice;
- transfer or redeployment being used as a means to punish outspoken officers or those who disagreed with policing strategies being pursued at Cabramatta³¹¹; and
- maximum rotation periods of five years, after which an officer is moved on³¹².

9.16 The Committee understands that morale and internal management problems explain much of the high turnover in recent years. However the maximum rotation period is an officially sanctioned Police Service policy, introduced with the aim of reducing the potential for corruption and was a recommendation of the Wood Royal Commission. The Committee

³¹¹ eg Police Association *Submission* 14/08/00 p7, 4 Officers *Submission* 23/04/01 p6, Officer D *Evidence* 23/04/01 p21. In evidence on 14/05/01 Deputy Commissioner Jarratt said that he would not direct any current officer to leave Cabramatta because of past disputes with management, but would support them if they wished to transfer voluntarily (p16).

³¹² Police Association *Ibid.* Deputy Commissioner Jarratt advised the Committee that the rotation was not compulsory but rather was an important anti-corruption measure *Evidence* 14/05/01 p29

believes this is a major contributor to the failure of the Cabramatta LAC to establish effective links with the community. Professor Basham suggested that, without long term roots in the community, it was easy for Police to unwittingly end up working with local ethnic businessmen and women or community leaders with criminal connections, in ignorance of why these were so cooperative with the Police:

I am not suggesting that exists here today, but the problem is that in order to work with ethnic communities effectively, you need to work with individuals. In other words, the police setting down roots in the community, ideally living in a house in Cabramatta, having their kids go to Cabramatta schools and identifying with the community. You begin to relate to individuals and not necessarily to community leaders who may or may not be on the level. There are a number of them who are and some who are not. But the more important thing, anyway, is to police people like you would ordinary Australians, in a sense, but the difference is rather than police ordinary Australians - and you would not go through an Australian community leader to deal with an ordinary Australian - you deal with people as individuals. But you have to know something about their culture in order to do that. By doing this, in time you will begin to get co-operation from people³¹³.

9.17 Apart from that, several witnesses at the Committee's consultations complained, that they did not know who to go to at the LAC when they had a serious problem. The rapid turnover of staff contributes to this:

I think one of the important ways to do that is by making the police local so that the people really own them. Part of the problem is that even when you go to a station and look around, if you keep seeing new faces all the time and these new faces look at you and they cannot even recognise your face because you all look alike or whatever, you cannot expect people to feel any warmth or closeness.³¹⁴

9.18 There appears to be some confusion whether the five year rotation is compulsory. The Police Association believes it is a major problem:

Judgements are made by those outside Cabramatta that are often not reflected in the attitudes of those who actually work there. The nature of Cabramatta makes policing there a fairly unique experience. The removal of an officer to another patrol merely on the basis of his or her tenure is inappropriate without further qualification. Dedicated officers who spend years developing rapport with the local ethnic community and learning the skills to work in a very unusual area should be valued and maintained until such time as it can be identified that a move in the interest of the officer or the community at large. This type of approach requires a supervisory system that is both rigorous and supportive³¹⁵.

9.19 Deputy Commissioner Jarratt in his final evidence to the inquiry appeared to suggest that the rotation was not compulsory, only that an assessment was made at the end of five years as to the risk to the officer and the organisation:

³¹³ Basham *Evidence* 30/3/01 p10

³¹⁴ Basham *Evidence* 30/3/01 p10

³¹⁵ Association *Submission* 14/08/00 p7

CHAIR: Again, On Friday Assistant Commissioner Small spoke favourably about Dr Richard Basham's evidence. Dr Basham gave evidence earlier last month. In particular, Dr Basham supported police being stationed in Cabramatta for a long period so as to build up a long-term relationship with the community. Committee members will remember that Dr Basham talked at length about how police should be left in the community and become part of the community. In your answer to question 14 you suggest that five years is the maximum length of service in Cabramatta. Do you think this is long enough? What do you think of the view that police officers should be part of the community? I mean when they are born there and grow up there.

Mr JARRATT: For the record, I do not think I answered question 14. It may have been Mr Small who gave the information of five years. That is a policy issue that says that ordinarily if an officer has been there for a period of time we would review whether he or she should continue to stay there. In terms of being able to attract officers who live and work in an area, that is a very cherished ambition of every police commissioner or senior executive in any police department anywhere in the world but extraordinarily hard to achieve. I will give you an example. On the Central Coast of New South Wales we have about 500 positions it may be less; it may be 400 positions and we have something like 1,600 officers living there. In the city of Sydney we have about 1,200 positions and very few of them live in the eastern suburbs of the city. So the opportunity that perhaps Mr Colless is more familiar with where you have an officer in the town and being part of the community is a very cherished ambition but regrettably extraordinarily difficult to achieve in a larger metropolitan area like Sydney.

If we constrained ourselves to taking people from an area, trained them up and put them back there it would rapidly become very unworkable. So it has to be that you work with people and when they have given their best as I mentioned earlier, some people go there as probationers, become quite skilled in their work and then for family reasons or whatever seek a transfer either closer to home, to the country or wherever. That is the normal ebb and flow aspect of the organisation. Clearly, we want to retain the right experiential mix in a local area command like Cabramatta with cultural sensitivity. But equally we have to accommodate the desire of officers to develop their careers and to move around the service. So I am afraid that it is not a simple issue to say that, yes. As a matter of philosophy, yes, but as a matter of practice it is extremely difficult to achieve.

CHAIR: As I said earlier, we have evidence of police officers who want to remain in the same LAC for a period of time. I believe they were not allowed to stay; they had to be transferred.

Mr JARRATT: That is not true as I understand it. An assessment is made at the end of five years as to the continued risk to the officer and risks to the organisation of him or her staying there. The issue of corruption was raised earlier by Mr Colless. Evidence not to this commission but I think in general would show that the longer an officer stays in an area, the larger that risk becomes. Familiarity breeds contempt, if I can put it that way.

The Hon. R. D. DYER: But that is not peculiar to Cabramatta alone, is it?

Mr JARRATT: Not peculiar to Cabramatta and not peculiar to the New South Wales Police Service³¹⁶.

- 9.20** If so, this assessment should also consider the impact to the community, and of relations with the community, of any lack of continuity in staff at the LAC. If the majority of staff have been at the station four or five years and an officer is keen for a new challenge a rotation may be appropriate. However if few of the staff have had more than one or two years of policing Cabramatta the loss to the Command and the community of someone with five years experience is very significant. It may be that Cabramatta can be a test case for the Service in applying a more flexible rotation system which also considers the need for community relationships to be established. To those in the community police are individuals, not just uniforms easily replaced by other uniforms.
- 9.21** There are other ways to preserve the collective knowledge of Cabramatta policing while improving links with the community. The evidence given by former Commander Leek made a significant impression on the Committee. Some of the initiatives he undertook during his term are worth listing for the variety of ways police can interact with their community:
- Ethnic community liaison officers addressing every Adult Migrant English Service class on the role and function of police
 - Having the Commander appear on SBS radio for the Vietnamese program to take talkback calls.
 - Running regular stories and announcements in the ethnic community press
 - Attending every local cultural and religious function, together with junior police
 - Preparing a multilingual information kit as part of the victim support program
 - Regularly eating lunch in local restaurants and noodle shops, and other informal social interactions so that police are not only seen in investigatory or crisis roles
- 9.22** It seems to the Committee that there is a great deal of collective knowledge and understanding in the Police Service of the Cabramatta community, and that most of it has been dissipated by the rapid turnover of staff. One way to recover some of this may be to convene a series of meetings or talks based in the Cabramatta LAC where officers who formerly served in the area can share their experiences, both positive and negative, of policing in Cabramatta. Current officers, many of whom are new to the area, could use these meetings as an opportunity to ask questions and learn from others experiences, and perhaps avoid some mistakes by learning from those made earlier. This should not be used as a way to revisit internal issues within the LAC, but rather to consider the police community relationship and how it can be improved.

³¹⁶ Evidence 14/5/01 p28- 29

Recommendation 19

The Committee recommends that the Cabramatta Local Area Commander organise a series of talks or discussions for officers at the LAC at which officers who formerly served at Cabramatta can speak about their successes and failures in establishing links with the Cabramatta community. The purpose of these talks would be to regain some of the lost collective knowledge about policing in Cabramatta and to assist junior police in understanding the area.

- 9.23** A final issue associated with continuity is the position of Local Area Commander, which has proved a revolving door in recent years since Commander Leek was moved as a result of the Police Service rotation policy in 1995. In evidence he noted that he had won his position in 1991 in a competitive interview process. The last three Commanders have been appointed: it is assumed, but not known, that they actually had a desire to serve in Cabramatta. The Committee understands that the Service can call for expressions of interest to be Local Commander, interview all candidates but still appoint someone who did not put themselves forward. If the recent turnover continues the Committee strongly recommends that the Service use a competitive interview process for future senior management appointments at the LAC. It is important that the Cabramatta community knows their Local Area Commander and senior management are people who have chosen to work in their area.
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Recommendation 20

The Committee recommends that future appointments to senior management at Cabramatta LAC, including the Local Area Commander, be those who have voluntarily applied to serve in Cabramatta and won their position in a competitive interview process.

Police/Community Consultation Experience in the United Kingdom

- 9.24** Reference has been made in earlier chapters to recent developments in the United Kingdom in relation to police/community relations, particularly in the wake of the Stephen Lawrence inquiry. Reference has been made to the setting of targets for recruitment from ethnic communities. Reference has also been made to the utilisation of community satisfaction surveys in assessing the performance of police services.
- 9.25** A further area where there has been considerable development in the United Kingdom in recent years is police/community consultation. To a large extent these developments have
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been driven by legislative requirements directed at requiring police services and local authorities to consult about policing strategies (section 6 *Crime and Disorder Act 1998*), local policing and crime prevention (section 96 *Police Act 1996*), and service improvement (*Local Government Act 1999*).³¹⁷

- 9.26** A number of United Kingdom police services have adopted a philosophical approach to policing which has been described as quality of life policing. A key aspect of this approach is the involvement of the community in planning and prioritising the work of the police, assessing police performance, in some cases approving appointments, and supporting and advocating for the police in relation to funding.³¹⁸ There is no doubt much of value that the NSW Police Service and interested members of community, including the Cabramatta community, could gain from the recent experience of police services in the United Kingdom in community consultation.

Crime Prevention Division

- 9.27** The Committee notes the Standing Committee on Law and Justice, during its inquiry into Crime Prevention through Social Support, identified a number of innovative and very effective approaches to community consultation about crime and crime prevention that have been developed in NSW. The Crime Prevention Division within the Attorney General's Department has assisted a range of communities across NSW, including many with very divided views on crime and how it should be addressed, to discuss and develop effective, workable crime prevention strategies. Attention is drawn to the endorsement of the work of the Crime Prevention Division by the Law and Justice Committee.³¹⁹ The Crime Prevention Division may be able to assist the Cabramatta LAC and the Cabramatta community to re-establish the trust required to move forward, while at the same time doing some constructive work together on the development of a crime prevention strategy.

Young People and Police

- 9.28** The Committee has attempted to obtain input from young people³²⁰ in Cabramatta to the inquiry in various ways. This has included meeting informally with local youth workers and their clients in Cabramatta on 12 December 2000, speaking with current and former high school students on 6 February 2001, visiting facilities such as Open Family and Lotus

³¹⁷ For a detailed description of the application of these and other consultative processes in metropolitan London see HMIC, *Policing London Winning Consent : A Review of Murder Investigation and Community & Race Relations Issues in the Metropolitan Police Service*, 2000. See also HMIC, *Winning the Race: Embracing Diversity*, Consolidation Inspection of Police Community and Race Relations, 2000 for a discussion of the success or otherwise of these approaches. See also London Metropolitan Police, *Protect and Respect: everybody benefits*, April 2001.

³¹⁸ An example is the Humberside Police referred to in Chapter Eight. See www.humberside.police.uk.

³¹⁹ Standing Committee on Law and Justice, *Crime Prevention through Social Support: First Report*, December 1999, pp 141-153.

³²⁰ In this section young people refers to people under 18 years.

House which work with local young people, and hearing evidence from youth workers such as Mark Hamkin and Vincent Doan, both of whom have years of experience in the area. It has also received submissions and evidence from Professor David Dixon and Dr Lisa Maher, who have spent considerable periods of time conducting research among drug users in the area.

9.29 A problem for young people which is outside the responsibility of the police, but impacts on policing is the lack of employment, housing and recreational opportunities for local youth and the attendant attraction to local gangs and drug dealing as a way ahead, or drug abuse as a means of escape from boredom:

We all know that Cabramatta-Fairfield and the southwest has very high youth unemployment. We do not have any vocational employment programs for the unemployed, especially any ethnic one. Also, we do not have any healthy recreational centre activities provided for the youth if they want to go out. We have something similar to TimeZone here. We have clubs for the adults, not for the kids. I do not blame the clubs whatsoever. ... But for the kids under 18 years of age we have nothing here. We have the Police and Community Youth Club. Activities like that are for the good kids rather than for the normal or the bad kids. That is one of the big issues for the community to think about. It is also very hard and problematic for the governments, State and Federal, to have better or confirmed programs for those young people.

Otherwise, they cannot stop at school, they drop out and they cannot get employment. What else can they do? They get hooked very easily. Some people want to meet girls but if they do not have a job or money it is very hard. They may make friends with the girl or something, other groups there already have the boys and girls, maybe living together, maybe going together. If they have money to go to motel, 10 persons in one big room or something, they stay there. I see that when I was a youth worker. That is a big thing, not only involved with the police resources in Cabramatta, but I have knowledge we have a severe lack of resources in Cabramatta employment, social welfare things and especially the police³²¹.

There has been lots of evidence over the years to suggest that an area that has a huge youth population, large-scale unemployment, lots of people who are from non-English speaking backgrounds, so therefore a lot of socioeconomic disadvantage, is a breeding ground for crime. A lot of these young people indeed want to find their way out, so it has been very difficult. Indeed, a few years back we ran a program with a group of young boys, and at the end of that program, which was about lifestyle and choices in life, they were asked to write the 10 top priorities in life that they would like to see, what they would like to happen in their lives. Sadly, out of the 14 boys who participated, nine listed only a handgun as their top priority in life, then having a happy family, a nice wife, a nice house, a motor car, all the normal things that everyone else has. On questioning afterwards, the young people did not see any way of obtaining those things other than through the power they would receive through having a handgun. They felt totally powerless otherwise and did not see any other way of obtaining that³²².

³²¹ Tran *Evidence* 6/02/01 p9

³²² Hamkin *Evidence* 30/03/01 p41

9.30 As was pointed out by students at Cabramatta High School, just being a young person resident in the area is enough to provide a barrier to some employers. The Committee welcomes the efforts by Fairfield City Council to expand recreational and employment opportunities in the area, as well as other efforts by the Premier's Department Cabramatta Project, the PCYC and other groups. Young people in Cabramatta live with the double disadvantage of poor employment opportunities alongside easy opportunities for criminal involvement; they need every assistance they can be offered.

9.31 The Committee is wary about making any generalisations about relationships with young people and police, because of the many different dimensions of those relationships. Many young people may be victims of crime, some may be perpetrators, some will be both, and the ways they interact with police will vary depending on the nature of this relationship. Positive relationships were reported by some students at Cabramatta High for instance, while the anecdotes in Professor Dixon and Dr Maher's studies showed some very poor interactions. A complication in Cabramatta is that the familiar generation gaps can also include a cultural and language gap:

It is easy to think that parents can control their kids. But the problem we have, and I have to admit in my family it is the same, that when we came over I was nine and I learned English very quickly. The balance of power changed very quickly between my dad and myself. I became the power base because I had the information. Everything they were getting they were getting through me. Parents feel very worried. They tread a fine line. Do they apply the lines at home and they are very authoritarian and drive the kids away or do they get too soft and the kids get into trouble? Anyone who has kids in Cabramatta worries about that. There is no hard and fast answer. That is why although parents should play a stronger role, in this case it is very difficult simply because of that cultural problem³²³.

9.32 This cultural gap between generations can extend to expectations of Police. The negative expectations of police based upon experience in authoritarian regimes overseas may be a factor for older people of non-English speaking backgrounds, but they do not apply to young people who have largely been raised in Australia. Dixon and Maher have argued from their interviews with young drug users that the 'Wall of Silence' argument is sometimes used to cover up inappropriate police interactions with young people.:

The point is that younger members of the community are not just from Asian backgrounds. They are also Australians. We found that they have high expectations of how the police will treat them. They have in fact bought the messages of Australian values, of legality, justice, democracy and so on, ironically perhaps to a greater extent than some of their Anglo friends and schoolmates. In the research that we did in the mid-1990s we found great disappointment in those young people about the way they were being treated. There was anger about that.

If the cultural memories approach to which you refer is correct, young people in Cabramatta should not be complaining, because they would be getting exactly what they have been brought up to expect from police. They complain to us with a real sense of disappointment, anger and resentment exactly because they were

³²³ Ngo *Evidence* 6/02/01 p41

treated in a way which did not fit with the way they had been told Australian society was supposed to work³²⁴.

Almost all young people [in the area] have a negative reaction when police are mentioned. They are negative to approach police even if they have been victims of crimes themselves. That is often their attitude towards police. I do not find often that this idea by these young people is challenged through the behaviour of the police. Rather, it is often enforced. For example, yesterday I was walking down the street with two homeless young people I had to take to another service and two police officers were walking up the street. As they approached us, one of them yelled out the man's name and said, "I hope you have been reporting as usual or you are going to be in strife again." Anyone within 30 metres could have heard what that police officer said, which should not have been said. Any member of the public could have heard that. That is an example. Unfortunately, we have very few dealings in regard to co-operative stuff with the police³²⁵.

- 9.33** The message from young people, as relayed by youth workers and researchers such as Dixon and Maher was not that they should be absolved of responsibility for wrongdoing, merely that the police carry out their duties professionally and treat young people, whether or not they are drug users, with a minimum amount of dignity and respect:

We feel that the police need to be better trained on working and communicating with young people because the majority of what happens on the street involves young people. We think it is essential for them to be trained to deal with young people and how to work and communicate with them because most of the drug dealers are dealing to support their habit, so they are victims by themselves³²⁶.

- 9.34** The way in which police interact with young people will have an impact far beyond the initial interaction. It is important to effective policing in the area that interactions are appropriate as argued by Professor Basham:

That is what I was proposing in terms of having the community own their own police. I think the most important issue is for people to feel that the police really care about them and for them to get to know police over a period of time where they can develop confidence in them. The thrust has to be in terms of the police actually protecting members of the community at all kinds of levels. One of the things that is quite interesting about policing in my experience is that even when you arrest, say, a child of a family for a crime, if you treat that child fairly and if you treat the family fairly, you can establish a relationship that may be productive later on. It is a process where, at the moment, the police can be very wary and very upset and they get upset by people not co-operating in investigations. I have seen police develop a negative attitude towards people who can help them because they have misunderstood. Part of my effort has been to try to explain to them to put themselves in this (the minorities) position³²⁷.

³²⁴ Dixon *Evidence* 8/11/00 p41

³²⁵ Hamkin *Evidence* 30/03/01 p37

³²⁶ Doan *Evidence* 12/12/00 p41

³²⁷ *Evidence* 30/3/01 p10

Recommendation 21

The Committee recommends that the Police Service develop a youth protocol on the treatment of young people in arrest or interview situations. This should be developed in consultation with local youth workers and all front line officers should be trained in its use.

Recommendation 22

The Committee recommends that the Government, in consultation with the Police Service and youth advocates, develop a protocol for para-legally trained local community volunteers to be present at police interviews of young people.

- 9.35** In recent years young peoples relationships with police in Cabramatta may have suffered because of vacancies in the position of youth liaison officer (YLO). An analysis of the problem was provided by the Department of Juvenile Justice in an early submission to the inquiry:

The absence of a YLO means that other critical youth crime prevention work, including work that improves the relationships between police and young people, that is undertaken in other LACs by YLOs has not occurred in the Cabramatta LAC. The relationships between police and the youth sector (eg youth workers, street workers and youth advocates) and others in the community who advocate for young people, are presently quite strained. The (Community Youth Conferencing) conference administrator who is responsible for working with the Cabramatta LAC has received only 2 referrals from this LAC in the last 6 months. This figure contrasts negatively with referral rates from all other LACs with which this administrator works³²⁸

- 9.36** Under the *Young Offenders Act* a scheme has been established which encourages diversion of young people from the criminal justice system so as to prevent repeat offending. Police are able to exercise their discretion to issue cautions or refer young people to community youth conferences instead of laying formal charges. The value of conferencing in particular is that it can provide an opportunity for young people to integrate back into the mainstream community instead of taking them through the court process where they mix with other offenders. Conferencing confronts young people with the impact of their offence on their family and immediate community and can encourage greater acceptance of personal responsibility compared to an impersonal court hearing where the process is in

³²⁸ Department of Juvenile Justice, Youth Justice Conferencing *Submission* 18/08/00 p2-3

the hands of lawyers and the aim for the young person is to gain the lightest sentence possible.

9.37 The Committee is disappointed that with all the arrests and charges made in the area only two referrals had been made of young people in Cabramatta to community youth conferencing in the first six months of 2000. From the submission by the Department of Juvenile Justice it appears that training of police officers in the use of the *Young Offenders Act* had suffered because of neglect of the youth liaison officer position at Cabramatta LAC, a position which remained vacant for several months in 2000. Other problems identified during evidence include:

- previous YLO s being very junior (both in rank and age) and having little influence with officers at the LAC in their dealings with young people;
- previous YLO s being expected to be solely responsible for youth relations instead of it being seen as a responsibility for the whole Command;
- previous YLO s being given other duties as well, with priority expected to be given to those other duties during times of staff vacancies; and
- a lack of a career path for the position, making it unattractive to most police officers.

9.38 None of these issues are likely to be unique to Cabramatta LAC; however the youth liaison officer at Cabramatta has a more difficult job than most because of the multicultural diversity of the young people with which they work, the high level of youth unemployment, and the presence of the drug trade.

9.39 The Committee notes that recent witnesses have welcomed the new appointment of a youth liaison officer. From their dealings with this person they are optimistic of an improvement in youth police relations³²⁹. However the Committee believes the position at Cabramatta requires extra support from management to ensure it is not isolated but rather works towards a more youth friendly LAC. Linking a senior manager at the LAC in a mentoring role could ensure that the position is able to make an impact, and ensure the youth liaison officer has the support needed for what is a very challenging position.

³²⁹ Hamkin and Hart *Evidence* 30/3/01

Recommendation 23

The Committee recommends that a senior manager at the LAC, who is willing to undertake the position, be appointed as a mentor for the youth liaison officer at Cabramatta LAC, and that both officers report to the Local Area Commander on progress in the following areas:

- Progressively increasing the training of officers in use of the *Young Offenders Act*, with assistance from the Department of Juvenile Justice
- Training officers, particularly those new to the area, in appropriate interactions with young people including offenders
- Liaison with officers from outside the area such as TAG squads to ensure they are aware of services for young people in the area
- Building upon links with youth agencies and schools in the area, particularly encouraging officers other than the youth liaison officer to establish these links

The Committee further recommends that the youth liaison officer remain a full time dedicated position at the LAC, and that any future vacancies be promptly filled.

9.40 A final issue relating to young people is the prevalence of homelessness in the area. The Committee has repeatedly been told that there is a great need for accommodation services for young people with a drug problem:

In terms of the present accommodation services, as Mark mentioned and I mentioned in my opening comments, there are virtually no accommodation services that will take on young people who have existing drug problems or previous drug problems. When I say "previous", who have given up reasonably recently. They are not really equipped and do not have the resources to deal with young people. That is the particular gap that the project group that I mentioned is trying to work on because there is nowhere to accommodate those people. There are various support services available—and Mark works for one—and services that try to refer those people and try to work with those people, but there are no places where they can stay and be accommodated in the local area. That, in my mind, is the biggest single problem in terms of homelessness in Cabramatta³³⁰.

9.41 Fairfield City council in partnership with local youth agencies is undertaking a research project on the local homeless population to inform its future projects in this area. There has been an application made by the Council for a Supported Accommodation Program funding for a facility. The extent to which the Premier's package of 27 March 2001 will address this issue is not clear at this stage.

³³⁰ Hart *Evidence* 30/03/01 p35

Police Service Initiatives PACT and EAPS

- 9.42** Difficulties in relationships between police and communities from a non-English speaking background is not unique to Cabramatta. Following an incident at an Arabic festival in Canterbury in 1993 the then Ethnic Affairs Commission were commissioned to examine relationships between the police and ethnic communities and how they could be improved. The resulting report *Police and Ethnic Communities*³³¹ remains an excellent examination of all aspects of this relationship in New South Wales, and a resource for police officers with responsibility for improving relations in Cabramatta.
- 9.43** Recommendations 21 and 24 required the Police Service to include effective community consultation as Patrols (prior to the establishment of Commands). It does not appear to the Committee that there has been any progress on these recommendations, hence the Committee's need to make the recommendation in Chapter 7. However, initiatives suggested by the Commission's report which have been acted upon are the Police and Community Training program (PACT) and the Ethnic Affairs Policy Statements (EAPS).
- 9.44** The PACT program involves forming a local steering committee of police, government agencies and community agency workers. These are funded to work together on specific projects such as videos and information kits, with the aim of improving police/community relations. A PACT has been established in Cabramatta and was due to launch a video and series of fact sheets in June 2001. The Committee welcomes this initiative but cannot comment on the extent to which PACT in Cabramatta has contributed to improvement in relations in the wider community. The Committee is wary of initiatives such as this and EAPS being used to demonstrate that Police are addressing community relations issues in Cabramatta. Projects such as PACT are important, but only as part of a much wider interaction with the community. Policy statements such as EAPS are only useful if they are implemented in practical measures.
- 9.45** The Committee recognises that the Police Service has statewide programs which can and perhaps will play a part in improving relationships with non-English speaking background communities. Through the National Police Ethnic Advisory Bureau the Service also learns from interstate practices and benefits from training offered. However the Committee has not seen or heard evidence of these overall strategies and programs translating into practical action on the ground in Cabramatta. Police officers and community representatives who were very forthcoming on many areas of policing in Cabramatta seemed to make little mention of these, other than debates about the role of the ethnic community liaison officers and the lack of cross cultural training available. It again reinforces the need for performance indicators to include community assessment of Police consultative efforts, to ensure programs, policies and procedures do not exist only on paper and in management reports.

³³¹ Ethnic Affairs Commission, November 1994

Police Service Initiatives - PCYC

9.46 The Cabramatta Police and Community Youth Centre (PCYC) has been discussed briefly in Chapter Five. The PCYC has the potential to play an important role in improving relations between police and young people in Cabramatta and in providing useful services for young people in the area. Voluntary community activity is not enough to run a PCYC. Real commitment from the Local Area Command is also important. There is an opportunity for the Cabramatta LAC to reactivate the PCYC through engagement with the representatives of the community who are active in the centre and through the encouragement of greater involvement by officers.

Recommendation 24

The Committee recommends that the Cabramatta LAC make a renewed commitment to the Cabramatta PCYC, and that the Local Area Commander encourage greater involvement by officers in the centre.

Conclusion: An Opportunity

9.47 The Cabramatta LAC and the Cabramatta community has an excellent opportunity at present. With new management and additional resources, and a community with heightened involvement and interest in discussing policing issues, the time is right to beginning rebuilding trust and communication. It is essential that links established not be weakened in the future by rapid staff turnover at the LAC. Police officers need to be encouraged and supported to deepen their connection and understanding of the local area.

Chapter 10 Why Cabramatta is Important

Introduction

- 10.1** The issue of police resources and police / community relations in Cabramatta is more than a local issue. From very early in the inquiry the Committee became aware that, to use a metaphor used by a witness, Cabramatta is not an island. Cabramatta is a unique area, full of personalities and many different attitudes, cultures and experiences. The issues examined in this inquiry, however, extend beyond the area to some of the most crucial questions for the people of the State.
- 10.2** The purpose of this Chapter is primarily to comment on wider themes which have emerged during this inquiry. There are three reasons why the Committee believes Cabramatta and the experience of recent years is so important to the rest of the State:
- The importance of Cabramatta as an ethnically diverse community
 - The importance of Cabramatta to the way in which the drug problem is policed
 - The importance of Cabramatta's experience to the management of the Police Service.
- 10.3** The Committee also comments on the need to ensure future accountability, so that the gains made by the Cabramatta community in recent months continue to progress.

Cabramatta: An Ethnically Diverse Community

- 10.4** To walk into the Cabramatta CBD is to walk into a vibrant multicultural community that could be part of a metropolis anywhere in South East Asia. Beyond the bustle of the shops and businesses are rings of migration from all parts of the globe and all stages of Australia's post war migration patterns. For many families, Cabramatta is their entrance to Australia and their introduction to Australian ways of life. It is also a community with an active civic life, with for example 90 Vietnamese community organisations, most of them voluntary.
- 10.5** The Committee understands the frustration of those who live and work in Cabramatta, in government agencies, business and community groups, who despair that Cabramatta is associated with drugs and crime instead of the more positive aspects of the community. The Committee's consultation at Cabramatta High School was a case in point, with speakers relating concerns about crime in the area. A particular concern was that the area that they cared so much for was always going to be branded by its problems instead of its achievements. The Committee also recognises that the crime problem in many parts of Cabramatta, away from the station and central areas, is no different from many other areas.
- 10.6** The committee believes that in regard to its ethnic diversity Cabramatta presents both an achievement and a challenge. It is an achievement because so many different cultures live together with so little apparent conflict. The violence which occurs in Cabramatta is directly related to the drug trade and associated criminal activity, not to racial conflict.

Cabramatta presents a challenge because any government agency which wishes to carry out its functions in the area has to negotiate with cultural and linguistic diversity on a massive scale.

- 10.7** This report documents the recent attempts by one agency, the New South Wales Police Service, to negotiate this diversity. If this report is critical of the Police it should be remembered that many other agencies would also be likely to face criticism if placed under the microscope in the same way. The Police stationed at Cabramatta LAC have a very difficult challenge but also a great opportunity to develop new skills and understanding. The Committee would urge senior management of the Police Service to recognise the challenge faced by its officers in policing Cabramatta and, rather than see it as a problem area, look at it as one of the most important and valued commands in the State.

Cabramatta: the Future of Drug Policing

- 10.8** Many of the major debates in current drug policy are faced in a practical way in Cabramatta. There is some consensus and much disagreement in Cabramatta, as elsewhere in the State, as to what should be done about the drug problem. The difference in Cabramatta is that all of the consequences of following particular approaches can be witnessed every day on the street. Many people in Cabramatta favour a zero tolerance approach with police arresting drug users and cracking down on all visible drug related activity: the various Operation Puccinis meet with approval from these advocates. Others believe Operation Puccini approaches have worsened the impact of the drug problem on the community by forcing drug activity into residential areas, including flats and public spaces. These favour approaches such as shooting galleries which minimise harm to the drug user and keep activity off the street: agencies such as the Drug Intervention Service Cabramatta and needle programs support this approach. For others the middle ground is to continue law enforcement to make drug use unattractive so as to drive users towards rehabilitation.
- 10.9** New South Wales Government policy since the 1999 Drug Summit has followed this middle ground where law enforcement is used to achieve an aim of harm minimisation. The recent Premier's package on Cabramatta and Assistant Commissioner Small's Seven Point Plan all follow this middle ground. In the years 1999–2000 there was little success in following this middle path. Problems within the LAC affected law enforcement, and lack of rehabilitation services weakened any harm minimisation attempts. This has allowed advocates of either zero tolerance or greater tolerance to use the experience to explain why their solutions should be tried. Solutions at extremes from community members have ranged from introducing the death penalty for drug offences to licensing local businesses to sell heroin.³³² Solutions suggested by serving or former police officers are equally varied.
- 10.10** Examining the situation in Cabramatta highlights the magnitude of the problem faced by those with a law enforcement responsibility. The ingenuity of drug users and dealers in adapting, from carrying drugs in water balloons to constructing fortified drug houses,

³³² See for example, *Transcript* of Cabramatta High School consultation, 6/2/01, p 15 and community consultation (afternoon) 6/2/01, p 11 for expressions of two very different views from the Cabramatta community about how to deal with drugs.

contrasts with the much slower movements of legislation and shifts in policing. Agencies and experts with the best overview of the drug trade, such as the National Crime Authority, were notable in their lack of confidence that law enforcement could provide a lasting solution to drug crime.

- 10.11** The Committee does not believe that a hardline law and order crackdown is a lasting response to the problems of Cabramatta or the rest of New South Wales. However, that is no reason for open drug use and drug dealing to be tolerated in Cabramatta on the scale that it has been up until the end of 2000, or even at its present level. Residents of Cabramatta deserve the same quality of life and community safety as the rest of the State. The Police Service needs effective law enforcement in the area to dispel the perception that has built up in the Cabramatta community of a containment policy. Cabramatta residents should not have to put up with a significant proportion of the drug using population of Sydney commuting to their area on a daily basis. As one community leader, Dr Thomas Diep stated to the Committee, it is time to change Cabramatta back into an ordinary suburb.³³³
- 10.12** If Cabramatta has a greater police presence and more effective law enforcement there will be some users who will reach a crisis which leads them to rehabilitation or to gaol, or both. For many more however, it will just lead them to a different railway station. New suburbs may emerge as drug markets. Existing drug markets such as Marrickville, Redfern and Campbelltown may suddenly begin to experience some of what the people of Cabramatta have experienced as a daily occurrence during recent years. If so there may be greater public pressure on politicians, police and policymakers to examine the foundations of current drug policy. Cabramatta is a challenge to all who make and implement drug policy to demonstrate how progress can be achieved for the benefit of all drug dependent people and ordinary law abiding residents.

Cabramatta: The Culture of the Police Service

- 10.13** The experience of Cabramatta LAC, particularly from 1999 to 2000, is a case study of the post Wood Royal Commission Police Service. It shows how new style management tools, such as the Crimes Index, were introduced on top of an unchanged authoritarian command and control culture. The result was a demoralised local command, a decline in effective policing and a breakdown in community trust and relationships which has yet to be recovered. The process of this inquiry itself has also shown much about the culture of the Service. Junior officers appear to have no opportunity to communicate effectively with senior officers and have little constructive outlet for airing criticism. Public criticisms of policing strategy degenerate into attacks on personal credibility rather than debates about issues.
- 10.14** The Committee has not attempted to examine the success of the new Police Service. All it can say is that in Cabramatta there was a major failure of senior management to appreciate what went wrong and how its initiatives, such as the Crimes Index, were causing confusion and frustration. The most surprising aspect of the inquiry was the apparent failure of senior management to listen to well founded complaints by Cabramatta officers

³³³ Diep, *Evidence*, 23/2/01, p 17.

which were being echoed in the wider community. Listening and responding to concerns have not been characteristics of the Cabramatta LAC. Those raising concerns about the failure to allocate sufficient resources to drug related crime were treated as troublemakers. If Cabramatta's recent history is any guide the new Police Service resembles the old Police Force in the way it manages its staff.

- 10.15** The Committee has noted that in Cabramatta a concern for public relations by the Police, particularly in the early months of 2000 appears to have seriously backfired because of a lack of genuine deep rooted connection with the community. The Committee does not know whether this use of public relations at odds with community experience is typical of other areas. The Committee has noted the decline in value placed upon detective work in Cabramatta up to 2000. A question raised by some experienced officers was whether the post Royal Commission NSW Police Service may be less corrupt and more efficient with resources, but may be less effective at actually detecting and preventing crime. The Committee cannot answer these questions, it can only say they are raised by the experience in Cabramatta. It is, however, certain that a great deal of work is still needed to change the management culture which so concerned Justice James Wood.

Need for Oversight of Cabramatta's Gains

- 10.16** The Government has responded to the concerns raised during this inquiry, most notably with the Premier's Cabramatta package in March 2001. When the Committee has discussed the package and the new policing effort with members of the Cabramatta community it has generally met with positive responses. For instance some of the Cabramatta officers on 23 April supported the new powers under the package:

The Hon. R. D. DYER: At the end of your submission in paragraph 7.1 you say:

We note the announcement by Premier Carr of significant legislative reform and an injection of resources for police, health and education strategies addresses many of the concerns raised in our first submission to the Committee.

Without exhaustively going through that so far as police powers are concerned, there are proposals, for example, to amend the law to provide for an offence and for police to arrest anyone who acts as a look out, guard or raises the alarm for others in a suspected drug house or who enters or leaves a suspected drug house unless they can establish a legal purpose. That is not an exhaustive statement of the reform that is proposed. Do police on the grounds see that as useful?

C: Yes, they are very happy with that.

D: Yes, very useful and welcome by police that I know that I have spoken to but they all come back to the one thing they say it is only as good as the magistrates. It is good to have them, all the penalties the first offence carries 12 months and the second offence is three years or whatever

The Hon. R. D. DYER: I am not referring to penalties though, I am referring to the actual offences.

D: Yes, the offences are good. It is a step closer³³⁴.

10.17 However there was one different message given during the Committee's consultation on 7 May at Cabramatta:

Our concerns of whether these announcements are going to take real shape have a basis in history, but we are hoping that the emphasis of the community and the way we have aired our dirty laundry in the media and such might give a little more push to having these things finally put in place. I believe the Premier also made an announcement in late 1998 regarding drug houses. This was after the much-publicised drug houses in Marrickville at the time. But we note that no initiatives came out of those announcements made then, so, of course, we are still waiting and watching to see the draft legislation come up and put to the Parliament, and workable new laws put in place so that police can enter these drug houses and arrest the people who were involved.

A lot of the community-based announcements in the Premier's statements we certainly very much welcomed, particularly in relation to extra support from DOCS workers, emergency housing, community education and particularly the last point in his stage three announcement that from 1 July, a \$600,000 community drug education team will be set up to work in high schools. This was also announced in 1996, that \$650,000 would be spent on a drug education team that would be set up to work in high schools and primary schools. That has never taken shape, or has not taken shape to date. We hope that this will certainly go a long way in family drug education, that the students will become more aware of the dangers of becoming involved in drugs and that finally we might start to see some slowing down of the rampant drug selling and drug using³³⁵.

10.18 At the same consultation a local medical practitioner, Dr Sarfraz, said he feared the package may be like a parent putting a dummy in the mouth of a crying baby. The Committee also recalls the description by Dr Diep of the period of hope for Cabramatta from 1997 onward and how those hopes were dashed. Clearly the Cabramatta community has been let down in the past. It is not surprising that some members of the Cabramatta community remain sceptical about the Premier's Cabramatta package and will remain so until the promises are fulfilled and it has achieved some successes.³³⁶

10.19 The Committee is conscious that while it has conducted hearings and consultations there has been a great deal of public, media and political pressure on the Government to address the problems of Cabramatta. There needs to be an opportunity for the Police, other agencies and the community to go on with the job of making Cabramatta a better, safer place without energy and resources being directed towards responding to issues raised in hearings and the media. The Committee wants to ensure, as much as it is able, that promises made to the community by the Government are delivered. The Committee notes

³³⁴ *Evidence 23/4/01 p26*

³³⁵ *Treyvaud Evidence 7/05/01 p21.*

³³⁶ Correspondence from Mr Treyvaud and Detective Sergeant Priest, dated 15 June 2001, expressed concern that little had changed on the streets of Cabramatta since the announcement of the package and the Seven Point plan.

that the Premier himself has taken the initiative of addressing Cabramatta's problems. It welcomes this commitment at the highest level, and trusts that if problems occur in implementation the Premier will be prepared to again intervene. The Committee deeply regrets the hurt and damage to the community as a result of the delays in dealing with such clear problems. The Committee notes that it is a fundamental tenet of our Westminster system of Government that Ministers be accountable for public policy and its implementation.

- 10.20** The Committee is conscious that many of the March 2001 initiatives have not yet had time to be implemented, let alone evaluated. For that reason the Committee has decided to review progress by holding a hearing involving community representatives and the Police in March or April 2002. This period has been chosen because it is 12 months from the announcement of the Premier's Cabramatta Package. This is sufficient time for the major commitments to be implemented or at the very least underway. The 2002 hearing is intended to be a review process rather than a re-opening of the inquiry.

Recommendation 25

The Committee recommends that the Premier report to Parliament on, or around, 27 March 2002 on the outcomes of the implementation of the package of initiatives for Cabramatta announced on 27 March 2001, together with the implementation of the recommendations contained in this report.

It is the intention of the Committee to then consult with the Cabramatta community, to enable the community to have an opportunity to comment on the changes that have occurred as a result of the implementation of the Premier's initiatives and the implementation of the Committee's recommendations.

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- 10.21** During the consultation with the Cabramatta community there will be an opportunity to examine some of the questions raised by witnesses to this inquiry regarding the government's package. Without limiting or committing the Committee to these, some of the questions raised include:
- Will the new drug house laws prove successful in Cabramatta?
 - What will happen when the 90 TAG officers are relocated to another trouble spot?
 - How will the 10 interpreters be used by the LAC and will this make a difference to many of the communication problems currently experienced?
 - How quickly can the treatment facilities be available? Will struggling local services such as Open Family benefit from the funding or will it be managed and allocated to services outside Cabramatta?

- What facilities will be provided by Department of Housing for the 47 crisis places promised and where will they be located?
- What role will the six person DOCS team play ?
- How will drug users and dealers adapt their behaviour in face of the crackdown resulting from the priority given to drugs in the Seven Point Plan? Will there be displacement of the problem into nearby areas?
- Will City Watch give any more than token status to critics of Cabramatta policing?
- What progress has been made by the Police Service in developing performance indicators which measure the effectiveness of policing of drug crime?
- What progress has been made in implementing effective community input into Police performance assessment?

10.22 The Committee hopes that when it returns to Cabramatta it will find real progress has been made.

Cabramatta: A community that fought back

10.23 Although this inquiry has raised issues which extend statewide, even nationwide, the Committee recognises that the people of Cabramatta, including its police, were the most important part of this inquiry. The courage of residents and businesses living day to day with crime that would shock residents in most parts of Sydney; the perseverance of police officers working in one of the most difficult environments in the State with little support or understanding from senior management; the determination of community leaders working to improve their area despite public attacks and private threats – the Committee appreciates these achievements as it does the many positive aspects of this vibrant and dynamic area.

10.24 This inquiry is in part a story of a community that fought back. It is about a community that refused to accept that nothing could be done, a community that, when told its streets were safe, fought back to make sure the Police, the Government, the Parliament and this Committee got to know their true story. Residents, business owners, local police and community organisations have used the democratic process, through this Parliamentary inquiry, the media and other forums, to make their voice heard. Their struggle is far from over, but no one is going to take the people of Cabramatta for granted again.

Appendix 1

List of Submissions

List of submissions

No	Author
1	Assistant Professor Chris Cuneen (Institute of Criminology)
2	CONFIDENTIAL
3	Mr Mark Stevens
4	CONFIDENTIAL
5	Mr Dacco Ngo (Australian Chine Buddhist Society Inc)
6	Mr Ross Treyvaud (Cabramatta Chamber of Commerce Inc)
7	CONFIDENTIAL
8	CONFIDENTIAL
9	Venerable Thich Bao Lac (Vietnamese Buddhist Society of NSW)
10	Cr Thang Ngo (Fairfield City Council)
11	Mr John Medich (Lubo Medich Holdings Pty Ltd)
12	Mr Mark Burgess (Police Association of NSW)
13	CONFIDENTIAL
14	Assoc Professor David Dixon, Faculty of Law, University of NSW and Dr Lisa Maher, Senior Lecturer, School of Medical Education, University of NSW
15	Constable Nathan Grogan
16	Mr Alan Leek
17	Mr Matt Casey
18	Mr Stepan Kerkyasharian AM (Ethnic Affairs Commission)
19	Ms Patricia Veliz (Fairfield Youth Workers Network)
20	Mr Ross Treyvaud (Police and Community Clubs - Fairfield/Cabramatta)
21	CONFIDENTIAL
22	Detective Sergeant Tim Priest
23	Mr To Ha Huynh (Federation of the Chinese Community Organisation of Australia)
24	CONFIDENTIAL
25	Commissioner Peter Ryan (NSW Police Service)
26	CONFIDENTIAL
27	Superintendent J P Sweeney (Cabramatta Local Area Command, NSW Police Service)
28	Ms Jenny Bargaen (Department of Juvenile Justice)
29	Mr Michael Strutt (Justice Action)
30	Clr Anwar Khoshaba (City of Fairfield)
31	Ms Janet Loughman (The Youth Justice Coalition)
32	Dr Thomas Diep (Cabramatta Business Association Inc)

33	Cr Thang Ngo (Fairfield City Council)
34	CONFIDENTIAL
35	Mrs Jelena Jebbink
36	Mr Peter Hanna
37	Mr Alan Leek
38	Dr Thomas Diep (Cabramatta Business Association)
39	Assistant Commissioner Clive Small (NSW Police)
40	CONFIDENTIAL
41	Councillor Robert Watkins (Fairfield City)
42	CONFIDENTIAL
43	CONFIDENTIAL
44	CONFIDENTIAL

Appendix 2

List of Witnesses

List of Witnesses

Wednesday 8 November 2001

Parliament House

Mr Jeff Jarratt	Deputy Commissioner, NSW Police Service
Dr Don Weatherburn	Director Bureau of Crime Statistics and Research
Dr David Dixon	Association Professor Faculty of Law, University of NSW
Dr Lisa Maher	Senior Lecturer/Research Fellow School of Medical Education, University of NSW

Tuesday 12 December 2000

Cabramatta Bowling Club, Fairview Road, Cabramatta

Cr Robert Watkins	Mayor Fairfield City Council
Cr Thang Ngo	Councillor Fairfield City Council Cabramatta
Mr Ross Trevyaud	President Chamber of Commerce
Mr Mark Stevens	Cabramatta resident
Author of submission no.8	
Mr Vincent Doan	Co-ordinator Open Family Drug Rehabilitation Centre

Monday 18 December 2000

Parliament House

Mr Alan Leek	Former Commander Cabramatta Local Area Command
Mr Michael Strutt	Spokesperson

Justice Action**Mr Ian Ball**President
Police Association of NSW**Mr Greg Chilvers**Secretary/Head of Research
Police Association of NSW*Friday 23 February 2001**Parliament House***Mr Tim Priest**Detective Sergeant
NSW Police**Dr Thomas Diep**President
Cabramatta Business Association**Mr Keith Ross Hewlett**Solicitor and Honorary Secretary of the Cabramatta Business
Association**Mr Matt Casey**Director
Real Justice (*Mr Casey formerly worked for the NSW Police Service Behavioural
Change Program*)*Tuesday 27 February 2001**Parliament House***Mr Clive Small**Assistant Commissioner
NSW Police Service*Monday 12 March 2001**Parliament House***Dr Andrew Wilson**Chief Health Officer
NSW Health**Mr Geoff Barnden**Director, Office of Drug Policy, Policy Manager, Justice Branch
The Cabinet Office**Mr Michael Hogan**Director, Strategic Projects Division
Premier's Department**Dr Elizabeth Coombs**Executive Director, Review and Reform Division

Premier s Department

Mr Tom Jambrick Assistant Auditor-General
The Audit Office

Friday 30 March 2001 *Parliament House*

Dr Richard Basham Department of Anthropology, Sydney University

Mr Adrien Whiddett General Manager Operations
National Crime Authority

Mr Phillip Bradley Commissioner
NSW Crime Commission

Mr Mark Hamkin Project Manager - Cabramatta Youth Team
Cabramatta Community Centre

Mr Dean Hart Project Officer
Fairfield City Council

Mr Richard Acheson Community Relations Commission

Monday 23 April 2001 *Parliament House*

Officers A, B, C and D NSW Police Service

Friday 11 May 2001 *Parliament House*

Mr Clive Small Assistant Commissioner
NSW Police

Mr Frank Hansen Superintendent
NSW Police

Ms Deborah Wallace Detective Chief Inspector
NSW Police

Monday 14 May 2001

Parliament House

Mr Jeff Jarratt

Deputy Commissioner
NSW Police Service

Appendix 3

Participants in consultations

Participants in consultations

Tuesday 6 February 2001

CabraVale Diggers Club	Mr Ross Treyvaud
	Mr Peter Starr
	Mr Kim Vo
	Mr Nhan Tran
	Mr Thang Ngo
	Mr Richard Acheson
	Ms Jenny Tew
Cabramatta High School	Senior Teacher A
	Senior Teacher B
	Senior Teacher C
	Senior Teacher D
	Senior Teacher E
	Staff Member A
	Staff Member B
	Teacher A
	Teacher B
	Teacher C
	Teacher D
	Student A
	Student B
Student C	
CabraVale Diggers Club	Former Student A
	Mr Hoc Ku Huynh
	Ms Wendy Zhou
	Mr William Liu
	Mr Peter Starr
	Mr David Tew
	Mr Chu Ping Chong
	Mr Linh Le
	Dr Ali Sarfraz
	Ms Angeline Oyang

• **Monday 7 May 2001**

Lotus House

•

• **DISC**

**(Drug Intervention Service
Cabramatta)**

•

CabraVale Diggers Club

Mr Richard Dekker

Mr Vincent Doan

Ms Maria Heggie

Mr Dean Newbold

Mr Thang Ngo

Mr Frank Reitano

Dr Ali Sarfraz

Mr Peter Starr

Mr Seang Taing

Ms Jenny Tew

Ms Jackie Thai

Mr Ross Treyvaud

Mr Robert Watkins

Ms Janet Weismantel

Appendix 4

Chair's statements in hearings

Chair's statements in hearings



LEGISLATIVE COUNCIL

GENERAL PURPOSE STANDING COMMITTEE NO 3

28 November 2000

Ms Reba Meagher MP
Member for Cabramatta
Parliament House
SYDNEY NSW 2000

Dear Ms Meagher *Reba*

I am writing further to my letter of 17 November 2000, concerning the inquiry into Police Resources in Cabramatta being conducted by General Purpose Standing Committee No 3.

I note that on 23 November 2000 you made a Private Members Statement in the Legislative Assembly in which you made a number of critical comments about the inquiry. I would like to respond to a number of the points you made in your speech.

I do not agree with your criticism of the process of the inquiry as "piecemeal and erratic... ill-defined and lacked direction". The Committee's inquiry process has been both logical and planned, and reflects standard committee practices which operate in both the Legislative Council and Legislative Assembly. The first step in the inquiry process was the call for submissions. Advertisements were placed in a range of newspapers, including both metropolitan and local newspapers, and community language newspapers, and letters were sent to a range of community leaders in the Cabramatta area inviting submissions. Your statement refers to the Committee receiving 22 submissions, eight of which are from local residents. I would be interested to know your source for this figure. Both the figures you quoted in the House are wrong. Furthermore, the Committee has not, at this stage, resolved to publish the submissions. Until the Committee resolves to make them public, all the submissions remain confidential to the Committee, and any release of them or the detail contained therein would constitute a contempt. The Committee will be considering the publication of the submissions at a future meeting.

Following the receipt of submissions, the Committee met on 12 October to discuss the inquiry process. The Committee (which includes three Government Members, two Opposition Members, and two Cross-Bench Members) unanimously resolved to commence the inquiry with the following activities: a briefing from the Police Commissioner or his representative, together with an initial public hearing including evidence from Dr Don Weatherburn; and a site visit to Cabramatta. Due to the availability of witnesses, the site visit to Cabramatta took place first.

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The purpose of the site visit to Cabramatta was to enable Members of the Committee to contextualise the matters the subject of the inquiry. The Committee accepted the offer from the Police Service of a briefing at, and tour of, Cabramatta Police Station, followed by a tour of Cabramatta. The Committee also visited Fairfield City Council where the Committee Members had an informal discussion with representatives of the Council and community representatives who had made submissions.

As you would be aware it is common practice for Committee members to receive formal and informal briefings and briefing papers early in the inquiry process. The purpose of the briefing with Police Commissioner's representative, which became a hearing, was set out in my letter to the Police Minister of 23 October, in which I stated that:

The purpose of the briefing is to enable the Police Service to place the issues under inquiry into a broader context. It is envisaged that the sort of issues to be outlined will include:

- the recent history of policing in Cabramatta;
- policing in Cabramatta in the context of reform initiatives and policing practices generally;
- the development and role of the crime index; and
- resourcing of Cabramatta police in the context of police resourcing issues generally.

I would emphasise that this will be a private briefing. The intention is to ensure that Committee members are fully aware of relevant contextual issues before moving to take evidence in relation to the inquiry.

As you are aware, this briefing became a public hearing, with a short segment taking place *in camera*. The witnesses on the afternoon of 8 November were selected to provide further contextual information for the Committee. Dr Weatherburn provided detailed statistical evidence about the incidence of crime in the Cabramatta area. Dr David Dixon and Dr Lisa Maher provided evidence about long term research they have conducted into drug use and policing in Cabramatta.

As a result of this evidence, the Committee now has a thorough overview of the complex policy issues which must be examined in this inquiry. I believe that this approach has been sound and effective. This approach ensures that when the Committee conducts future hearings, such as the one that will take place in Cabramatta on 12 December, the Committee will have sufficient knowledge about the relevant policy issues to get the most out of such hearings. The Committee's approach to date is also evidence of my determination, and that of the Committee, to ensure that this inquiry grapples with the complex policy issues involved, that it is indeed a "worthwhile exercise" that makes valuable and constructive recommendations to the Parliament and the Government.

In relation to your comments about consultation with local residents and other stakeholders, I would reiterate what I said in my letter to you of 17 November, that the Committee and myself are committed to undertaking broad consultation with both the Cabramatta community and the Police Service. If you believe that there are specific individuals or organisations from the Cabramatta community who the Committee should hear from, please let me know as soon as possible so that I may put your suggestions before the Committee. I repeat my earlier offer for you to address the Committee if you think fit.

Yours sincerely



Hon Helen Sham-Ho MLC
Committee Chair

HEARING 27 FEBRUARY 2001

CHAIR: Before I actually start I would just like to acknowledge besides the Committee members the other upper House members, the Hon. P. Breen and the Hon. Dr P. Wong, who are exercising their right to ask questions in this hearing. The Committee has established that they have this right. Before I ask the formal questions to Assistant Commissioner Small I want to make an opening statement.

This is the fifth hearing in the inquiry into Police Resources in Cabramatta. The Committee resolved, at a deliberative meeting earlier today, to convene this hearing in order to provide an opportunity for Assistant Commissioner Clive Small to appear before the Committee, in part to be able to respond to a number of allegations made by a witness before the Committee last Friday, 23 February.

Before commencing the hearing, I would like to make the following statement in order to set the record straight in relation to a number of things that have been said in correspondence from the New South Wales Police Service and the Minister for Police since Friday's hearing.

In relation to the calling of witnesses, the Committee has been keen to maintain the standard courtesies between the Parliament, Ministers and the public service. However, I also emphasise that at the commencement of the inquiry it was put to the Committee that the Police Service was sensitive not to be seen as in any way vetting police officers wishing to give evidence to the Committee and that it was up to the Committee what arrangements it made to take evidence from serving police officers, particularly those from the Cabramatta Local Area Command who had made submissions.

There appears to be some suggestion that the Committee should have been prepared for the evidence to be given by Mr Priest. Beyond the contents of a witness's submission, and in Mr Priest's case his earlier evidence, it is not possible to know what a witness intends to say at a hearing. The Committee did not know that Mr Priest would make certain allegations about Assistant Commissioner Small. However, now that such comments have been made, the Committee has taken the appropriate course of action: that is, the Committee has considered the evidence received and, having considered the evidence, has resolved to convene a hearing at the earliest possible opportunity for Assistant Commissioner Small to have an opportunity to respond. There has also been a suggestion that Mr Priest's evidence should have been taken in camera. There is a general presumption that parliamentary committees will conduct their hearings in public. As Odgers' *Senate Practice* notes:

Any proposal to take evidence in private session is always considered carefully by a committee. In camera hearings defeat the purpose of parliamentary inquiries of informing the public. The other main purpose of gathering evidence is that the evidence may be used to support conclusions and recommendations, and may be seen by the public to support those conclusions and recommendations. The vast majority of hearings of evidence by committees are therefore in public. (Eighth edition, page 413.)

Whilst parliamentary committees do take evidence in camera from time to time, this is generally in response to a request from a witness, such as a segment of the evidence of Mr Jarratt on 8 November 2000. I reminded Mr Priest of the capacity for the Committee to take evidence in camera, but he indicated that he wanted to give his evidence in public. Mr Priest's comments about Assistant Commissioner Small were relevant to the Committee's terms of reference and related to Assistant Commissioner Small's professional responsibilities as a public official. Had Mr Priest's comments been personal in nature or gratuitous I would not have hesitated to intervene and ask the Committee to resolve to go in camera. As it was, no point of order was taken by any member in relation to in-camera

evidence. Assistant Commissioner Small, I also would remind you that the same procedures will apply to your evidence.

Officers of the Police Service had been present when Mr Priest had previously given evidence on 18 December 2000. The Police Service had been provided with a copy of Mr Priest's submission, together with all of the publicly available submissions prior to last week's hearing. No concerns were expressed about Mr Priest's submission and no objection was raised about Mr Priest's appearance before the Committee on 18 December or the procedures followed on that occasion. It is difficult to avoid the conclusion that the real issue here is not the procedures followed but, rather, the nature of the evidence that was given last Friday.

One matter raised by the Police Service that is of concern is the suggestion that "operational security and protection of informants may have been prejudiced" as a result of last Friday's hearing. That is a matter which the Committee takes very seriously. The Committee is keen to hear from you today, Mr Small, about it.

The tone of the correspondence received from the Police Service and from the Police Minister, and of a telephone conversation I had with the Minister yesterday, has been a matter of concern to me. I reiterate that the Committee has resolved to convene this hearing to enable you to give evidence at the earliest opportunity. That has been a unanimous decision taken by the Committee as a matter of procedural fairness to you. The Committee has not been pushed into convening this hearing this morning. What is more, I will not allow this Committee to be bullied or intimidated in any way. I should note that at the commencement of this inquiry the Committee was accused of being "in the pocket" of the police when it sought to hear police views. No doubt the Committee will continue to be the subject of intense scrutiny. However, I will not allow this Committee to be diverted from undertaking this inquiry in a thorough and painstaking manner. It is the Committee's responsibility to thoroughly examine the evidence that is presented and to pursue the issues until the Committee is satisfied that it has answers to the problems and policing challenges facing Cabramatta.

I also wish to make a statement about Cabramatta High School. On 6 February of this year the Committee made a visit to Cabramatta High School as part of its consultations in Cabramatta that day. The consultation was well attended by teachers, students, ex-students, residents and parents. The Committee was very impressed by the commitment of the teachers and their care and concern for their students. The school has a very low turnover of staff, with many teachers being there for more than 10 years. The students were articulate and proud of their achievements but upset that they were often stigmatised and stereotyped because of the name of their school. The school itself is rigorous in pursuing a zero tolerance policy on drug use, and both teachers and students suggested there was virtually no illegal activity of this type within school grounds.

The Committee notes that Detective Sergeant Tim Priest gave evidence about an incident outside the school grounds. The Committee asks that any reporting or discussion of the school make the distinction between what happens within the school and any activity which happens outside the school.

Following this hearing the Committee will release the transcript of its consultation at Cabramatta High School so that this evidence is available to the public.

HEARING 12 MARCH 2001

CHAIR: I declare this meeting open. This is the sixth public hearing in the inquiry into Police Resources in Cabramatta. Today's hearing is vitally important to the Committee's inquiry. The witnesses who will be giving evidence today are senior representatives of Government agencies which either:

- (1) work together with the Police in Cabramatta (for example, the Premier's Department's Cabramatta Project); or
- (2) conduct research or develop policy in relation to matters relevant to the policing challenges in Cabramatta (for example, the Office of Drug).

This hearing will provide the Committee with essential information about the policy framework within which the police are working at Cabramatta.

Before we commence I would like to read in part from three letters received by the Committee late last week and this morning.

Firstly, The Hon John Della Bosca, Special Minister for State, has written in response to my invitation to him to appear at this hearing, and I quote in part from the Hon John Della Bosca's letter. Among other things he says:

I am unable to attend on that day (that is today) as I will be in Lismore for the opening of the Lismore Drug and Alcohol Centre, a major new Drug Service initiative in the Northern Rivers region of the State.

So we can forgive him for not attending our Committee hearing.

Secondly, in lieu of the media speculation about further police officers appearing before the Committee, I would like to read from the following letter, received from Mr Greg Chilvers of the Police Association of New South Wales, and he says, in part:

I write to inform you that this Association will be seeking leave to make a further submission to the above inquiry in the light of recent evidence before the Committee and subsequent media interest.

On the 15th March next I will be meeting with a number of police from Cabramatta Local Area Command to develop our submission. At that meeting I shall also establish whether any individual officers will be willing to appear before the Committee to give evidence.

I would anticipate that the submission would be ready by 30th March. If you wish to discuss our proposal, I can be reached at the above phone number...

Thirdly, because of the differences of opinion between the Government and the community in relation to this inquiry, Councillor Thang Ngo from the Fairfield Council, who was at one point a critic to our inquiry, has written to the Committee this morning. He flags the community's support to the inquiry after a round of consultation was carried out in the past week and I quote:

I am writing on behalf of Cabramatta community, Cabramatta representative on Fairfield Council. In recent days I believe there have been repeated calls to shut down your inquiry. On behalf of the community, and especially residents of a non-English speaking background, I am writing to offer the community's full support for the continuation of your inquiry. This week I have consulted with local residents including those of Vietnamese, Chinese, Burmese, Thai, Croatian, Khmer and of course English speaking background. The

community believes that this inquiry is hearing relevant and strategic submissions from all stakeholders, including residents, businesses, police officers, the New South Wales Police Service and other Government and non-Government organisations. For the sake of finding an answer to the blatant drug problem in Cabramatta, I am asking you on behalf of my community to continue your work and we look forward to the tabling of your report at the conclusion of the inquiry process.

We want to thank Councillor Thang Ngo for his work and his comments.

HEARING 30 MARCH 2001

CHAIR: Good morning. I declare this meeting open. This is the seventh public hearing in the Inquiry into Police Resources in Cabramatta. The witnesses at today's hearing demonstrate the range of issues that the Committee needs to take into account in this inquiry. By way of background information, Dr Richard Basham has consulted for the New South Wales Police Service and, amongst other things, is regarded as an expert on organised crime and on police-community relations. The National Crime Authority and the New South Wales Crime Commission are lead agencies in tackling organised crime, including drug trafficking, of which much lower level activity occurs in Cabramatta. Mr Dean Hart and Mr Mark Hankin will provide evidence in relation to youth homelessness in Cabramatta. Mr Richard Acheson was the author of a landmark 1994 report on Police and Ethnic Communities. I should note that the retiring Commissioner of the Australian Federal Police [AFP], Mr Mick Palmer, was invited to attend the hearing but is unavailable. The Australian Federal Police have indicated that they will not be able to send another representative to appear at today's hearing. In relation to witnesses at future hearings, I would like to read onto the record part of the text of a letter received earlier this week from Mr Greg Chilvers, the Director of the Research and Resource Centre of the Police Association of New South Wales:

Further to my correspondence of 9 March last, I write to inform you that a further submission to the Inquiry has been prepared by myself on behalf of police at Cabramatta Local Area Command. This submission will be presented to a branch meeting at Cabramatta on April 3 2001 for endorsement.

Mr Chilvers went on to say that on Wednesday, 4 April he will be able to indicate which officers will be prepared to attend with him to speak to the submission.

Finally, I would like to make some brief comments in relation to the package of initiatives announced by the Premier on Tuesday, 27 March. I emphasise that the Committee has not had an opportunity to formally consider the Premier's announcement and that the comments that I am about to make are my own views and not necessarily those of the Committee. I would like to commend the Government for announcing a set of initiatives to tackle the problems faced by the Cabramatta community. A number of the initiatives appear to have been made in response to evidence received by this Committee. It is heartening to see that the Government is listening to the views put forward to this Committee and is responding to them. In relation to the details of the Premier's announcement, I look forward to hearing the views of the Cabramatta community and other expert witnesses as to the appropriateness of the measures announced. I also look forward to reviewing the outcomes arising from the implementation of the Government's initiatives. Following today's hearing, there will be hearings on 23 April, 7 May and 18 May. A particular focus of the remaining hearings will be police-community relations and how they may be improved. It is the Committee's responsibility to thoroughly examine the evidence that is presented and to continue to pursue the issues until the Committee is satisfied that it has answers to the problems and policing challenges facing Cabramatta.

HEARING 23 APRIL 2001

CHAIR: This is the eighth hearing conducted by the Committee in its inquiry into police resources in Cabramatta. The Committee has resolved this morning to conduct this hearing in camera. Before the hearing commences, I would like to briefly outline the background to today's hearing and the procedures being adopted by the Committee. At the hearings held on 13 and 30 March I read onto the record letters from the Police Association of New South Wales concerning a supplementary submission that was being prepared by the association on behalf of a number of officers from the Cabramatta local area command. I table those letters, together with a further letter from the Police Association which was hand delivered to me by Mr Greg Chilvers on 4 April 2001. As outlined in the letter of 4 April, the submission that had been drafted by the association was not endorsed by the Cabramatta branch of the association at a meeting on 3 April. Mr Chilvers has since advised that the matter was reconsidered by the Cabramatta branch at a further meeting on 9 April, at which time the same decision was made, that is, not to endorse the submission.

When Mr Chilvers came to see me on 4 April we discussed the matter in some detail, including the question of what would happen to the submission that had been prepared and whether the officers who had participated in the focus group would wish to address the Committee. Mr Chilvers indicated that the submission would be provided to the officers who had participated in the focus group and that it would be up to them what they did with it. The submission has since been submitted. In relation to the question of the officers who had participated in the focus group addressing the Committee, I expressed the view to Mr Chilvers that whilst I understood that members of the association at Cabramatta "did not want to dwell on the past", it was essential for the Committee to have a clear understanding of what had gone wrong at Cabramatta if it were to develop recommendations that would assist in ensuring that those problems did not recur in the future.

Mr Chilvers and I also discussed the circumstances in which the officers would be prepared to address the Committee. I suggested to Mr Chilvers that, whilst the Committee would make these decisions which it did make this morning I would be prepared to recommend that the officers give evidence in camera. Further, when deciding about possible publication of the transcript the Committee would consider deleting the names of the officers and replacing them with Officer A, Officer B, et cetera, in the same manner as occurred with the transcript of the consultation at Cabramatta High School. This issue is still to be decided by the Committee. Essentially these arrangements were proposed so as to ensure that today's hearing did not become a media circus. I asked Mr Chilvers to extend to the officers an invitation to appear before the Committee and to mention the possible arrangements that I had suggested. At my direction, the Committee Director subsequently contacted one of the officers who participated in the focus group. I was advised that four of the officers who participated in the focus group were available to appear before the Committee today and that they have indicated they would wish to do so on the basis of my discussions with Mr Chilvers. I welcome the four officers here today.

This morning the Committee has deliberated, as I said earlier, and has made the following decisions in relation to today's hearing. The hearing will be held in camera. Only Committee members, Committee staff, Hansard reporters and the witnesses will be present. Following the hearing, the transcript will be amended to delete any reference to the names of the officers giving evidence, and their names will be replaced with Officer A, Officer B, et cetera. At the conclusion of the hearing, and possibly after also receiving the response of the New South Wales Police Service, the Committee will then consider the publication of the amended transcript. The Committee will also decide whether the

amended transcript, with names deleted, will be forwarded to the New South Wales Police Service for response. That provides the background to this morning's hearing and the procedure to be followed.

Before we proceed, there are two further matters that I would like to mention. Firstly, I wish to say to the witnesses that, as I said earlier, it is vital for the Committee to have a full understanding of what went wrong in Cabramatta. From your submission, it appears that some of the problems lie with Police Service management. It is important for the Committee to be fully informed about your views in this regard. However, I would ask that as far as possible in any discussion of this aspect of your submission you try to keep references to the names of officers to a minimum. Otherwise, the committee will need to provide an opportunity for named officers to reply, which could divert the Committee from the key issues. The Committee will recall Assistant Commissioner Clive Small and Superintendent Frank Hanson. Secondly, for the record, I would like to express my appreciation to the four officers who have come forward to give evidence to the Committee. You have shown courage in coming forward to address the Committee and in making your submission. I will not tolerate the intimidation either of this Committee or of any witness who gives evidence or makes a submission to this Committee. For the benefit of any persons who may read the transcript of this evidence in the weeks ahead, I draw attention to Erskine May's *Treaties on the Law, Privileges, Proceedings and Usage of Parliament 1989* at pages 131 to 132, which states:

Any conduct calculated to deter prospective witnesses from giving evidence before either House or a committee is a contempt. On the same principle, molestation of or threats against those who have previously given evidence before either House or a committee will be treated by the House concerned as a contempt. Such actions have included insulting or abusive behaviour or censure by an employer.

HEARING 11 MAY 2001

CHAIR: I declare this meeting open. This is the ninth hearing into the inquiry into police resources in Cabramatta. At the conclusion of the hearing on 27 February I indicated that the Committee would recall Assistant Commissioner Small to give evidence, and I welcome Mr Small. The Committee also resolved on 27 February that when Mr Small was recalled it would be appropriate for Commander Hansen to be called at the same time, and I welcome Mr Hansen. During the arrangements for this hearing the Police Service requested that Detective Chief Inspector Wallace, crime manager of the Cabramatta local area command, also be called to appear with Mr Small and Mr Hansen, and I welcome Ms Wallace.

My original intention in recalling Mr Small together with Mr Hansen was that this would essentially be a forward-looking hearing which would focus upon Mr Small's and Mr Hansen's vision or strategy for addressing the policing challenge in Cabramatta. It remains my intention that this will be the primary focus of today's hearing. However a number of other issues need to be addressed during this hearing. These include serious questions that have arisen concerning the events that occurred after the in-camera hearing in which four officers of the Cabramatta local area command gave evidence on 23 April. I cannot emphasise how seriously I take these matters. Indeed, they go to the heart of the privilege of Parliament and may, if not satisfactorily resolved, end up being the subject of investigation by the privileges and ethics committee.

I note that in correspondence dated 9 May the Police Service requested that any discussion of these matters today should take place in camera. It will be a matter for the Committee to decide whether these matters will be addressed in public or in camera. I ask the members of the Committee to

remain at the table for the first few minutes of the morning break so that this matter can be decided. In other words, we will have a short deliberative meeting on this matter during the break. As the Committee will need to deliberate on that matter, it is my intention that following any opening statement from the witnesses I will commence questioning in relation to the broader issues in relation to policing in Cabramatta. I ask other members to focus their early questioning on these issues and defer any questioning in relation to the events that have occurred since 23 April until after the Committee has deliberated during the morning break.

Before the hearing commences, I would like to clarify two other matters that have arisen from the consultation held by the Committee in Cabramatta on Monday 7 May. The Committee previously held a number of similar informal consultations at Cabramatta on 6 February. At one of these a Chinese interpreter was present to assist and at another a Vietnamese interpreter was present to assist. The third was held at Cabramatta High School. I believe these informal consultations were useful adjuncts to the formal hearings held by the Committee as they enabled a number of people to address the Committee in a concise and constructive manner.

The consultation held at Cabramatta on Monday 7 May was intended to replicate the format of the earlier consultation, with the particular focus upon enabling the Committee to hear views of the Cabramatta community about the Premier's announcement on 27 March of initiatives for Cabramatta. Most of those who attended the consultation addressed this matter in a constructive and helpful manner, however two further things occurred at the consultation that, I think, have been the subject of some misunderstanding. First, Detective Senior Constable Frank Reitano attended the consultation and tendered a submission that the Committee received.

I note that submissions can be received by the Committee at any time. They usually are forwarded to the Committee by post, by fax or email or through Parliament's web site. However, it sometimes happens that submissions are handed to the committee in person. For example, a submission was handed to the Committee by a witness on behalf of the residents of Cabramatta at the hearing at Cabramatta on 12 December 2000. Mr Reitano's submission is now in the Committee's possession. Following this hearing the Committee will be holding a deliberative meeting. One of the issues the Committee will be considering is whether Mr Reitano's submission should be made public. Until such time as the Committee makes a decision on this matter, Mr Reitano's submission remains confidential to the Committee.

Second, towards the end of the consultation there was an effort to have the Committee receive a statement from a young man who had previously been involved in the drug scene in Cabramatta. The Committee resolved not allow this to happen, for the following reasons: the doubt that exists as to the application of parliamentary privilege to informal consultations such as that held on Monday; concerns that an open forum such as that held on Monday was an inappropriate occasion for the Committee to receive a statement of the sort that it was suggested the young man might wish to make; concerns that the Committee had not yet received a submission upon which to determine whether or not it was appropriate to receive evidence from the young man; and concern for the young man's welfare and safety if he was to make a statement in that particular setting and forum.

I understand there was a media report on Wednesday 9 May suggesting that the young man would be giving evidence to the Committee this morning. This is not correct. The young man will not be giving evidence this morning. The only witnesses at today's hearing are Mr Small, Mr Hansen and Ms Wallace. I have indicated to those who are in contact with the young man that in view of the stage that the Committee's inquiry has reached, if the Committee was able to give consideration to a

submission from the young man, the submission would need to be received today. Should such a submission be received, it will be a matter for the Committee to consider the appropriate course of action to take in relation to it.

HEARING 14 MAY 2001

CHAIR: I declare this meeting open. This is the tenth public hearing held during the inquiry into police resources in Cabramatta. In addition to these formal hearings, the Committee has also held a number of informal consultations in Cabramatta and has visited a number of community facilities in Cabramatta. Today's hearing is an extension of the very full hearing held last Friday with Assistant Commissioner Small, Commander Hansen and Crime Manager Wallace. The purpose of today's hearing is to enable the Police Service to respond to the evidence that has been taken by the Committee to date. In order to enable the service to provide a considered response, the service has been provided with access to all of the submissions made public by the Committee, to the transcripts of previous public hearings and consultations. Furthermore, last month a set of 23 questions on notice was forwarded to the service. On Friday, Assistant Commissioner Small tendered a document setting out written answers to most of those questions. This document will no doubt form the focus of today's hearing.

Before the hearing commences I would like to note that there remain a number of sources of information and further evidence which the Committee will need to consider and presumably seek a response from the service before reporting to Parliament. Firstly, last Friday evening I had a telephone conversation with Chief Constable David Westwood, of the Humberside police. As a result of that conversation, which follows correspondence between us, arrangements will be made for a discussion by video conference between Committee members and Mr Westwood and Mr Dan Crompton of Her Majesty's Inspector of Constabulary, who I understand are two of the leading authorities in the United Kingdom in the area of police relations with ethnic communities.

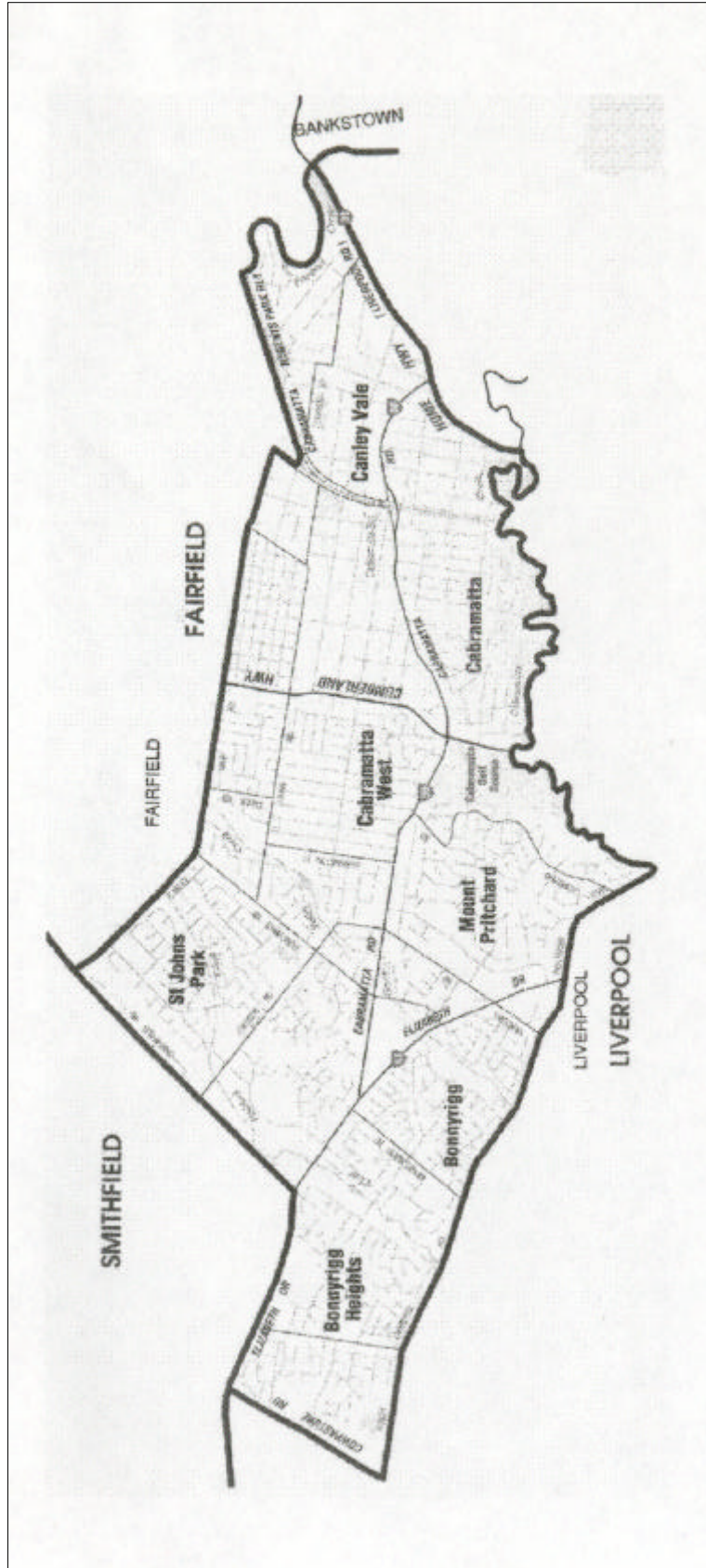
Just as the New South Wales Police Service has been undergoing significant cultural change in the area of ethical policing, the various police services in the United Kingdom have been going through a process of profound cultural change in the area of relations with ethnic communities and community consultation generally. I believe the recent developments in the United Kingdom may be of direct relevance to the policing challenges faced in Cabramatta.

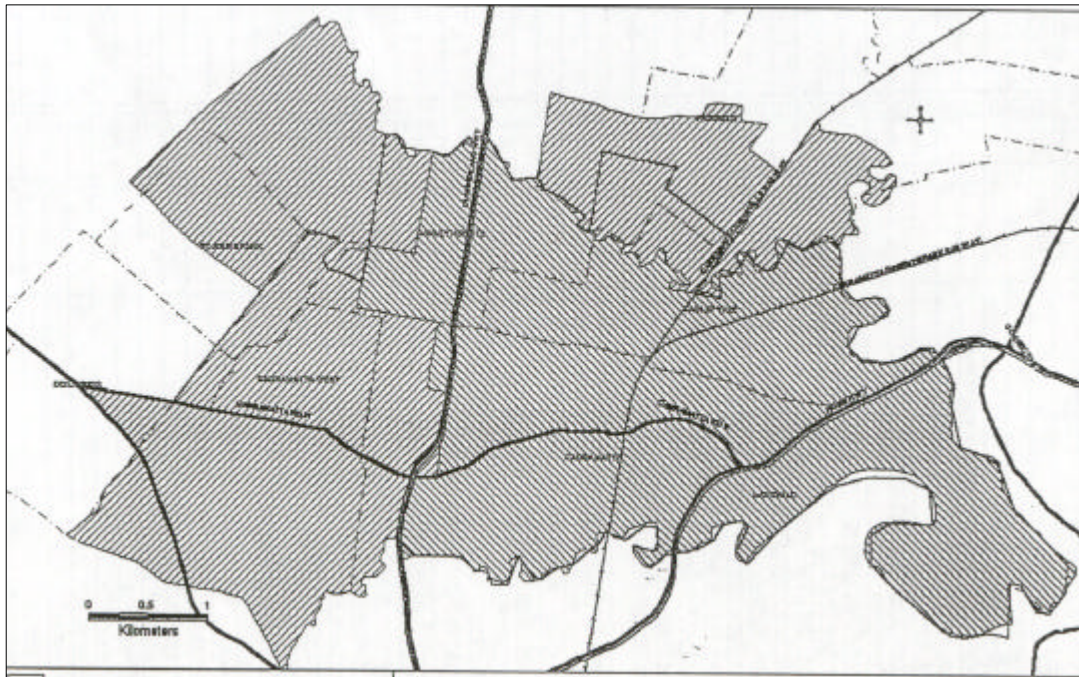
Secondly, last week the Committee received two submissions which will be considered in the Committee's deliberative meeting this afternoon. The Committee will need to decide whether those submissions should be made public and whether to take oral evidence from the submission's authors. Clearly, if either of those things are to occur, the Police Service will need to be provided with an opportunity to respond to the submissions or evidence. That will be decided later. I welcome Mr Jarratt and Mr Ian Temby. Some formal questions need to be asked before we commence the hearing. Mr Temby will not be sworn.

Appendix 5

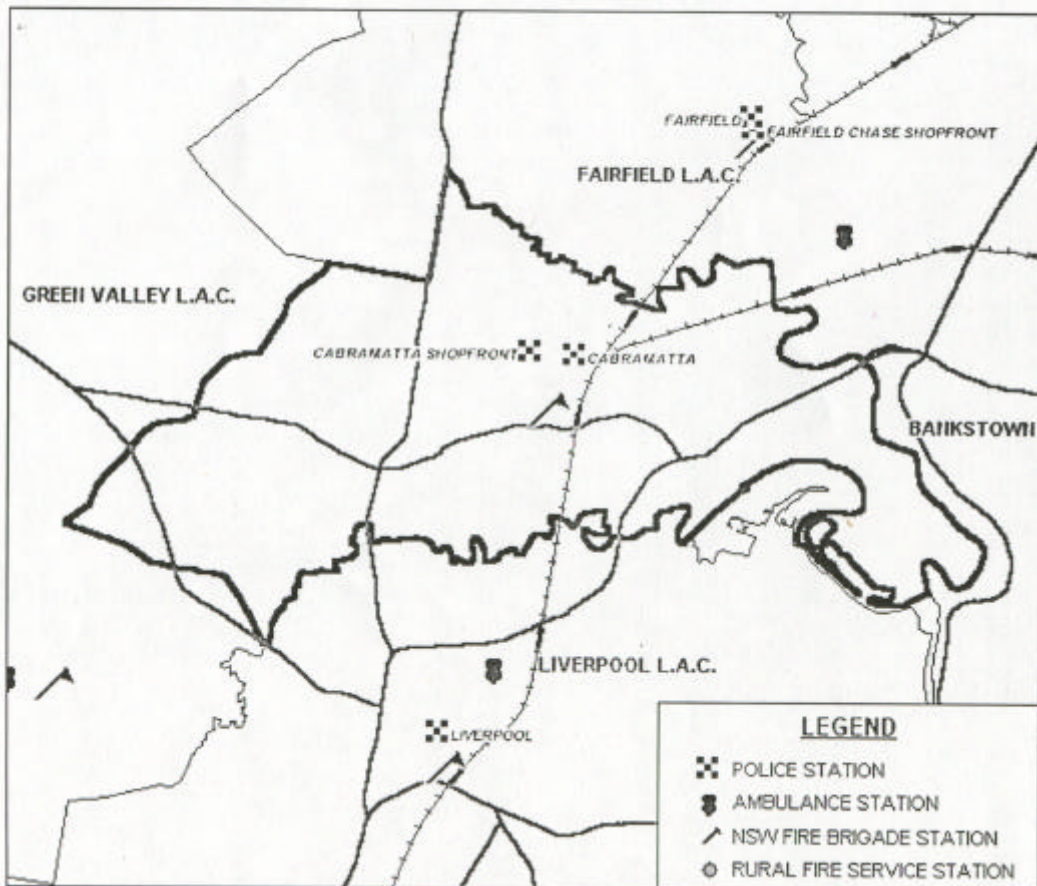
Maps of Cabramatta

Maps of Cabramatta





Cabramatta LAC



Appendix 6

Small's Seven Point Plan

Small's Seven Point Plan

Greater Hume Police Region:

Some Developments and Future Directions

Overview Presentation to:

NSW Parliament's Legislative Council
 General Purpose Standing Committee No 3
 (Inquiry into Police Resources in Cabramatta)

By:

Clive Small,
 Commander Greater Hume Region
 NSW Police Service
 May 2001

Creating the right operating environment for sustainable community problem oriented policing requires:

- recognition of the complexity of the challenges faced and that there are no quick fixes - our focus must be on the short, medium and long term, simultaneously
- creation of a supportive operating environment that encourages initiatives
- us to focus on resolving substantive community crime and disorder problems
- us to build networks that bring together a wide array of social and community services that might be brought to bear on community problems.

The Seven Action Points are consistent with our operating principles, The sole purpose is to deliver a better and superior service to the local community.	Rationale for the Action Points	Our Action Points are being progressively implemented; substantial progress has been already made. Progress includes increased operational opportunities provided by the Premier's recently announced plan to tackle drugs and crime in Cabramatta.
1. Tackling the drug problem is our number one operational priority.	Much of our violence and property crime stems from this problem.	<ul style="list-style-type: none"> • Our operational focus has been realigned - drugs are our number one operational priority. Significant improvements have been already achieved in Cabramatta - there is much less visible drug dealing and using now than there was last year; drug houses are being attacked. • Cabramatta Street Team, working proactively with disadvantaged young people between 12-24 years. • Review of Intoxicated Persons Protocols to better integrate services for homeless people and people with alcohol and drug addictions.
2. The District Anti-Theft Unit and Puccini are to be combined into one co-ordinated Tactical Action Group.	This provides a more fluid structure, increases our operational capabilities and ensures there is a concentration of resources on priority crime and order issues.	<ul style="list-style-type: none"> • The TAG has been established and recruitment of its 90 police is well underway; 58 police have been recruited to the Group so far. Anticipated that the TAG will be fully established in August 2001. Since its establishment in mid February 2001 it has achieved the following results: 249 arrests and 496 charges, mostly for drug supply, robbery, housebreaking and car theft.
3. We will build an increased response capability to major crime.	Many of these crimes cross local boundaries and require a more flexible, immediate and comprehensive response.	<ul style="list-style-type: none"> • We have established proactive teams, at local command level, to target those who commit robberies. This is modelled on the highly successful 'Nitsana' that operates out of Green Valley and Liverpool. Since the middle of last year this four person team has arrested 179 offenders and preferred 584 charges, mostly for robberies and related offences. • 10 additional detective positions to Cabramatta will further increase our capabilities. • Crime Managers' Team will improve operational co-ordination and information sharing. • Enforcement of new drug and firearms legislation

<p>4. We will mobilise strong, effective leadership at all levels of the region. We will create a genuine team based approach to region management.</p>	<p>This will ensure that we address the concerns of all communities in the region.</p>	<ul style="list-style-type: none"> • Mobilising strong effective leadership is ongoing. The Leadership Team has changed the way it operates; providing strategic direction to the region, increased consultation and feedback. Leadership and strategy are not limited to top management but must become everyone's everyday job. This can be achieved only when we achieve participation rather than mere compliance from our people.
<p>5. We will create a management and operating environment that values our people and invests in their education and training and is built upon transparency, trust, ethics and professionalism.</p>	<p>This requires better communication, both internally and within the community.</p>	<ul style="list-style-type: none"> • Six priority projects, aimed at delivering a better policing service, are underway. They cover workload equity, leadership and management, fair appraisal systems, improved response to major investigations, including the recruitment of police to criminal investigation duties. • Steps are being taken to improve communication, both internally and externally, eg, one page feedback reports on directions, actions and issues, a Region intranet. • Region-wide Ethics Perception Survey as a basis for issues identification • Progressive implementation of the Australian Business Excellence Framework.
<p>6. We will develop a performance measurement system that draws a bead on what is important, as a basis for continual improvement.</p>	<p>What gets measured gets done.</p>	<ul style="list-style-type: none"> • We have yet to develop a performance measurement system. • A priority project is to develop a Performance Management Framework that more comprehensively links management and supervisory performance and corporate goals.
<p>7. We are committed to creating and nurturing partnerships with community residents, business, neighbourhood associations, other government departments and organisations, ensuring our diverse communities are represented and all are able to participate in maintaining order, preventing and solving crime, and reducing fear.</p>	<p>Community members know a great deal about what goes on in their neighbourhood and have access to resources important to addressing problems. Through community engagement, police accountability is enhanced.</p>	<ul style="list-style-type: none"> • Establishment of a ten person bicycle/beat team in the Cabramatta CBD - this involves the commitment of an additional six police. • Access to ten interpreters to work with operational police. • City Watch, the purpose of which is to represent the views of the district as a whole and to focus attention on issues that are recognised as important to the district's interests. • Increased treatment and rehabilitation services and opportunities for drug dependent persons in Cabramatta means that for the first time police will be working with health professionals at the time of their arrest and charging of drug dependent persons. • Close liaison with the Community Drug Education Team which is being set up to work in local high schools, with a priority focus on development of a multicultural drug education program. • Selected police in Cabramatta will undertake basic Asian language courses. • System of documenting community partnerships, issues, and action taken to address issues is being developed and will become part of our performance evaluation

Appendix 7

Ethnic Community Liaison Officers job description

Ethnic Community Liaison Officers job description

AGENCY NAME: POLICE SERVICE, NSW
AGENCY DIVISION:
JOB AVAILABLE TO PUBLIC: YES
JOB TITLE: ETHNIC COMMUNITY LIAISON OFFICER (ECLO)
JOB CLASSIFICATION: Clerk Grade 3/4, 11 positions,
JOB LOCATION: Ashfield, Campsie, Hurstville, Flemington, Kogarah,
Green Valley, Liverpool, Mount Druitt, Parramatta,
Rosehill and Holroyd Local Area Commands,
JOB STATUS: Permanent Full-Time,
POSITION NO: Position No: 01/1268.
SALARY PACKAGE: 47,121 p.a.
SALARY START: 39,355
SALARY TOP: 43,092
SALARY NOTES: package includes annual salary, employer's
contribution to superannuation and annual leave
loading.
JOB DESCRIPTION: Liaise with local police and community groups of
culturally and linguistically diverse backgrounds on
issues related to service delivery, public safety and
crime prevention.
SELECTION CRITERIA: Demonstrated ability to communicate, negotiate and
consult with client groups of diverse backgrounds to
initiate and implement projects/strategies consistent
with organisational and community needs; project
management, media liaison, advocacy and presentation
skills; demonstrated commitment to the principles of
cultural diversity and knowledge of a community
language, including accreditation or ability to gain
NAATI level 2 accreditation; knowledge of issues and
programs relating to crime prevention and community
safety in a culturally diverse environment; computer
skills.
JOB NOTES: General information about the NSW Police Service can
be found on our web site at www.police.nsw.gov.au
Shobha Sharma
INQUIRIES NAME: Shobha Sharma
INQUIRIES PHONE: (02) 9339 5157 or (02) 9339 5048.
INQUIRIES MOBILE:
INQUIRIES EMAIL:
INFOPACKAGES NAME: Celene Paez
INFOPACKAGES PHONE: (02) 9339 5687.
INFOPACKAGES EMAIL:
APPLICATIONS TO: Ethnic Affairs Unit, NSW Police Service, Police
Headquarters, Level 15, Avery Building, (GPO Box 45),
Sydney 2001.
CLOSING DATE: 20/04/2001

Ethnic Community Liaison Officer Program Background Information

The Ethnic Community Liaison Officer Program began in 1987. The aim of the program is to enhance communication between police and non-English speaking background (NESB) communities and to provide more effective support for clients from NES backgrounds.

Under this program, the NSW Police Service currently employs 11 Ethnic Community Liaison Officers (ECLOs) who are based in local police stations across Sydney.

Following a review of the program in 1998, the Commissioner endorsed a major expansion of this initiative. In line with the recommendations of this review, a number of new ECLO positions have been created, and recruitment for these positions will be phased over the next two years.

By 2002, there will be 36 ECLOs across a number of areas with significant populations of culturally and linguistically diverse communities. A State ECLO Program Coordinator has also been employed to support, resource and coordinate the program.

Local Area Commanders have identified the need for ECLOs to work with key community stakeholders for a variety of reasons including: low levels of crime reporting by members of ethnic communities, involvement in crime by youth from some communities, and an over-representation of ethnic community members as victims of crime. The following are some of the key communities with whom the ECLOs will be expected to work: Chinese, Arabic speaking, Korean, Pacific Islander, Turkish, Croatian, Serbian, Macedonian, Spanish speaking.

Your ability to work with and across all communities in a local area is of paramount importance. However in some cases, you may need to invest concentrated efforts working with specific communities depending on their needs.

Attachment 1
REVIEW OF ECLO PROGRAM
ECLO PRINCIPAL DUTIES

ROLE: Work towards the achievement of corporate priorities through liaison, project implementation and networking with local ethnic communities and police

Liaison Tasks

- ▶ Establish and maintain close and effective communication networks with police and ethnic community organisations, leaders and project workers within the LAC
- ▶ Actively market the policies and functions of the Police Service particularly those related to crime prevention, to the ethnic communities of NSW
- ▶ Prepare and present seminars/information on policing and community issues to members of culturally diverse communities through schools, community organisations, meetings, etc.
- ▶ Attend meetings regarding police/cultural diversity issues with or on behalf of police
- ▶ Provide advice to the Local Area Commander and Management team on issues affecting local ethnic communities
- ▶ Facilitate police participation in ethnic community events
- ▶ Liaise with and provide assistance to local and ethnic media to promote policing campaigns and issues
- ▶ Provide an avenue for community members to report crime and assist local police in risk assessment activities

Project Tasks

- ▶ Work closely with government and non-Government agencies on police/community issues
- ▶ Develop and implement programs to assist local police and ethnic communities
- ▶ Liaise with and assist CSO, DVLO, YLO, to establish programs to assist ethnic communities
- ▶ Participate in projects affecting ethnic communities and local, region and Service wide level as required
- ▶ Assist in and contribute to the training and development of LAC personnel on issues relating to cultural diversity
- ▶ Advise on and assist in monitoring crime trends

Attachment 1

Customer Service Tasks

- ▶ Provide language assistance for general enquiries and emergency situations where appropriate
- ▶ Provide victims support services for members of ethnic communities where required
- ▶ Advise and assist beat and general duties police on cultural diversity issues affecting their work and provide advice on operational matters where appropriate
- ▶ Assist community members and police in matters of concern or complaint regarding police practices
- ▶ Assist in formal and informal mediation processes involving police and members of culturally diverse communities
- ▶ Establish and maintain a resource library on information relating to local ethnic communities, referral services, networks, agencies, and policing issues
- ▶ Function as part of the Local Area Command Community Safety Team

Appendix 8

Consultation Methods used by Suffolk, Devon and Cornwall constabulries

Consultation Methods used by Suffolk, Devon and Cornwall constabulries

Public Consultation

The Police Authority and the Force remain committed to improving the type and value of its consultation processes. We recognise the importance of consulting not only with the public, but also with our partners and our own staff. Equally important is the commitment to using the results of that consultation to ensure that service delivery continues to satisfy the needs and expectations of the people of Suffolk.

There are a wide variety of consultative methods used in Suffolk. These include:

Annual Police Authority Seminar – Themed topics usually involving partner agencies involved in Community Safety. This year's seminar was concerned with individual's perception of crime entitled "Whose Fear is it Anyway?" The day featured a question-time style guest panel of local members of the media and victim support agencies.

Policing Forums – Open meetings held twice a year in each of the policing Sectors, involving Police Authority members and Sector Commanders. The meetings were attended by over 1,000 people during the year, many of which represented community groups and Neighbourhood Watch organisations

Customer Surveys – Force levels surveys with 24,000 members of the community or service users

MORI Customer Survey – Independent customer survey with a 1,000 strong representative sample of Suffolk residents. Although primarily concerned with canvassing opinion on levels of support for increasing council tax to fund additional patrol officers, the survey also sought opinion on satisfaction levels with policing services.

"Suffolk Speaks" Citizens Panel – Results from independent MORI survey of 3,000 Suffolk residents. The panel involves a representative sample of residents in every district and borough of Suffolk who are consulted on county-wide issues at least twice a year. The panel is a joint venture between Suffolk County Council, Suffolk Health Authority, Suffolk TEC, four of the district councils and the Police Authority. The Police Authority uses the results from the MORI survey to benchmark the results from the in-force customer surveys.

Partnership Seminars & Hard to Reach Groups – A variety of meetings, seminars and conferences held jointly with partnership groups and agencies including: International Crime Prevention Conference, Diversity Seminar, Domestic Violence Forum, Community Learning Initiative, Young Persons Conference, Youth Forum at Newmarket Drop-in Centre and Eastern Region Disability Seminar.

Networking & Informal Contacts – Local police surgeries and meetings with representatives from organisations such as Neighbourhood watch.

Information Technology – Feedback received from visitors to the Force Internet site – an average of over 1,200 visitors per month during 2000.

Day-to-day Contact with staff – Operational police officers have day-to-day contact with many members of the community. The issues and concerns expressed by the public are fed into local decision making on priorities etc.

Internal Staff – Management and staff seminars.

Use of 'ACCENT' Interactive Voting System

Last year the Police authority and the Force were granted Government Challenge Funding for the purchase of interactive voting equipment known as Suffolk ACCENT (Active Community Consultation Employing New Technology). The ACCENT project has now been independently evaluated and Authority and the Force are delighted to have been awarded Government 'Beacon Project' Status for this innovative initiative.

In making the Beacon Award the judging panel "commended this innovative approach to public consultation, which resulted in a better understanding of policing issues and vice versa."

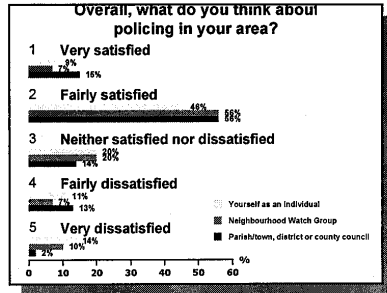
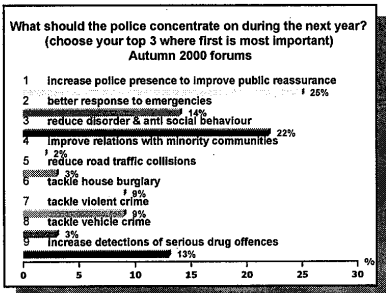
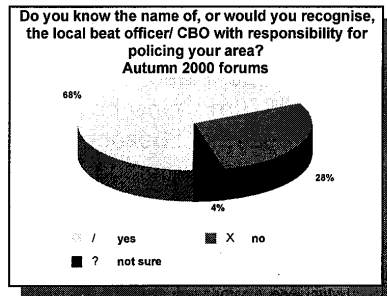
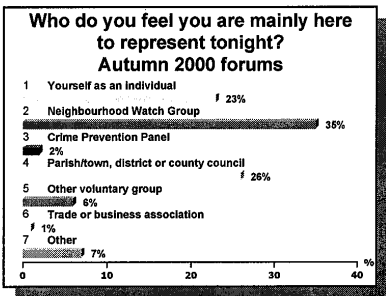
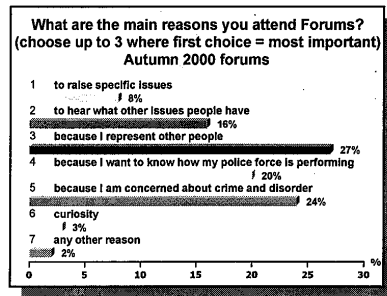
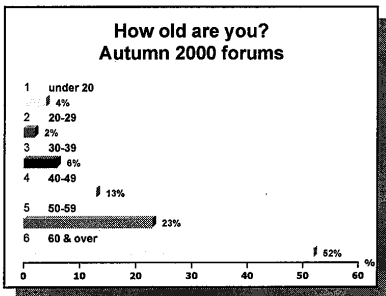
The system was also highlighted as good practice in a recent Audit Commission report 'Winning The Race: Embracing Diversity.' The report described the ACCENT scheme as "a particular example of notable creativity."

The ACCENT project was also the winner of the prestigious Danbury Trophy, an annual award made by Anglia Polytechnic University Business School. Entrants have to show that a "significant quality improvement" has been introduced within their organisation during the course of the year.

Previous holders of the trophy have included Royal Mail, British Aerospace and GEC-Marconi.

The interactive voting equipment was used over 50 times during the year at Forums, seminars and conferences, where it was used to canvass audience opinion on a wide variety of issues.

During the autumn, the equipment was used at all 16 of the Police Authority Policing Forums. Over 500 people attended these meetings – representing around 30,000 other people - and answered 25 questions per session on current Best Value reviews, proposed increases in Council Tax and policing priorities. Examples of the combined results of these forums are shown below.



Survey

wysiwyg://Main Text.58/http://www.devon-cornwall.police.uk/targets/survey/main.htm

POLICING DEVON, CORNWALL & THE ISLES OF SCILLY SURVEY

Your views about the way we police Devon, Cornwall and the Isles of Scilly are very important because they help us plan ahead and improve our services. This survey is based on the long term priorities and national targets contained in this year's performance plan, which was drawn up following consultation with local people. By filling in this survey you can help us to ensure that we provide best value services which reflect your needs and views. Space is provided at the end of the survey for any further comment that you may wish to make.



Please be assured that the form will be treated in the strictest confidence.

LONG TERM PRIORITIES

We have set three specific long-term priorities for the Police Service:

REDUCE CRIME & THE FEAR OF CRIME

through investigation, detection and addressing the causes of crime.

PROMOTE SAFETY & REDUCE DISORDER

keep order (and restore it where necessary) and reduce anti-social behaviour.

CONTRIBUTE TO DELIVERING JUSTICE

contribute to delivering justice in a way which secures and maintains public confidence in the rule of the law, in conjunction with other agencies.

The survey consists of mostly check box questions for speed and ease of use.

Please can you fill in all sections of the form unless marked *** OPTIONAL**

We cannot process your survey answers unless all sections are filled in.

- 1 How satisfied are you that the priorities listed above are valid for the Devon & Cornwall Constabulary?
Please indicate your views by checking one of the options

Very Satisfied Satisfied Not satisfied Very Dissatisfied Don't Know

- 2 What do you consider to be your local policing priority?

*** OPTIONAL**

POLICE CONTRIBUTION TO DELIVERING JUSTICE

- 3 How satisfied are you with how the Devon & Cornwall Constabulary is gaining the trust and confidence of all our communities?
Please indicate your views by checking one of the options

Very Satisfied Satisfied Not satisfied Very Dissatisfied Don't Know

- 4 How satisfied are you with how the Police Authority and Devon & Cornwall Constabulary have sought your views in the last year?
Please indicate your views by checking one of the options

Very Satisfied Satisfied Not satisfied Very Dissatisfied Don't Know

- 5 Where do you normally live?
Please indicate your views by checking one of the options

Survey

wysiwyg://Main Text.58/http://www.devon-cornwall.police.uk/targets/survey/main.htm

- East Devon
- West Devon
- Exeter
- Penwith
- Mid Devon
- Teignbridge
- North Cornwall
- Isles of Scilly
- Torridge
- Torbay
- Restormel
- Elsewhere in the UK
- North Devon
- South Hams
- Kerrier
- Outside the UK
- Caradon
- Plymouth
- Carrick

To ensure we provide a service according to your needs it would help us if you could indicate your details by filling in the questions below

- | | | |
|-----------------------------------|---|------------------------------|
| Age | Which ethnic group best describes you? | Are you male or female? |
| <input type="radio"/> 0-17 | <input type="radio"/> White | <input type="radio"/> Male |
| <input type="radio"/> 18-25 | <input type="radio"/> Black | <input type="radio"/> Female |
| <input type="radio"/> 26-40 | <input type="radio"/> Indian | |
| <input type="radio"/> 41-50 | <input type="radio"/> Pakistani/Bangladeshi | |
| <input type="radio"/> 51-60 | <input type="radio"/> Chinese | |
| <input type="radio"/> 61 or above | <input type="radio"/> Other | |

Do you consider yourself to be infirm, disabled or to have a long-term illness?

- Yes No

Thank you for your time in completing this survey.

Your opinions are very important to us and will help us to improve our services. The results of this survey will be used in the next performance plan.

Click this button to send your survey answers to us

Page last updated: 04/06/01 00:59:51.

Appendix 9

Minutes of Proceedings

Minutes of Proceedings

Minutes No. 21

Thursday, 29 June 2000
At Parliament House at 10.55pm

1. Members Present

Mrs Helen Sham-Ho (Chair)
Mr Dyer (Johnson)
Mr Harwin
Mr Hatzistergos
Mr Manson
Ms Rhiannon
Mr Samios

2. Inquiry into Police Resources in Cabramatta

The committee met according to paragraphs 4 and 5 of the resolution establishing General Purpose Standing Committees.

The Clerk advised the committee of correspondence received from Mr Harwin, Mr Samios and Ms Rhiannon dated 28 June 2000 requesting that a meeting of the committee to be convened according to resolution to consider proposed terms of reference for an inquiry into police resources in Cabramatta.

The committee noted correspondence from Mr Primrose, dated 29 June 2000, advising that Mr Dyer will replace Mr Johnson for the purpose of all meetings and hearings of the committee in relation to the inquiry into police resources in Cabramatta.

The committee deliberated.

Resolved on the motion of Mr Harwin:

That General Purpose Standing Committee No 3 inquire into and report on:

1. the adequacy of police resources in Cabramatta, especially in relation to drug crime,
2. the impact, if any, of the crime index on Cabramatta policing,
3. the effectiveness of the Police Service in addressing the needs and problems of Cabramatta residents and in particular people from non-English speaking backgrounds.

Resolved on motion of Mr Harwin:

1. That the Chair prepare a list of appropriate people and organisations to be contacted in relation to a request for submissions. This list is to be circulated to members of the committee who must forward any additions to the Clerk of the committee.

2. That the Chair write to the list of people and organisations advising of the terms of reference, requesting submissions and advising of the closing date for submissions.

Resolved, on the motion of Mr Samios:

1. That the Chair prepare a list of relevant local and community language press in which the terms of reference will be advertised. This list is to be circulated to the members of the committee with the draft advertisement and members must forward any additions to the Clerk of the committee.
2. That appropriate advertisements be placed in the local and community language press appearing on the list.

Resolved on motion of Mr Samios:

1. That the date for close of submissions be 11 August 2000.
2. That the committee meet at a time to be agreed following the receipt of submissions.

3. **Adjournment**

The meeting adjourned at 10.10pm *sine die*.

Warren Cahill
Clerk Assistant Committees

Minutes No. 23

Wednesday, 6 August 2000
At Parliament House at 6.40pm

1. Members Present

Mrs Helen Sham-Ho (Chair)
Mr Dyer (Johnson)
Mr Harwin
Mr Hatzistergos
Mr Manson
Ms Rhiannon
Mr Samios

2. Tabled Documents

2.1 Submissions

The Chair tabled submissions 1 to 31 received in relation to the inquiry into police resources in Cabramatta, as listed in attachment 1.

2.2 Correspondence

The Chair tabled four items of correspondence received.

Letter from Dr Thomas Diep, President, Cabramatta Business Association Inc, to Director, dated 9 August 2000, requesting an extension of time to lodge a submission.

E-mail from Cathi Margherita, Policy Officer, NSW Police Service, dated 9 August 2000, requesting an extension of time to lodge a submission.

E-mail from Michael Strutt, Spokesperson, Justice Action, to Director, dated 11 August 2000, requesting an extension of time to lodge a submission.

Letter from Paul Nicolaou, Chairperson Ethnic Communities Council, to the Hon John Hatzistergos, dated 22 August 2000, advising the ECC is unable to make a submission.

3. Inquiry into Police Resources in Cabramatta

The committee deliberated.

Resolved, on the motion of Mr Dyer, that:

- Members be provided with copies of all submissions except those whose authors have requested they remain confidential;
- where a request for confidentiality has been made, submissions are to be made available for Members to view in the office of the Secretariat; and
- Members discuss the status of those submissions whose authors have requested they remain confidential at the next meeting of the committee.

4. Adjournment

The meeting adjourned at 7.05pm *sine die*.

Anna McNicol
Director

Attachment 1

Submissions received in relation to the inquiry into police resources in Cabramatta

- 1 Assoc Prof Chris Cuneen (Institute of Criminology)
- 2 Request for confidentiality
- 3 Mr Mark Stevens
- 4 Request for confidentiality
- 5 Mr Dacco Ngo (Australian Chinese Buddhist Society Inc)
- 6 Mr Ross Treyvaud (Cabramatta Chamber of Commerce Inc)
- 7 Request for confidentiality
- 8 Request for confidentiality
- 9 Venerable Thich Bao Lao (Vietnamese Buddhist Society of NSW)
- 10 Cr Thang Ngo (Fairfield City Council)
- 11 Mr John Medich (Lubo Medich Holdings Pty Ltd)
- 12 Mr Mark Burgess (Police Association of NSW)
- 13 Mr Christopher Laird (NSW Police Service Cabramatta LAC)
- 14 Assoc Prof David Dixon & Dr Lisa Maher (University of NSW)
- 15 Constable Nathan Grogan
- 16 Mr Alan Leek
- 17 Mr Matt Casey
- 18 Mr Stepan Kerkyasharian (Ethnic Affairs Commission)
- 19 Ms Patricia Veliz (Fairfield Youth Workers Network)
- 20 Mr Ross Treyvaud (Police and Community Clubs Fairfield/Cabramatta)
- 21 Constable Rachel Dowd
- 22 Request for confidentiality
- 23 Mr To Ha Huynh (Federation of the Chinese Community Organisation of Australia)
- 24 Request for confidentiality
- 25 Commissioner Peter Ryan (NSW Police Service)
- 26 Dr Thomas Diep (Cabramatta Business Association Inc)
- 27 Superintendent J P Sweeney (Cabramatta Local Area Command, NSW Police Service)
- 28 Ms Jenny Bargaen (Department of Juvenile Justice)
- 29 Mr Michael Strutt (Justice Action)
- 30 Cr Anwar Khoshaba (City of Fairfield)
- 31 Ms Janet Loughman (The Youth Justice Coalition)

Minutes No. 24

Thursday, 12 October 2000
At Parliament House at 1.00pm

1. Members Present

Mrs Helen Sham-Ho (Chair)
Mr Dyer (Johnson)
Mr Harwin
Mr Hatzistergos
Ms Rhiannon
Mr Samios

2. Apologies

Mr Manson

3. Confirmation of minutes

Resolved, on the motion of Mr Dyer, that the minutes of meeting no 23 be confirmed.

4. Tabled documents

2.1 Submissions

The Chair tabled a supplementary submission to submission no 26 (Cabramatta Business Association Inc) received 7 September 2000.

2.2 Correspondence

The Chair tabled three items of correspondence received.

- Letter from O. Jodi Luke, to Director, dated 4 September 2000, requesting her submission be kept confidential and a private sitting with the committee.
- E-mail from Michael Weston, to Director, dated 15 September 2000, relating to a submission to the committee.
- Letter from Dr Thomas Diep, Cabramatta Business Association Inc, to Director, dated 19 September 2000, providing a replacement copy of the Association's submission (no 26) and requesting that certain sections of the replacement submission be kept confidential.

5. Inquiry into Police Resources in Cabramatta -

The committee deliberated.

Resolved, on the motion of Ms Rhiannon, that copies of all submissions be circulated to Members of the committee.

Resolved, on the motion of Mr Dyer, that until such time as the committee may wish to reconsider the matter, no submission be made public.

The committee deliberated.

Resolved, on the motion of Mr Dyer, that the Commissioner of Police and/or his nominee be requested to provide an information briefing to the committee on Thursday, 26 October 2000.

Resolved, on the motion of Mr Harwin, that Mr Don Weatherburn, Director of the Bureau of Crime Statistics and Research, be requested to appear as a witness before the committee and give a presentation in relation to the terms of reference, on Thursday, 26 October 2000.

The committee deliberated.

Resolved, on the motion of Mr Harwin, that the committee conduct a site visit to Cabramatta on the morning of Wednesday, 8 November 2000, followed by a public hearing in the afternoon.

6. Adjournment

The meeting adjourned at 2.05pm until 10am on Thursday, 26 October 2000.

Anna McNicol
Director

Minutes No. 25

10.30am, Thursday, 26 October 2000
At Cabramatta Local Area Command, Cabramatta

1. Members Present

Mrs Sham-Ho (in the Chair)
Mr Dyer (Johnson)
Mr Harwin
Mr Colless (Samios)
Ms Rhiannon

2. Apologies

Mr Hatzistergos
Mr Manson

3. Inquiry into Police Resources in Cabramatta - Briefings

10.30am: Cabramatta Local Area Command

Present: Deputy Commissioner J Jarratt; Inspector J Stanioch (Operation Puccini); Inspector M Farrell (Crime Manager); Detective Superintendent P Jones; Sergeant D Wallace (Duty Manager); Constable C Laird; Ms S Tapla (office of Member for Cabramatta); Mr M Walker (student intern; Mrs Sham-Ho's office).

Meeting adjourned at 11.30 for an inspection of the station. Sergeant Wallace, Detective Superintendent Jones and Constable Laird then took the committee, Ms Tapla and Mr Walker for a tour on foot and by minibus of the Cabramatta CBD and surrounding areas.

1.00pm: Fairfield Council Chambers

Present: Cr L Costa, Deputy Mayor; Cr M Heggie; Cr L Stepanovich; Mr A Young, City Manager; Mr B Lang, Place Manager; Ms A McLean, Executive Manager, Outcomes; Mr M Mason, Executive Manager, Environmental Standards (All from Fairfield Council); Mr R Treyvaud, President, Chamber of Commerce; Ms M Mazzioni, co-ordinator, Lotus House; Mr V Doan, Open Family; Ms P Veliz, Fairfield Youth Workers Network; Ms S Tapla; Mr M Walker.

4. Adjournment

The committee adjourned at 2.30pm until 10.00am on Wednesday, 8 November 2000 at Parliament House.

David Blunt
Clerk to the Committee

Minutes No. 26

Wednesday, 8 November 2000
In Room 814/815, Parliament House at 10.00am

1. Members Present

Mrs Sham-Ho (in the Chair)
Mr Colless (Samios)
Mr Dyer (Johnson)
Mr Harwin
Mr Hatzistergos
Mr Primrose (Mr Manson, resigned)
Ms Rhiannon

2. Substitutions

The Chair advised that for the meeting Mr Samios would be replaced by Mr Colless and Mr Primrose would be the Government proxy for the vacant committee position left by the retirement of Mr Manson.

3. Inquiry into Police Resources in Cabramatta

Mr Ian Temby, QC sought the leave of the committee to appear and assist Deputy Commissioner Jeff Jarratt when necessary in relation to sensitive and confidential issues that may arise during the hearing. Mr Temby also sought leave for the 1st part of Mr Jarratt's evidence to be presented in public and the 2nd part *in camera*.

The committee deliberated.

Resolved, on motion of Mr Colless, that the evidence to be presented by Deputy Commissioner Jarratt be presented in public and when requested *in camera*.

The committee deliberated

Resolved, on motion of Mr Harwin, that a transcript be taken of the proceedings. That the guidelines relating to *in camera* evidence be followed and that the witness be informed that the committee or the House has the power to make the *in camera* evidence public if it deems that it is in the public interest to do so.

Short adjournment.

The media and the public were admitted.

The Chair acknowledged that the Hon John Jobling, MLC was present according to paragraph 10 of the resolution establishing the General Purpose Standing Committees which states *Unless a Committee otherwise decides, a Member of the House, who is not a Member of the relevant Committee may take part in the public proceedings of a Committee and question witnesses, but may not vote, move any motion or be counted for the purpose of any quorum or division*.

Mr Jeff Jarratt, Deputy Commissioner, NSW Police was sworn and examined.

Mr Jobling raised a point of order in relation to Mr Temby's request not to be sworn. The point of order was not upheld. Mr Temby was not sworn.

Mr Jarratt tabled certain documents.

The committee deliberated.

Resolved, on motion of Mr Harwin, that pursuant to the provisions of section 4 of the *Parliamentary Papers (Supplementary Provisions) Act 1975* and under the authority of Standing Order 252, the committee authorises the Clerk of the committee to publish the documents accepted by the committee during today's hearing.

Mr Jarratt asked that certain evidence be taken *in camera*.

The committee deliberated.

The public and media withdrew.

The Chair advised Mr Jarratt of the guidelines relating to *in camera* evidence and that the committee or the House has the power to make the *in camera* evidence public if it deems that it is in the public interest to do so.

In camera evidence was taken.

Evidence concluded and the witness withdrew.

The committee deliberated.

4. Confirmation of Minutes 24 & 25

Resolved, on the motion of Mr Dyer, that the minutes of meetings no 24 and 25 be confirmed.

The committee deliberated.

5. Next Meeting

Resolved, on the motion of Mr Harwin, that the committee hold a public hearing in Cabramatta on 12 December 2000, to hear evidence from representatives of the Cabramatta community.

6. Inquiry into Police Resources in Cabramatta - Resumption of Hearing

The Chair acknowledged the presence of Ms Reba Meagher, MP.

Dr Don Weatherburn, Director, Bureau of Crime Statistics and Research was sworn and examined.

Dr Weatherburn tabled certain documents.

Evidence concluded and the witness withdrew.

Short adjournment.

Dr David Dixon, Associate Professor, Faculty of Law, University of New South Wales was sworn and examined.

Dr Lisa Maher, Senior Lecturer/Research Fellow, School of Medical Education, University of New South Wales was sworn and examined.

Evidence concluded and the witnesses withdrew.

7. Adjournment

The committee adjourned at 4.15pm until 10.30am on Tuesday, 12 December 2000 at Cabramatta Bowling Club.

David Blunt
Clerk to the Committee

Minutes No. 27

10.30am, Tuesday, 12 December 2000
At Cabramatta Bowling Club, Fairview Road, Cabramatta

1. Members Present

Mrs Sham-Ho (in the Chair)
Mr Dyer (Johnson)
Mr Pearce
Ms Rhiannon
Mr Tsang (Hatzistergos)
Mr West

2. Apologies

Mr Colless (Samios)

3. Substitutions

The Chair advised that for the meeting Mr Hatzistergos would be replaced by Mr Tsang.

4. Inquiry into Police Resources in Cabramatta

The media and the public were admitted.

Cr Robert Watkins, Mayor of Fairfield, was sworn and examined.

Mr Tsang raised a point of order about a question asked by Mr Pearce. The point of order was upheld and the question ruled out of order.

Evidence concluded and the witness withdrew.

Cr Thang Ngo, Councillor of Fairfield City Council, was affirmed and examined.

Mr Pearce raised a point of order about the appropriateness of the Chair remaining in the Chair while Cr Ngo gave evidence, following her comments about Cr Ngo in a media release dated 7 November 2000. The Chair ruled that there was no point of order and remained in the Chair.

Cr Ngo tendered a supplementary submission.

Evidence concluded and the witness withdrew.

The committee deliberated.

Mr Ross Martin Treyvaud, President of the Cabramatta Chamber of Commerce, sworn and examined.

Mr Treyvaud tendered a supplementary submission.

Evidence concluded and the witness withdrew

The committee deliberated.

Resolved, on the motion of Mr Dyer, that the supplementary submissions tendered by Cr Ngo and Mr Treyvaud be accepted by the committee.

Resolved, on the motion of Mr Pearce, that the supplementary submissions tendered by Cr Ngo and Mr Treyvaud be tabled.

The hearing was adjourned at 12.35pm.

Luncheon meeting with youth workers

The committee proceeded to the Bar Luck Chinese restaurant, 94 John Street, Cabramatta, where a luncheon meeting was held with youth workers and young people:

5. Visit to community facility

The committee visited Open Family, 2 Hughes Street, Cabramatta.

Resumption of hearing

The hearing resumed at 2.30pm.

The committee took evidence *in camera*.

Author of submission no 8, sworn and examined.

Evidence concluded and the witness withdrew.

The media and public were admitted.

Mr Mark Anthony Stevens, sworn and examined.

Evidence concluded and the witness withdrew.

Mr Vincent Doan, sworn and examined.

Evidence concluded and the witness withdrew.

6. Adjournment

The committee adjourned at 4.45pm until 10.00am on Monday, 18 December 2000 at Room 814/815, Parliament House.

David Blunt
Clerk to the Committee

Minutes No. 28

Monday, 18 December 2000
In Room 814, Parliament House, Sydney at 10.00am

1. Members Present

Mrs Sham-Ho (in the Chair)
Mr Colless
Mr Dyer (Johnson)
Mr Johnson (Hatzistergos)
Mr Pearce
Ms Rhiannon
Mr West

2. Substitutions

The Chair advised that for the meeting Mr Hatzistergos would be replaced by Mr Johnson.

3. Confirmation of Minutes

Resolved, on the motion of Mr Dyer, that the minutes of meetings 26 and 27 be confirmed, subject to clarification of the correct method of referring to *in camera* witnesses.

4. Inquiry into Police Resources in Cabramatta

4.1 Correspondence

The Chair tabled the following items of correspondence:

- Letter from Tony Spajic, Court and Legal Services, NSW Police Service, dated 3 November 2000, regarding the role of Mr Ian Temby QC;
- Fax from Ronda Gaffey, Cabramatta High School, dated 14 November 2000, together with response from Committee Chair dated 23 November 2000;
- Letter from Tony Spajic, Court and Legal Services, NSW Police Service, dated 17 November 2000, requesting continued security for *in camera* transcript (see item 4);
- Committee Chair's correspondence with Ms Reba Meagher MP, Member for Cabramatta, as circulated to members on 29 November 2000;
- Committee Chair's letter to submission authors, dated 30 November 2000 (sample of identical letter sent to all submission authors);
- Letter from Cr Thang Ngo, Fairfield City Council, dated 30 November 2000, raising concerns about confidentiality of submissions;
- Letter from the Hon Greg Pearce MLC, dated 7 December 2000, raising various matters in relation to the inquiry;
- Letter from Tony Spajic, Court and Legal Services, NSW Police, dated 11 December 2000, forwarding some documents in accordance with undertaking of Deputy Commissioner Jarratt on 8 November 2000;

- Letter from Jackie Fitzgerald, NSW Bureau of Crime Statistics and Research, dated 12 December 2000, forwarding some documents in accordance with undertaking of Dr Weatherburn on 8 November 2000;
- Submission from Mrs Jo Yabel, dated 12 December 2000, hand delivered by Mr Mark Stevens at 12 December hearing;
- Submission from Mr Peter Hanna, dated 15 December 2000; and
- Letter from Tony Spajic, Court and Legal Services, NSW Police, dated 15 December 2000, forwarding some documents in accordance with undertaking of Deputy Commissioner Jarratt on 8 November 2000.

4.2 Security of *in camera* evidence

The committee deliberated.

Resolved, on the motion of Mr Dyer, to continue with the current arrangement whereby access to the transcript of *in camera* evidence is for a member of the committee to read it in the office of the Clerk Assistant Committees, where it is held in a locked safe.

4.3 Publication of Submissions

The committee deliberated.

Resolved, on the motion of Mr Pearce, that, in order to better inform all those involved in the inquiry process, the committee utilise its powers under section 4(2) of the *Parliamentary Papers (Supplementary Provisions) Act 1975* and paragraph 8 (e) of the resolution of the Legislative Council of 13 May 1999 establishing the General Purpose Standing Committees, the committee publish the submissions received, with the exception of those submissions whose authors have requested confidentiality, as per the list in attachment one.

4.4 Future hearings / consultations

The committee deliberated.

Resolved, on the motion of Mr Pearce, that the following individuals and organisations be invited to give evidence at future hearings:

- Venerable Thich Bao Lac, Vietnamese Buddhist Society
- Dr Thomas Diep, Cabramatta Business Association
- Mr Matt Casey
- Mr John Medich
- Mr To Ha Huynh
- Superintendent Sweeney, former Local Area Commander
- Ms Jenny Barga, Department of Juvenile justice
- Ms Janet Loughman, Youth Justice Coalition
- Authors of submissions 2, 4, 13, 15, 21
- representatives of NSW Treasury, Audit Office and the Council on the Cost and Quality of Government (in relation to the methodology used to determine the allocation of resources within the Police Service);
- a representative of the Australian Institute of Criminology (in relation to lessons from other jurisdictions and relevant research concerning methodologies for the allocation of police resources, addressing drug crime and addressing the needs of persons from a NESB);
- the head of the Drug Summit implementation unit within The Cabinet Office (to articulate the Government's policy approach to drug crime and provide information on the implementation of the Drug Summit recommendations);

- a representative of NSW Health (in relation to the accessibility of data concerning drug use and its impact, and the availability of rehabilitation facilities);
- a representative of the Premier's Department (in relation to the Cabramatta project);
- representatives of other agencies which work with the NSW police in relation to drug crime in Cabramatta (NSW Crime Commission, AFP, NCA);
- Rev Bill Crews (in relation to youth homelessness);
- the Mayor of Fairfield ; Mr Ross Treyvaud and the Police Commissioner (or representative) in response to earlier evidence.

Resolved, on the motion of Mr Pearce, that the committee hold two less formal consultations with members of the Vietnamese and Chinese communities in Cabramatta, and that the committee advertise these consultations in appropriate community language newspapers.

Resolved, on the motion of Mr Pearce, that the committee visit the following community facilities in Cabramatta: Cabramatta High School; Drug Intervention Service Cabramatta; Lotus House.

4.5 Hearing

The media and the public were admitted.

Mr Alan Douglas Leek, affirmed and examined.

Mr Leek tendered a supplementary submission.

Evidence concluded and the witness withdrew.

Mr Michael James Strutt, affirmed and examined.

Mr Strutt tendered the following documents:

- On Patrol in Cabramatta by Brett Stevens;
- Accounting for Cultural Diversity?: The recent record of the NSW Police Service;
- Racist remarks by police caught on video;
- Community Perspective on Police Initiatives in Working with NESB communities; and
- Bankstown Boys and Boys in blue : Ethnic Youth, Police and the Conflict of Masculinities.

Evidence concluded and the witness withdrew.

Mr Gregory Thomas Chilvers, sworn and examined.

Mr Ian Andrew Ball, sworn and examined.

Evidence concluded and the witnesses withdrew.

The committee deliberated.

Resolved, on the motion of Mr Dyer, that the documents tendered by Mr Leek and Mr Strutt be accepted by the committee.

Resolved, on the motion of Mr Pearce, that the documents tendered by Mr Leek and Mr Strutt be tabled.

Resolved, on the motion of Mr Pearce, that, in order to better inform all those involved in the inquiry process, the committee utilise its powers under section 4(2) of the *Parliamentary Papers (Supplementary Provisions) Act 1975* and

paragraph 8 (e) of the resolution of the Legislative Council of 13 May 1999 establishing the General Purpose Standing Committees, to publish the transcripts of the hearings conducted on 8 November, 12 December and 18 December 2000.

5. Adjournment

The committee adjourned at 4.45pm until 10.00am on Tuesday, 6 February 2001 at Cabramatta.

David Blunt

Clerk to the Committee

Minutes No. 29

10.00am, Tuesday, 6 February 2001
In Cabra Vale Diggers Club, Cabramatta

1. Members Present

Mrs Sham-Ho (in the Chair)
Mr Colless
Mr Dyer (Johnson)
Mr Hatzistergos
Mr Pearce
Ms Rhiannon (absent from first consultation)
Mr West

2. Apologies

Mr Dyer

3. Inquiry into Police Resources in Cabramatta

The committee consulted the following representatives of the Vietnamese and business sectors of the Cabramatta community:

- Mr Joachim Thien Nguyen, Vietnamese-Australian Political Action Committee
- Mr Nhan Tran, Co-ordinator, Vietnamese Community in Australia, NSW Chapter
- Ms Jenny Tew, business owner, Cabramatta
- Councillor Thang Ngo, Councillor, Fairfield City Council
- Mr Ross Treyvaud, President, Cabramatta Chamber of Commerce; Cabramatta Lions Club, Cabramatta PCYC and Cabramatta Against Crime
- Mr Peter Starr, Executive Director, Cabramatta Chamber of Commerce
- Mr Richard Acheson, Community Relations Commission
- Mr Kim Vo, Vietnamese interpreter, Community Relations Commission.

The committee departed for a site visit and consultation at Cabramatta High School. The committee heard from the following staff, students, parents and ex-students:

- Mr Grahame Kidd, Principal, Cabramatta High School
- Mr Colin Skene, Deputy Principal, Cabramatta High School
- Ms Margaret Jones, Deputy Principal, Cabramatta Public School
- Ms Ronda Gaffey, Head Teacher, Intensive English Centre, Cabramatta High School
- Mr Edward Wilson, Head Teacher and Career Adviser, Cabramatta High School
- Mr David Montgomery, Counsellor, Cabramatta High School
- Ms Elizabeth Pickering, Counsellor, Cabramatta High School

- Mr Nigel Carruth, Teacher, Cabramatta High School
- Ms Anna Duong, Teacher, Cabramatta High School
- Ms Nora Kurovsky, Teacher, Cabramatta High School
- Ms Linh Nguyen, Teacher, Cabramatta High School
- Mr Huy Meng Chhay, Student, Cabramatta High School
- Mr Ratha Keo, Student, Cabramatta High School
- Ms Kim Pheng Lim, Student, Cabramatta High School
- Mr Phy Vann, Student, Cabramatta High School

The committee departed Cabramatta High School and returned to the CabraVale Diggers Club.

The committee consulted the following representatives of the Chinese and business community of Cabramatta:

- Mr Hoc Ku Huynh, New China Acupuncture Centre, former President, Australian Chinese and Descendants Mutual Association
- Ms Wendy Zhou, Australian Chinese and Descendants Mutual Association
- Mr William Liu, Secretary, Australian Chinese Teo Chew Association
- Mr David Tew, Australian Chinese Teo Chew Association
- Professor Chu Ping Chong, Association of Traditional Chinese Medicine Australia
- Mr Linh Le, Indo China Chinese Association
- Dr Ali Sarfraz, representing the Pakistan Association
- Mr Peter Starr, Executive Director, Cabramatta Chamber of Commerce
- Ms Angeline Oyang, Interpreter and translator, Community Relations Commission.

4. Adjournment

The committee adjourned at 4.35pm until 10.00am on Friday, 23 February 2001 at Parliament House.

David Blunt
Clerk to the Committee

Minutes No. 30

Friday 23 February 2001
Jubilee Room, Level 7, Parliament House, Macquarie Street, Sydney at 10.00am

1. Members Present

Mrs Sham-Ho (in the Chair)
Mr Hatzistergos
Mr Dyer (Johnson)
Mr Pearce
Ms Rhiannon
Mr West
Mr Colless

2. Inquiry into Police Resources in Cabramatta - Hearing

The media and the public were admitted.

Detective Sergeant Tim Priest was sworn and examined.

Evidence concluded and the witness withdrew.

Dr Thomas Diep, President, and Mr Keith Hewlett, Hon Secretary, Cabramatta Business Association, were sworn and examined.

Evidence concluded and the witnesses withdrew.

Mr Matthew Casey, Director, Real Justice, was sworn and examined.

Evidence concluded and the witness withdrew

The committee deliberated.

3. Confirmation of Minutes

Resolved, on the motion of Mr Dyer, that the minutes of meeting number 28 be confirmed.

Resolved, on the motion of Mr Dyer, that the minutes of meeting number 29 be amended to note that he was not present at the meeting and that his apology for that meeting be recorded.

Resolved, on the motion of Mr Dyer, that the minutes of meeting number 29, as amended, be confirmed.

4. Correspondence

The Chair tabled the following items of correspondence:

Incoming:

Anthony Spajic

Solicitor

Court and Legal Services

NSW Police Service

Dated 16 January 2001

Re: Request for the committee to release a copy of Deputy Commissioner Jarret's *in camera* evidence to Region Commander Clive Small and Superintendent Frank Hansen.

Mr Paul Akon

Manager, Special Projects

Court and Legal Services

NSW Police Service

Dated 8 February 2001

Re: Requests, including for a copy of the transcripts from 6 February 2001 consultations.

Mr Paul Akon

Manager, Special Projects

Court and Legal Services

NSW Police Service

Dated 21 February 2001

Re: Police request to obtain transcripts to investigate allegations of Police corruption made during 6 February 2001 consultations.

Mr Michael Holmes

General Manager

Court and Legal Services

NSW Police Service

Dated 21 February 2001

Re: Police request to comment upon draft report and recommendations.

Outgoing:

Sample of letter sent to Vietnamese and Chinese community organisations

Dated 18 January 2001

Re: The consultations on 6 February 2001.

Samples of letters sent to submission authors and other inquiry participants

Dated 22 January 2001

Re: Publication of submissions and inquiry progress.

Letter to Ms Reba Meagher MP

Dated 1 February 2001

Re: Invitation to attend 6 February 2001 consultations.

Letter to Hon John Aquilina MP

Dated 31 January 2001

Re: Visit to Cabramatta high School.

4.2 In Camera evidence of Assistant Commissioner Jarratt

The committee deliberated.

Resolved, on the motion of Mr Dyer, that Regional Commander Small and Local Area Commander Hansen be permitted access to the *in camera* evidence of Assistant Commissioner Jarratt, provided this is with the consent of Assistant Commissioner Jarratt.

4.3 Police Comment on Draft Report

The committee deliberated.

Resolved, on the motion of Mr Dyer, that the Chair advise the Police Service that the committee will make a decision at a later time on whether to use its discretion to provide proposed recommendations to the Police to comment upon; and that the Chair also indicated the Police Commissioner or other senior police will be recalled at the end of the inquiry to provide an opportunity to comment on evidence given by other witnesses.

5. Publication of transcripts

The committee deliberated.

Resolved, on the motion of Mr Colless, that in order to better inform all those who are participating in the inquiry process, the committee make use of the powers granted under paragraph 25 of the resolutions establishing the Standing Committees, and section 4 (2) of the *Parliamentary Papers (Supplementary Provisions) Act 1975* the committee authorises the Clerk of the Committee to publish the transcripts of the consultations undertaken in Cabramatta on 6 February 2001, once the names of the teachers, students, ex-students and parents be removed from the transcript relating to the Cabramatta High School consultation.

The committee deliberated.

Resolved, on the motion of Mr Hatzistergos that the Police Service be advised that, the transcripts of the 6 February consultations are public documents.

committee deliberated.

Resolved, on the motion of Mr Colless, that the committee authorises the Clerk of the Committee to delete from the transcript of the hearing held on 23 February 2001 references which might identify the school referred to in Mr Casey's evidence.

6. Schedule for Remaining Hearings

The committee deliberated.

The committee reaffirmed the list of proposed witnesses discussed at the meeting on 18 December 2001.

The committee discussed the need to call Regional Commander Small and Local Area Commander Hansen.

The committee deferred consideration of a roundtable meeting with the key stakeholders in the inquiry until a later meeting.

7. Adjournment

The committee adjourned at 1.03pm *sine die*.

David Blunt
Clerk to the Committee

Minutes No. 31

Tuesday 27 February 2001

In Room 1108, Level 11, Parliament House, Macquarie Street, Sydney at 9.30am

1. Members Present

Mrs Sham-Ho (in the Chair)

Mr Hatzistergos

Mr Dyer (Johnson)

Mr Pearce

Mr West

Mr Colless

Ms Rhiannon (from 11.30am only)

2. Apologies

Ms Rhiannon (absent until 11.30am)

3. Confirmation of Minutes

Resolved, on the motion of Mr Hatzistergos, that the minutes of meeting number 30 be confirmed.

4. Correspondence

Resolved, on the motion of Mr Hatzistergos, that the following correspondence be received:

- Letter from the Hon Ron Dyer MLC, the Hon John Hatzistergos MLC and the Hon Ian West MLC, 26 February 2001
- Letter from Mr M Holmes, Court and Legal Services, NSW Police 23 February 2001
- Letter from Hon P Whelan MP, Minister for Police, 26 February 2001.

The committee deliberated

Resolved, on the motion of Mr Hatzistergos, that the Chair prepare a draft response to the Police Minister to his letter and press release of 26 February 2001, and that this draft response be circulated to the committee for comment prior to it being sent.

5. Response to Adverse Comment by a Witness

The committee deliberated.

Resolved, on the motion of Mr Dyer, that Assistant Commissioner Clive Small be permitted to provide evidence at 11.30am on Tuesday 27 February 2001 in response to adverse comments in evidence by Detective Sergeant Tim Priest.

6. Publication of Transcripts of 23 February 2001

The committee deliberated.

Resolved, on the motion of Mr Colless, that in order to better inform all those who are participating in the inquiry process, the committee make use of the powers granted under paragraph 25 of the resolutions establishing the Standing Committees, and section 4 (2) of the *Parliamentary Papers (Supplementary Provisions) Act 1975* the committee authorises the Clerk of the Committee to publish the transcript of the hearing held on 23 February 2001 at the conclusion of the deliberative meeting and prior to the 11.30am hearing.

Mr Hatzistergos, Mr Dyer and Mr West asked that the minutes record their preference for the publication of the transcript of the hearing held on 23 February 2001 to wait until the conclusion of the hearing with Assistant Commissioner Small.

7. Adjournment

The committee adjourned until 11.30am in the Jubilee Room, Parliament House.

8. Inquiry into Police Resources in Cabramatta Hearing

The media and the public were admitted.

Mr Glenn Bartley, Barrister, was granted permission by the committee to sit at the witness table as an adviser to Assistant Commissioner Small.

Point of Order taken by Mr Pearce, that Mr Bartley be permitted to speak to Mr Small during the hearing but that he not speak to the committee, as he was not appearing as a witness. Point of order upheld.

Assistant Commissioner Clive Small was sworn and examined.

Assistant Commissioner Small tendered the following documents and requested they be kept confidential to the committee:

- Risk Assessment conducted by Organised Crime (South East Asian) Crime Agencies re events of November 1999
- Terms of Reference for NSW Crime Agencies Investigation into events of November 1999
- Terms of Reference for Operation Portville in February 2000
- E-mail under investigation by Internal Affairs

Evidence concluded and the witness withdrew.

9. Tendered Documents

The committee deliberated.

Resolved, on the motion of Ms Rhiannon, that the documents tendered by Assistant Commissioner Small be accepted on a confidential basis.

10. Publication of transcripts

The committee deliberated.

Resolved, on the motion of Mr Hatzistergos, that in order to better inform all those who are participating in the inquiry process, the committee make use of the powers granted under paragraph 25 of the resolutions establishing the Standing Committees, and section 4 (2) of the *Parliamentary Papers (Supplementary Provisions) Act 1975* the committee authorises the Clerk of the Committee to publish the transcript of the hearing on 27 February 2001.

The committee deliberated.

11. Response to Correspondence

Ms Rhiannon requested the minutes record her concern as to statements made by the Minister for Police and the General Manager of Court and Legal Services, NSW Police Service, following the hearing held on 23 February 2001. The Chair advised there would be an opportunity to respond to these comments through correspondence from her to the Minister to be circulated later (see item 4).

12. Notice of Motion

Mr Hatzistergos gave notice that at the next deliberative meeting he would move a motion that the committee express its support for the students and staff of Cabramatta High School.

13. Adjournment

The committee adjourned at 2.15pm until 10.00am on Monday, 12 March 2001 at Parliament House.

David Blunt
Clerk to the Committee

Minutes No. 32

Monday 12 March 2001

Jubilee Room, Level 7, Parliament House, Macquarie Street, Sydney at 10.00am

1. Members Present

Mrs Sham-Ho (in the Chair)
Mr Hatzistergos
Mr Dyer (Johnson)
Mr Pearce
Mr West
Mr Colless
Mr Breen (substitute for Lee Rhiannon)

2. Apologies

Ms Rhiannon (attended during parts of the evidence)

3. Inquiry into Police Resources in Cabramatta Hearing

The media and the public were admitted.

Dr Andrew Wilson, Chief Health Officer, NSW Health was sworn and examined.

Evidence concluded and the witness withdrew.

Mr Geoff Barnden, Director, Office of Drug Policy, was sworn and examined and Mr Michael Hogan, Director, Strategic Projects Division, Premier's Department was affirmed and examined.

Geoff Barnden tendered a package of NSW Drug Program publications (as set out in the list attached to these minutes).

Michael Hogan tendered the following documents:

- 1999 evaluation of the Cabramatta project
- Cabramatta project information pack

Evidence concluded and the witnesses withdrew.

Dr Elizabeth Coombs, Executive Director, Review and Reform Division, Premier's Department, was sworn and examined.

Evidence concluded and the witness withdrew.

Mr Tom Jambrich, Assistant Auditor General, NSW Audit Office, was sworn and examined.

Evidence concluded and the witness withdrew. The media and the public withdrew.

The committee deliberated.

4. Confirmation of Minutes

Mr Dyer noted the words 'the Minister' needed to be deleted from item 4 on page one and the word 'by' from line 4 on page two.

Resolved, on the motion of Mr Dyer, that the minutes of meeting number 31 be confirmed as amended.

5. Correspondence

Resolved, on the motion of Mr Hatzistergos, that the following correspondence be received:

- Letter from Ms Lee Rhiannon appointing Hon Peter Breen as her substitute for the meeting of 12 March 2001
- Letter from Mr G Kidd, Principal, Cabramatta High School, 28 February 2001
- Letter from Mr P Akon, Court and Legal Services, NSW Police, 5 March 2001
- Submission from Dr Tai Huynh, 7 February 2001
- Supplementary submission from Office of the Mayor, Fairfield City Council, 5 March 2001
- Letter from Councillor Thang Ngo, 12 March 2001
- Letter from Mr Ross Trevyaud, Cabramatta Chamber of Commerce, 12 March 2001

The Committee Director advised that all copies of the confidential document referred to in the letter from Mr Akon were currently held in the Legislative Council safe. A copy was given to each member at the end of the meeting.

The committee deliberated

6. Publication of transcripts

The committee deliberated.

Resolved, on the motion of Mr Hatzistergos, that in order to better inform all those who are participating in the inquiry process, the committee make use of the powers granted under paragraph 25 of the resolutions establishing the Standing Committees, and section 4 (2) of the *Parliamentary Papers (Supplementary Provisions) Act 1975* the committee authorises the Clerk of the Committee to publish the transcript of the hearing on 12 March 2001.

The committee deliberated.

The committee did not make any resolution on whether to publish the answers received to questions on notice arising from the day's hearings.

7. Adjournment

The committee adjourned at 3.12pm until 10.00am on Friday, 30 March 2001 at Parliament House.

David Blunt
Clerk to the Committee

NSW DRUG PROGRAM PUBLICATIONS**Coordination**

- Drug Summit Communiqué May 1999
- Drug Summit CD Rom 1999
- NSW Drug Summit July 1999 Government Plan of Action
- Drug Summit Plan of Action Statement of Objectives
- NSW Office of Drug Policy – Website Home Page – www.druginfo.nsw.gov.au

NSW Health

- NSW Treatment Services Plan 2000-2005 (NSW Health 2000)
- Mental Health & Substance Use Disorder – Service Delivery Guidelines (NSW Health 2000)
- Mental Health and Substance Use Disorder – Discussion paper (NSW Health 2000)
- Methadone Maintenance Treatment – Essential Information Booklet (October 2000)
- Treatment Contract Agreement
- Clinic Accreditation Standards
- NSW Heroin Overdose Prevention and Management Strategy
- NSW Methadone Clinic Accreditation Standard

Families

- Aboriginal and Torres Strait Islander Parenting Calendar (Department of Community Services, 2000)

Education and Training

- Educational Outcomes and Adolescent Cannabis Use (NDARC/Department of Education and Training, 2000)

Drug Crime Research and Diversion

- Drug Crime Prevention and Mitigation: A Literature Review and Research Agenda (NSW Bureau of Crime Statistics and Research Agenda (December 2000)
- Magistrates Early Referral into Treatment Program – Pamphlet (MERIT Team, 2001)
- Youth Drug Court – Guide – Legal Aid Commission

Occupational Health and Safety

- Drugs and Alcohol and the Workplace: "A Guide to developing a Workplace Drug and Alcohol Policy", WorkCover 1996
- Premier's Department – Alcohol and Other Drugs – Policy Guidelines August 1998

Drug Driving

- Pills and Potions – Roads and Traffic Authority

Minutes No. 33

Friday 30 March 2001

Jubilee Room, Level 7, Parliament House, Macquarie Street, Sydney at 10.00am

1. Members Present

Mrs Sham-Ho (in the Chair)
Mr Hatzistergos
Mr Dyer
Mr Pearce
Mr West
Ms Rhiannon
Mr Breen (as member of Legislative Council)

2. Apologies

Mr Colless

3. Inquiry into Police Resources in Cabramatta Hearing

The media and the public were admitted.

The Chair made an opening statement regarding the future of the inquiry and on the Premier's statement on Cabramatta.

Dr Richard Basham, former consultant to the NSW Police on Asian organised crime, was affirmed and examined.

Mr Dyer raised a point of order regarding a question from Mr Pearce seeking the witness's view on statements by the Police Minister. The Chair upheld the point of order.

Evidence concluded and the witness withdrew.

Mr Adrien Whiddett, General Manager, Operations, National Crime Authority, was sworn and examined.

Mr Whiddett tendered the following documents:

- 1999/2000 annual report of the NCA
- The NCA: the Inside Story
- pamphlet outlining the work of the NCA

Evidence concluded and the witness withdrew.

Mr Phillip Bradley, Commissioner, NSW Crime Commission, was affirmed and examined. At Mr Bradley's request the Chair requested that television cameras be turned off during his evidence.

Evidence concluded and the witness withdrew.

Mr Mark Hamkin, Cabramatta Youth Team and Mr Dean Hart, Project Officer, Fairfield City Council were sworn and examined.

Evidence concluded and the witnesses withdrew.

Mr Richard Atcheson, Community Relations Commission was sworn and examined.

Mr Atcheson tendered the following document:

- Police and Ethnic Communities , Ethnic Affairs Commission, November 1994.

Evidence concluded and the witness withdrew. The media and the public withdrew.

The committee deliberated.

4. Publication of transcripts and tendered documents

The committee deliberated.

Resolved, on the motion of Mr West, that in order to better inform all those who are participating in the inquiry process, the committee make use of the powers granted under paragraph 25 of the resolutions establishing the Standing Committees, and section 4 (2) of the *Parliamentary Papers (Supplementary Provisions) Act 1975* the committee authorises the Clerk of the Committee to publish the transcript of the hearing on 30 March 2001.

The committee deliberated.

Resolved, on the motion of Mr Pearce, that in order to better inform all those who are participating in the inquiry process, the committee make use of the powers granted under paragraph 25 of the resolutions establishing the Standing Committees, and section 4 (2) of the *Parliamentary Papers (Supplementary Provisions) Act 1975* the committee authorises the Clerk of the Committee to publish the documents tendered at the hearing on 30 March 2001.

5. Report Outline

The Chair tabled a report outline for the inquiry into Police Resources in Cabramatta and sought comments from members by 23 April 2001.

6. Adjournment

The committee adjourned at 3.52pm until 10.00am on Monday, 23 April 2001 at Parliament House.

David Blunt
Clerk to the Committee

Minutes No. 34

Monday 23 April 2001

In Room 814/815, Level 8, Parliament House, Macquarie Street, Sydney at 10.00am

1. Members Present

Mrs Sham-Ho (in the Chair)
Mr Hatzistergos
Mr Dyer
Mr Pearce
Mr Jobling (for Mr Colless)
Mr West
Ms Rhiannon

2. Apologies

Mr Colless

The Chair advised that correspondence had been received indicating that, for the purposes of today's hearing the Hon John Jobling MLC would be substituting for the Hon Rick Colless MLC.

The Chair also advised that the afternoon witness, Mr Ivan Kolarik, was unwell and as a result the afternoon session of the hearing would be postponed.

3. Procedures for In Camera Hearing

The committee deliberated on procedures for the morning hearing.

Resolved, on the motion of Mr Jobling, that the hearing be held *in camera*.

Mr Jobling moved: That the names of officers be deleted from the transcript of the hearing.

The committee divided.

Ayes: Mr Jobling
Mr Pearce
Ms Rhiannon
Mrs Sham Ho

Noes: Mr Dyer
Mr West
Mr Hatzistergos

The question was resolved in the affirmative.

The committee agreed to defer consideration of the publication of the transcript until after the hearing.

The committee deliberated on the request by the Police Service to have a legal representative present during the *in camera* hearing.

Mr Jobling moved: That the Police Service legal representative not be given leave to attend the hearing.

The committee divided.

Ayes: Mr Jobling
Mr Pearce
Ms Rhiannon
Mrs Sham-Ho

Noes: Mr Dyer
Mr West
Mr Hatzistergos

The question was resolved in the affirmative.

4. Previous Minutes

Resolved, on the motion of Mr Dyer, that minutes nos 32 and 33 be confirmed.

5. Correspondence

Resolved, on the motion of Mr Dyer, that the following correspondence be noted:

Outgoing:

- to P Akon, Court and Legal Services, NSW Police Service, 5 April 2001, re questions on notice for hearing on 18 May 2001;
- to P Akon, Court and Legal Services, NSW Police Service, 5 April 2001, re proposed steps for investigation of allegations of corruption at Cabramatta Police Station;
- to Sir David O Dowd, Her Majesty's Inspector of Constabulary, 6 April 2001, re police/community relations and proposed video-conference;
- to Mr David Westwood, Chief Constable, Humberside Police, 6 April 2001, re police/community relations and proposed video-conference

Incoming:

- from Mr Greg Chilvers, Police Association of NSW, 4 April 2001
- from Sir David O Dowd, 9 April 2001
- email from Inspector John Ford, on behalf of Mr David Westwood, 12 April 2001

6. *In Camera* Hearing

The Chair made an opening statement regarding the circumstances leading to the holding of the hearing *in camera* and the procedures to be followed during the hearing.

Cabramatta LAC officers A, B, C & D were sworn and examined.

The following documents were tendered:

- original copy of the submission signed by six officers of the Cabramatta LAC;
- *The Cabramatta Drug Abatement Program: Keeping Drugs out of Rental Properties*
- *Premises Liability & Third Party Civil Remedies to Drug Problems*

Evidence concluded and the witnesses withdrew.

7. Publication of transcripts and tendered documents

The committee deliberated.

Resolved, on the motion of Mr Jobling, that in order to better inform all those who are participating in the inquiry process, the committee make use of the powers granted under paragraph 25 of the resolutions establishing the Standing Committees, and section 4 (2) of the *Parliamentary Papers (Supplementary Provisions) Act 1975*, to authorise the Clerk of the Committee to make available to the Court and Legal Services of the NSW Police for response an amended (that is, with the names of officers deleted), corrected copy of the transcript of the *in camera* hearing on 23 April 2001, together with the submission received.

Mr Pearce moved: That in order to better inform all those who are participating in the inquiry process, the committee make use of the powers granted under paragraph 25 of the resolutions establishing the Standing Committees, and section 4 (2) of the *Parliamentary Papers (Supplementary Provisions) Act 1975*, the committee authorises the Clerk of the Committee to make public an amended (that is, with the names of officers deleted), corrected copy of the transcript of the *in camera* hearing on 23 April 2001, together with the submission received.

The committee divided.

Ayes: Mr Pearce
 Mr Jobling
 Ms Rhiannon
 Mrs Sham-Ho

Noes Mr West
 Mr Dyer
 Mr Hatzistergos

The question was resolved in the affirmative.

The committee deliberated.

8. Future Hearings

The Chair advised that Deputy Commissioner Jarratt was unavailable on 18 May 2001 and therefore the hearing on that day would be changed. The committee agreed to meet on 11 May 2001 subject to Deputy Commissioner Jarratt being available on that day.

9. Adjournment

The committee adjourned at 1.30pm until 10.00am on Monday, 7 May 2001 at Cabramatta.

David Blunt
Clerk to the Committee

Minutes No. 35

10.30am, Monday 7 May 2001
At Lotus House, 276 John Street, Cabramatta

1. Members Present

Mrs Sham-Ho (in the Chair)
Mr Hatzistergos
Mr Colless
Mr Dyer
Mr Pearce
Ms Rhiannon

2. Apologies

Mr West

3. Inquiry into Police Resources in Cabramatta - Briefing at Lotus House

The committee visited Lotus House, 276 John Street, Cabramatta.

The committee toured the premises and received a briefing from the following staff:

- Ms Suna Ur
- Ms Virginia Texeira

Briefing at DISC (Drug Intervention Service Cabramatta)

The committee visited the Drug Intervention Service Cabramatta, 16 Fischer Street, Cabramatta.

The committee toured the premises and received a briefing from staff.

4. Consultation

The committee conducted an informal consultation at the Cabra-Vale Diggers Club, 1 Bartley Street, Cabramatta.

The Committee Chair made a statement about the purpose and format of the consultation.

The following persons addressed the committee:

- Mr Richard Dekker
- Mr Vincent Doan
- Cr Maria Heggie
- Mr Dean Newbold
- Cr Thang Ngo
- Mr Francesco Reitano
- Dr Ali Sarfraz

- Mr Peter Starr
- Mr Seang Tiang
- Ms Jenny Tew
- Mr Jackie Thai
- Mr Ross Treyvaud
- Cr Robert Watkins
- Ms Janet Weismantel

Mr Reitano tendered a written submission.

Resolved, on the motion of Mr Pearce, that the submission be accepted.

Mr Starr sought permission for a young man to address the committee.

Ms Rhiannon raised a point of order in relation to the circumstances in which the young man had been brought forward and the appropriateness of him addressing the committee in the prevailing circumstances. Mr Dyer spoke to the point of order, raising the issues of: the nature of the consultation; the doubt as to the application of privilege to the proceedings; the interests of the young person; and the integrity of the proceedings.

The Chair upheld the point of order and ruled that the young man not address the committee. The Chair invited the young man, through Mr Starr, to make a written submission, which would be considered by the committee.

The committee deliberated.

Resolved, on the motion of Ms Rhiannon, that the media be prohibited from publishing the image of the young man or his name.

The committee deliberated.

Resolved, on the motion of Mr Dyer, that any decision as to whether or not Mr Reitano's submission should be made public be deferred until the deliberative meeting following the hearing to be held on Friday, 11 May 2001 after members have had an opportunity to read the submission.

5. **Adjournment**

The committee adjourned at 4.30pm until 10.00am on Friday, 11 May 2001 at Parliament House.

David Blunt
Clerk to the Committee

Minutes No. 36

Friday 11 May 2001

Legislative Council Chamber, Parliament House, Macquarie Street, Sydney at 10.00am

1. Members Present

Mrs Sham-Ho (in the Chair)
Mr Hatzistergos
Mr Colless
Mr Dyer
Mr Pearce
Mr West
Ms Rhiannon

2. Inquiry into Police Resources in Cabramatta - Public hearing

Assistant Commissioner Clive Small, sworn and examined.

Superintendent Frank Hansen sworn and examined.

Detective Chief Inspector Deborah Wallace sworn and examined.

The following documents were tendered:

- Letter from Deputy Principal, Cabramatta High School, dated 3 May 2001;
- Minutes of meeting of Cabramatta branch of Police Association, 3 April 2001;
- Minutes of meeting of Cabramatta branch of Police Association, 9 April 2001;
- *Greater Hume Police Region: Some Developments and Future Directions;*
- *Response by NSW Police Service to Questions on Notice for Police;*
- Correspondence between Police Association and Mr M Holmes, Court & Legal Services, NSW Police Service, 4 & 8 May 2001.

The committee deliberated in relation to a proposal to take certain evidence *in camera*.

Resolved, on the motion of Mr Colless, that the committee take the remainder of the evidence from the witnesses *in camera*, with only the witnesses and their two legal advisers present.

Evidence concluded and the witnesses withdrew.

3. Publication of transcript

The committee deliberated.

Resolved, on the motion of Mr Dyer, that in order to better inform all those who are participating in the inquiry process, the committee make use of the powers granted under paragraph 25 of the resolutions establishing the Standing Committees, and section 4 (2) of the *Parliamentary Papers (Supplementary Provisions) Act 1975* to authorise the Clerk of the Committee to publish the transcript of the consultation held in Cabramatta on 7 May 2001 and the transcript of the public hearing held on 11 May 2001.

4. Previous Minutes

Resolved, on the motion of Mr Dyer, that the minutes of meeting 34 be confirmed and the confirmation of the minutes of meeting no 35 be deferred until the names of all those who briefed the committee on 7 May 2001 are available.

5. Correspondence

Resolved, on the motion of Ms Rhiannon, that the following correspondence be noted:

Incoming:

- Walter Madden Jenkins, 24 April 2001
- Mr Michael Holmes, Court & Legal Services, NSW Police Service, 27 April 2001
- Mr P Akon, Court & Legal Services, NSW Police Service, 30 April 2001
- Mr P Akon, Court & Legal Services, NSW Police Service, 1 May 2001
- Mr M Holmes, Court & Legal Services, NSW Police Service, 1 May 2001
- Mr I Ball, Police Association of NSW, 2 May 2001
- Mr P Akon, Court & Legal Services, NSW Police Service, 3 May 2001
- Mr Ivan Kolarik, NPEAB, 9 May 2001
- email from Mr Dan Crompton, HIMIC, 8 May 2001
- Mr M Holmes, Court & Legal Services, NSW Police Service, 9 May 2001

Outgoing:

- Mr Ken Madden, Walter Madden Jenkins, 26 April 2001
- Mr P Ryan, Police Commissioner, 7 May 2001
- Mr P Akon, Court & Legal Services, NSW Police Service, 8 May 2001

6. Transcript of 23 April 2001 hearing

The committee deliberated.

Resolved, on the motion of Mr Dyer, that the names of the officers who gave evidence before the committee at the *in camera* hearing on 23 April 2001 be reinserted into the transcript of the hearing, subject to consultation with the officers, and that the names of all other officers be reinserted into the transcript in any case.

7. Adjournment

The committee adjourned at 4.30pm until 10.00am on Monday, 14 May 2001.

David Blunt
Clerk to the Committee

Minutes No. 37

Monday 14 May 2001

Jubilee Room, Level 7, Parliament House, Macquarie Street, Sydney at 10.00am

1. Members Present

Mrs Sham-Ho (in the Chair)
Mr Hatzistergos
Mr Colless
Mr Dyer
Mr Pearce
Mr West
Ms Rhiannon

2. Inquiry into Police Resources in Cabramatta - Public hearing

Deputy Commissioner Jeff Jarratt, sworn and examined.

The following documents were tendered:

- Information for the Police and Ethnic Communities Advisory Council by C Devery
- Professional learning for ethno-cultural diversity by Frankie Todd, *International Journal of Lifelong Education* Vol 13 No 2 March April 1994
- Police and Community Training News
- job description, Ethnic Community Liaison Officer
- Culturally Competent Police Organisations: National Recruitment and Retention Strategic Framework , National Police Ethnic Advisory Bureau
- Drugs, Young People and the Law information kit, Fairfield Drug Action Team (in several languages)

Evidence concluded and the witnesses withdrew.

3. Publication of transcript

The committee deliberated.

Resolved, on the motion of Mr Colless, that in order to better inform all those who are participating in the inquiry process, the committee make use of the powers granted under paragraph 25 of the resolutions establishing the Standing Committees, and section 4 (2) of the *Parliamentary Papers (Supplementary Provisions) Act 1975* to authorise the Clerk of the Committee to publish the transcript of the public hearing held on 11 May 2001.

Resolved, on the motion of Mr Colless, that in order to better inform all those who are participating in the inquiry process, the committee make use of the powers granted under paragraph 25 of the resolutions establishing the Standing Committees, and section 4 (2) of the *Parliamentary Papers (Supplementary Provisions) Act 1975* to authorise the Clerk of the Committee to publish the documents tendered on 11 May and 14 May 2001.

4. Submission received from Mr F Reitano

The committee deliberated.

Resolved, on the motion of Mr Pearce:

That the committee staff communicate with Mr Reitano to ensure that any personal reflections of a potentially defamatory nature about identifiable police officers are removed from Mr Reitano's submission;

That the revised submission from Mr Reitano then be forwarded to the Police Service for a written response to the structural/policy issues discussed in the submission by 5pm on Monday 21 May 2001; and

That Mr Reitano's revised submission be made public together with the written response received from the Police Service.

5. Submission received from James

The committee deliberated.

Resolved, on the motion of Mr Dyer, that the committee accept the submission from James, hand delivered by Mr Peter Starr on Friday 11 May 2001, as a confidential submission.

Resolved, on the motion of Mr Hatzistergos, that the Committee Chair together with a small group of other members of the committee conduct an informal meeting with James to enable him to elaborate upon his submission, with a view to reporting back to the committee as to whether there is a need to take formal evidence from him.

6. Privilege issues

The committee deliberated in relation to the issues of the unauthorised release of the submission of the officers who gave evidence on 23 April 2001 and the directive memoranda served upon those officers by the Police Service.

Resolved, on the motion of Mr Hatzistergos, that the committee defer any further consideration of these issues until a draft report is circulated by the Committee Chair.

7. Proposed report outline

The committee deliberated in relation to the proposed report outline circulated by the Committee Chair on 30 March 2001.

The committee agreed that the proposed report outline appeared to cover the relevant issues in an appropriate manner.

Resolved, on the motion of Mr Dyer, that any deliberations on the content of the committee's report be deferred until a draft report is circulated by the Committee Chair.

8. Adjournment

The committee adjourned at 1.50pm sine die.

David Blunt
Clerk to the Committee

Minutes No. 38

Tuesday 15 May 2001

In Room 1108, Level 11, Parliament House, Macquarie Street, Sydney at 1.00pm

1. Members Present

Mrs Sham-Ho (in the Chair)
Mr Hatzistergos
Mr Colless
Ms Rhiannon

2. Meeting with James

In accordance with the committee's resolution of 14 May 2001, the Committee Chair, together with a small group of other members of the committee met with James, together with Mr P Starr and Dr R Basham.

James spoke to his confidential submission and answered questions from members of the committee.

3. Adjournment

The committee adjourned at 3.00pm sine die.

David Blunt
Clerk to the Committee

Minutes No. 39

Wednesday 6 June 2001

In Room 1153, Level 11, Parliament House, Macquarie Street, Sydney at 6.30pm

1. Members Present

Mrs Sham-Ho (in the Chair)
Mr Hatzistergos
Mr Colless
Mr Dyer
Mr Pearce
Mr West
Ms Rhiannon

2. Confirmation of minutes

Resolved, on the motion of Mr Dyer, that the minutes of meetings 35, 36 & 37 be confirmed.

Resolved, on the motion of Mr Hatzistergos, that the minutes of meeting 38 be confirmed.

3. Correspondence

Resolved, on the motion of Mr Dyer, that the committee note the following correspondence:

Outgoing:

- to P Akon, Court and Legal Services, NSW Police Service, 17 May 2001 re Reitano submission;
- to Detective Senior Constable Frank Reitano, 22 May 2001 re amendments to his earlier submission;
- to P Akon, Court and Legal Services, NSW Police Service, 31 May 2001 re Reitano submission and questions on notice for hearings on 11 and 14 May 2001, forwarding letter from Hon Greg Pearce MLC.

Incoming:

- from Dr A Wilson, NSW Health, 14 May 2001, re answers to questions on notice;
- from Mr M Hogan, Premier's Department, 7 May 2001, re answers to questions on notice;
- from Mr R Wilkins, The Cabinet Office, 18 May 2001, re answers to questions on notice;
- from Dr R Basham, 18 May 2001, supplementary submission;
- from Mr F Reitano, 22 May 2001, re revised submission and Police Service response;
- from P Akon NSW Police Service Court and Legal Services, 23 May 2001 regarding deadline for comment on Reitano submissions;
- from officers who gave evidence on 23 April 2001;
- from Hon Greg Pearce MLC, 30 May 2001 re hearings on 11 May and 14 May 2001
- from Detective Senior Constable Frank Reitano, 1 June 2001, re tendering confidential supporting documents
- from P Akon, Court and Legal Services, NSW Police Service, 30 May 2001, re matters referred to in hearing 11 May 2001

4. Report on meeting with James

The Committee Chair reported on the meeting with James on 15 May 2001.

Resolved on the motion of Mr Pearce, that the committee note the assistance provided by Mr Colless and the Minister for Housing and the Department of Housing in relocating James and his grandmother from Cabramatta.

Resolved, on the motion of Mr Hatzistergos, that the committee receive the report on the meeting with James and that the committee not conduct a formal hearing with James.

5. Officers who gave evidence on 23 April 2001

The committee deliberated.

Resolved, on the motion of Ms Rhiannon, that the names of the officers who gave evidence on 23 April 2001 not be included in the transcript of evidence made public by the committee.

Resolved, on the motion of Mr Hatzistergos, that the Committee Chair write to Assistant Commissioner Small, advising him of the committee's intention to make public the transcript of his *in camera* evidence on 11 May 2001 and asking him to identify any parts of that transcript to which he would have an objection to being made public.

Resolved, on the motion of Ms Rhiannon, that the Committee Chair write to the officers who gave evidence on 23 April 2001, advising them of the committee's decision not to include their names in the transcript made public by the committee and also advising them of the committee's resolution concerning the *in camera* evidence of Mr Small on 11 May 2001.

6. Reitano submission

The Committee Director reported on advice received from the Court & Legal Services of the NSW Police Service, concerning progress on the written response to the Reitano submission.

The committee deliberated.

Resolved, on the motion of Mr Hatzistergos, that the committee not receive further documentation from Mr Reitano.

7. Chair's draft report

The Committee Chair advised that Part One of her draft report, being Chapters One to Five, would be circulated to members by 5.00pm on Thursday 7 June 2001, and that Part Two, being Chapters Six to Ten, would be circulated by 5.00pm on Friday, 8 June 2001.

8. Adjournment

The committee adjourned at 7.15pm until 1.00pm on Friday, 15 June 2001.

David Blunt
Clerk to the Committee

Minutes No. 40

Friday, 15 June 2001

Room 1153, Level 11, Parliament House, Macquarie Street, Sydney at 1.00pm

1. Members Present

Mrs Sham-Ho (in the Chair)
Mr Hatzistergos
Mr Colless
Mr Dyer
Mr Pearce
Mr West
Ms Rhiannon

2. Confirmation of minutes

Resolved, on the motion of Mr Dyer, that the minutes of meetings 39 be confirmed.

3. Correspondence

Resolved, on the motion of Mr Dyer, that the Committee note the following correspondence received:

- J Howard, Court and Legal Services, NSW Police Service, 14 June 2001, re material provided pursuant to undertakings from Mr Jarratt on 14 May 2001;
- J Howard, Court and Legal Services, NSW Police Service, 14 June 2001, re response to Reitano submission.

4. Inquiry into Cabramatta Policing

Draft Special Report

The Committee deliberated.

The Committee reviewed the transcript of the in camera hearing held with Mr Small, Mr Hansen and Ms Wallace on 11 May 2001.

The Committee considered the transcript page by page and identified the parts of the transcript which should be made public.

Resolved, on the motion of Mr Dyer, that the amended transcript of the in camera hearing held on 11 May 2001, be circulated to members on Monday 18 June 2001, for checking, prior to its being made public on 21 June 2001.

Resolved, on the motion of Ms Rhiannon, that as a courtesy to the officers concerned, a copy of the amended transcript of the in camera hearing held on 11 May 2001, be forwarded to the four officers who had given evidence on 23 April 2001, on Wednesday 20 June 2001.

The Committee agreed to defer consideration of the Chair's draft Special Report on possible breaches of privilege arising from the inquiry into Cabramatta policing until the next meeting.

Cook Report and terms of reference for 11 strike forces

The Committee noted the advice in Mr Howard's letter of 14 June 2001 that, following legal advice, the Police would not be providing the Committee with the terms of reference for the 11 strike forces.

The Committee deliberated.

Resolved on the motion of Mr Jobling:

1. That, under paragraph 8 of the Resolution establishing General Purpose Standing Committee No. 3, which Committee is inquiring into Police Resources in Cabramatta, the Committee be provided with the following document in the possession, custody or power of the Police Service:
 - A document identified as the Cook Report referred to in evidence on 27 February 2001 by Mr Small, and
 - the terms of reference for the 11 strikeforces referred to in evidence on 27 February 2001 by Mr Small.
2. That the documents be provided to the Clerk of the Committee by 5.00pm Monday 25 June 2001.
3. That a list of the documents provided under this resolution be prepared showing:
 - (a) the author of the document,
 - (b) a description of the document,
 - (c) the date of creation of the document.
4. Where it is considered that a document required to be lodged with the Committee is privileged and should not be made public by the Committee:
 - (a) a return is to be prepared and lodged with the Clerk of the House showing the date of creation of the document, a description of the document, the author of the document and reasons for the claim of privilege, and
 - (b) the documents are to be delivered to the Clerk of the House by 5.00pm Monday 25 June 2001 and:
 - (i) made available only to Members of the Committee and the Clerk to the Committee.
 - (ii) not published or copied without an order of the Committee.
5. That in the event of a dispute by any Member of the House communicated in writing to the Clerk of the House as to the validity of a claim of privilege in relation to a particular document, the Clerk is authorised to release the disputed document to an independent legal arbiter who is either a Queen's Counsel, a Senior Counsel or a retired Supreme Court judge, appointed by the President, for evaluation and report to the Clerk within 5 days as to the validity of the claim.
6. A report from the independent arbiter provided to the Clerk of the House is to be made available only to Members of the Committee and the Clerk to the Committee, and not published or copied without an order of the Committee.
7. That this resolution be conveyed to the Director-General of the Premier's Department and the Commissioner for Police, by the Clerk to the Committee.

Chair's Draft Report

The Committee deliberated.

Resolved, on the motion of Mr Jobling, that in view of the Committee's resolution to require the production of documents from the Police Service, and the need for Members of the Committee to be able to absorb the content of the documents received from the Police Service with the correspondence dated 14 June 2001, the Committee defer formal consideration of the Chair's draft report.

Resolved, on the motion of Mr Jobling, that Committee staff meet with each member of the Committee during the next two weeks, with a view to members identifying changes they would like to see incorporated in a revised draft report.

5. Adjournment

The Committee adjourned at 4.00pm until 1.00pm on Friday, 15 June 2001.

David Blunt
Clerk to the Committee

Minutes No. 41

Wednesday 20 June 2001

Waratah Room, Level 7, Parliament House, Macquarie Street, Sydney at 10.30am

1. Members Present

Mrs Sham-Ho (in the Chair)
Mr Hatzistergos
Mr Colless
Mr Dyer
Mr Pearce
Mr West
Ms Rhiannon

2. Publication of transcript of 11 May 2001 *in camera* hearing

The committee deliberated.

The committee agreed that the changes made to the transcript of the *in camera* hearing held on 11 May 2001, circulated to members on Monday, 18 June 2001 accurately reflected the decisions of the committee at its meeting on 15 June 2001.

3. Special Report

The Chair tabled her draft Special Report on a possible breach of privilege which, having previously been circulated, was taken as having been read.

Mr Colless moved: That the draft Special Report be the report of the committee and be tabled in the House by the Committee Chair together with various appendices noted in the report.

The committee deliberated.

Mr Dyer and Mr Hatzistergos spoke against the motion.

The question was put.

The committee divided.

Ayes: Mr Colless
Mr Pearce
Ms Rhiannon
Mrs Sham-Ho

Noes: Mr Dyer
Mr Hatzistergos
Mr West.

The question was resolved in the affirmative.

4. Correspondence

The Committee Chair tabled the following correspondence:

- Letter to Dr Col Gellatly, Premier s Department, 18 June 2001, re order for papers;
- Letter from Mr J Howard, Court & Legal Services, NSW police Service, 19 June 2001, re Strike Force Oldenburg;
- Letter from Mr F Reitano, 19 June 2001, re Police Service response to his submission.

5. Next meeting

It was agreed that a calendar would be circulated to members in order to find an appropriate date for a meeting to consider the draft report on the inquiry into Cabramatta policing, during the week commencing Monday 16 July 2001.

The committee discussed the unauthorised release to the Sun Herald of information about the preliminary draft report. It was agreed that this matter would be further considered at the next meeting when the committee meets to consider the draft report on the inquiry into Cabramatta policing.

6. Adjournment

The committee adjourned at 11.00am *sine die*.

David Blunt
Clerk to the Committee

Minutes No. 42

Wednesday, 25 July 2001
Room 1153, Parliament House at 10.00 am

1. Members Present

Mrs Sham-Ho (in the Chair)
Mr Hazistergos
Mr Colless
Mr Dyer
Mr Pearce
Mr West

2. Apologies

An apology was received from Ms Rhiannon.

3. Confirmation of minutes

Resolved, on the motion of Mr Dyer, that the minutes of meeting no 41 be confirmed.

4. Correspondence

Resolved, on the motion of Mr Dyer, that the Committee note the following correspondence received:

- Mr M Holmes, Court & Legal Services, NSW Police Service, 22 June 2001, re confidentiality;
- Mr J Howard, Court & Legal Services, NSW Police Service, 25 June 2001, re Mr Small s evidence of 11 May 2001 and directive memoranda;
- Mr R Redfern, Court & Legal Services, NSW Police Service, 18 July 2001, re leaks to the press and James ;
- Mr P Akon, Court & Legal Services, NSW Police Service, 19 July 2001, re Police Association Press Release.

5. Inquiry into the Cabramatta Policing

Unauthorised release of draft report

The Committee deliberated.

Resolved, on the motion of Mr Dyer, that Committee Chair write to the President seeking a meeting to discuss the potential for the Standing Committee on Privilege and Ethics to conduct an inquiry which could lead to the development of constructive guidelines or options to address the problem of unauthorised disclosure of committee proceedings.

Cook Report and related documents

The Committee deliberated.

The Committee agreed to await the consideration of the Chair's revised draft report before determining whether or not it is necessary to dispute the claim of privilege in relation to the documents produced by the Police Service on 25 June 2001.

Resolved, on the motion of Mr Colless, that the minutes record that the fact that the Committee might not dispute the claim of privilege made by the Police Service is not to be taken as meaning that the Committee accepts that claim of privilege or that it has any precedent value.

“James” and media leaks

The Committee deliberated.

Resolved, on the motion of Mr Pearce, that the Police Service be advised that any decision of the Police Service to interview James is not a matter for the Committee, and that the Committee is giving careful consideration to the issue of media leaks.

6. Adjournment

The committee adjourned at 3.00pm until 10.00am on Wednesday, 25 July 2001.

David Blunt
Clerk to the Committee

Minutes No. 43

Wednesday, 25 July 2001
Room 1153, Parliament House at 10.00 am

1. Members Present

Mrs Sham-Ho (in the Chair)
Mr Hazistergos
Mr Dyer
Mr Jobling (Colless)
Mr Pearce
Ms Rhiannon
Mr West

2. Apologies

An apology was received from Mr Colless.

3. Inquiry into the Cabramatta Policing

DRAFT REPORT

The Chair tabled her revised draft report which, having been circulated, was taken as being read.

Chapter One read.

Resolved, on the motion of Mr Pearce, that paragraph 1.11 be amended by the addition of a new section dealing with the issue of applications by the Police Service to be legally represented at Committee hearings.

Resolved, on the motion of Mr Hatzistergos, that paragraph 1.13 be amended by the addition of a footnote referring to the letter of the Chair to the Member for Cabramatta dated 22 January 2001.

Resolved, on the motion of Mr Pearce, that a new paragraph 1.14 be added.

Chapter One, as amended, agreed to.

Chapter Two read.

Resolved, on the motion of Mr Pearce, to delete the last sentence of paragraph 2.20: Unfortunately, as will be seen in the next Chapter, the crime situation in Cabramatta is also unique.

Chapter Two, as amended, agreed to.

Chapter Three read.

Resolved, on the motion of Mr Pearce, that, if possible, an additional graph be included at the end of 3.12 showing the combined result of the 5 crimes and drug detections for Cabramatta and other LACs.

Resolved, on the motion of Mr Jobling, that paragraph 3.20 be amended to quote from the evidence of Dr Wilson in relation to his caution about the statistics provided concerning drug use in the Cabramatta area.

Resolved, on the motion of Mr Hatzistergos, to add a new sentence at the start of paragraph 3.33 that: Detective Sergeant Priest was not correct in relation to the timing of the 40 shootings.

Resolved, on the motion of Mr Pearce, that paragraph 3.33 be amended by deletion of the words 'although the Committee received no documentary evidence which quantifies the number of shootings during this period' and its replacement with the words: 'To ensure the record is correct the Committee notes from evidence that these had already occurred. Further incidents occurred after this period.'

Resolved, on the motion of Mr Hatzistergos, that the third dot point under paragraph 3.38 be amended by the addition of a new fourth sentence: 'The initial entry was not altered.'

Resolved, on the motion of Mr Pearce, that the third dot point under paragraph 3.38 be amended by deletion of the words 'more accurately reflects the actual incident which occurred' and their replacement with the words: 'contains more detail'.

Resolved, on the motion of Mr Hatzistergos, that the third dot point under paragraph 3.38 be amended by the addition of a new sentence at the end of the paragraph: 'The Committee accepts these views.'

Resolved, on the motion of Mr Pearce, that paragraph 3.42 be amended by the addition of a new sentence at the start of the paragraph: 'The Committee is concerned that the Police Service apparently has collected information on gangs on an ad hoc basis' and the addition of new words: 'The Committee is concerned that there does not appear to have been a focus on this issue before.'

Resolved, on the motion of Mr Pearce, that a new recommendation be added after paragraph 3.42: 'The Committee recommends that the Police Service take urgent steps to ensure that it has in place procedures and resources to ensure sufficient intelligence is available to Local Area Commands for the investigation of gang activity.'

Resolved, on the motion of Mr Jobling, that paragraph 3.43 [3.44]³³⁷ be amended by the addition of a new sentence after the third sentence: 'It is understood that at least one of these death threats has been the subject of an investigation by the Police Integrity Commission.'

Resolved, on the motion of Mr Hatzistergos, that paragraph 3.43 [3.44] be amended by the addition of a further new sentence: 'The Committee has heard further statements from the Drug Intervention Service Cabramatta that the needle exchange van and clients were the subject of attacks when the van was located near the Cabramatta Inn.'

Chapter Three, as amended, agreed to.

Chapter Four read.

Resolved, on the motion of Mr Hatzistergos, that paragraph 4.9 be amended by the deletion of the words 'It appears to the Committee that the basic problem with the Cabramatta LAC in the years 1999 and 2000 was not so much the lack of resources', and their replacement with: 'To the Committee it appears that a basic problem within the Cabramatta LAC in the years 1999 and 2000 was'.

Resolved, on the motion of Ms Rhiannon, that paragraph 4.16 be amended by the addition of a new section concerning the Crime Index and drug-related crime.

Resolved, on the motion of Mr Pearce, that a new paragraph 4.29 be added quoting from page 60 of the transcript of Mr Priest's evidence of 18 December 2000.

Resolved, on the motion of Mr Pearce, that paragraph 4.33 [4.34] be amended by the addition of commentary in relation to Crime Agencies' guidelines for the establishment of strike forces. [4.35-4.36]

³³⁷ Paragraph numbers in [] refer to paragraph numbers in the final report as tabled.

Resolved, on the motion of Mr Dyer, that paragraph 4.34 [4.37] be amended by the deletion of the words 'The Committee has not been able to' and their replacement with the words: 'Having regard to the Committee's terms of reference, it has not been open to the Committee'.

Resolved, on the motion of Mr Pearce, that paragraph 4.44 [4.47] be amended by the addition of commentary in relation to the 11 strike forces. [4.48]

Resolved, on the motion of Mr Jobling, that footnote 44 [footnote 46] be amended by the addition of the sentence: 'The Cook Report has not been made available to persons outside of this Committee.'

Resolved, on the motion of Mr Pearce, that paragraph 4.46 [4.50] be amended by the addition of commentary in relation to Strike Force Portville.

Resolved, on the motion of Mr Hatzistergos, that paragraph 4.48 [4.57] be amended by the addition of a new first sentence: 'The suggestion that the Cook Report was hidden and not acted upon was incorrect. However'

Resolved, on the motion of Mr Pearce, that a new paragraph 4.48 [4.58] be inserted concerning the Cook Report.

Mr Hatzistergos moved, that the first sentence of paragraph 4.50 [4.60] be deleted.

The committee deliberated.

Question put.

Ayes: Mr Dyer
Mr Hatzistergos
Mr West

Noes: Mr Jobling
Mr Pearce
Mrs Ham-Ho,
Ms Rhiannon

Question resolved in the negative.

Resolved, on the motion of Mr Jobling, that paragraph 4.50 [4.60] be amended by deletion of the words 'What is clear, though, is that' from the first sentence.

Mr Dyer moved that the second last sentence of paragraph 4.50 [4.60] be deleted.

The committee deliberated.

Question put.

Ayes: Mr Dyer
Mr Hatzistergos
Mr West

Noes: Mr Jobling
Mr Pearce
Mrs Ham-Ho
Ms Rhiannon

Question resolved in the negative.

Mr West moved that the first sentence in paragraph 4.66 [4.76] be deleted.

The committee deliberated.

Question put.

Ayes: Mr Dyer
Mr Hatzistergos
Mr West

Noes: Mr Jobling
Mr Pearce
Mrs Ham-Ho
Ms Rhiannon

Question resolved in the negative.

Resolved, on the motion of Mr Hatzistergos, that paragraph 4.67 [4.77] be amended, by deletion of the sentence: 'The potential for this problem to re-emerge, in Cabramatta or elsewhere, remains so long as the Police Service management culture exists in its current form.'

Chapter Four, as amended, agreed to.

Chapter Five read.

Mr Pearce moved that Paragraph 5.21 be amended by the insertion of the words 'the Minister for Police or' in the second sentence after 'acknowledgement by'.

The committee deliberated.

Question put.

Ayes: Mr Jobling
Mr Pearce
Ms Rhiannon
Mrs Sham-Ho

Noes: Mr Dyer
Mr Hatzistergos
Mr West

Question resolved in the affirmative.

Resolved, on the motion of Mr Dyer, that paragraph 5.21 [5.22] be amended by the addition of a reference to the recent statement of the Police Commissioner and to the appointment of the new management team in Cabramatta.

Resolved, on the motion of Ms Rhiannon, that a new section be inserted after paragraph 5.27 [5.28] entitled: 'What went wrong: Police and Young Persons of an Asian background.' [5.29]

Resolved, on the motion of Mr Hatzistergos, that paragraph 5.42 [5.44] be amended by deletion of the final sentence: 'When the Council is contributing \$400,000 pa overall for the CCTV which is an essential resource to the Police the Committee believes that the Council has reasonable ground to complain about paying this rent as part of the overall operating budget.'

Chapter Five, as amended, agreed to.

Resolved, on the motion of Mr Jobling, that paragraph 6.14 [6.15] be amended by addition of a sentence calling for the publication of a mid-term evaluation report on the implementation of the Drug Summit initiatives.

Resolved on the motion of Mr Jobling, that paragraph 6.22 [6.23] be amended by deletion of the word 'welcomes' and its replacement with the word 'notes' and that this change be made generally through the report where the word 'welcomes' occurs.

Resolved, on the motion of Mr Pearce, that the final sentence of paragraph 6.29 [6.30], Overall, the Premier's package and Clive Small's Seven Point Plan, are important gains for a suffering community, be deleted.

Resolved, on the motion of Mr Hatzistergos, that the recommendation following paragraph 6.29 [6.30] be amended by deletion of the words the establishment of a Cabinet sub-committee consisting of the Ministers referred to, and chaired by the premier, to and their replacement with that the existing Cabinet sub-committee on Drug Policy.

Mr Jobling moved that the recommendation following paragraph 6.29 [6.30] be amended by the addition of the following words: The Committee further recommends that the Cabinet sub-committee report to both Houses of Parliament on the implementation of the Premier's package of initiatives for Cabramatta.

The committee deliberated.

Question put.

Ayes: Mr Jobling
Mr Pearce
Ms Rhiannon

Noes: Mr Dyer
Mr Hatzistergos
Mrs Sham-Ho
Mr West

Question resolved in the negative.

Chapter Six, as amended, agreed to.

Chapter Seven read.

Resolved, on the motion of Mr Jobling, that paragraph 7.26 be amended by deletion of the final two sentences: It would be hard to see the community supporting the significant expenditure required to improve the LAC at a time when there are great demands for increased police on the street. However, the two issues are linked: the more police that are brought into Cabramatta, the greater the demands on the already overcrowded physical environment in which they will work.

Resolved, on the motion of Mr Jobling, that paragraph 7.30 be amended by deletion of the final sentence: If the community knows, for instance, that only one police car is available at a certain time, then the focus of community concern can be in joining the LAC in calling on government to address the problem rather than attacking the local police for their failure to respond.

The Chair advised that references to a Cross cultural education unit in 7.65 and 7.66 should be to a Community policing support unit.

Chapter Seven, as amended, agreed to.

Chapter Eight read.

Resolved, on the motion of Mr Pearce, that paragraph 8.28 be amended by deletion of the final sentence: This is the single most important recommendation in this report.

Chapter Eight, as amended, agreed to.

Chapter Nine read.

Resolved, on the motion of Mr Jobling, that paragraph 9.1 be amended by deletion of the final sentence: The Committee can make no recommendations to achieve this change of heart, yet the success of any recommendations in this section is entirely dependent upon it.

Resolved, on the motion of Mr Jobling, that paragraph 9.9 be amended by the deletion of the final sentence of the paragraph: A useful explanation of this was quoted recently in regard to policing , together with the deletion of the text of the quote.

Resolved, on the motion of Mr Dyer, that the recommendation following 9.20 be deleted:

The Committee recommends the Police Service trial a more flexible rotation system for officers stationed at Cabramatta, who have particular skills and experience and who are enthusiastic to continue their service in Cabramatta beyond five years. When consideration is given at the end of five years of the risk to the officer and the organization of continued tenure at Cabramatta, consideration should also be given to the risk of weakening police/community links in Cabramatta by removing an experienced officer. In considering the risk to community relations one of the criteria should be the number of other officers remaining with four or more years experience in the area.

Resolved, on the motion of Mr Jobling, that paragraph 9.27 be amended by deletion of the words There are also a number of innovative and very from the first sentence, and their replacement with the words: The Committee notes that the Standing Committee on Law and Justice identified a number of innovative and .

Resolved, on the motion of Mr Jobling, that the paragraph 9.27 be amended by deletion of the third sentence: Two members of this Committee served on the Law and Justice Committee during its inquiry into Crime Prevention through Social Support .

Resolved, on the motion of Ms Rhiannon, that an additional recommendation be inserted after the recommendation following paragraph 9.34: The Committee recommends that the Government, in consultation with the Police Service and youth advocates, develop a protocol for para-legally trained local community volunteers to be present at police interviews of young people.

Chapter Nine, as amended, agreed to.

Chapter Ten read.

Resolved, on the motion of Mr Dyer, that a new paragraph 10.16 be added, quoting from positive comments about the Premier's Cabramatta package.

Resolved, on the motion of Mr Pearce, that paragraph 10.18 [10.19] be amended by the addition of two sentences:

The committee deeply regrets the hurt and damage to the community as a result of the delays in dealing with such clear problems. The committee notes that it is a fundamental tenet of our Westminster system of Government that Ministers be accountable for public policy and its implementation.

Mr Pearce moved, that paragraph 10.18 [10.19] be amended, by the addition of the following sentences:

The Committee considers that it is unlikely that a more culpable case of mal-administration could conceivably occur than that has occurred in circumstances reviewed by the Committee. The Committee considers that it is fundamental for public confidence in the future that the Minister for Police accept accountability in these circumstances and take the time honoured course of resigning. The position has been exacerbated by the Ministers attempts to close down this Committee and deny the problems. If the Minister does not take the time honoured course the Committee considers that the Premier must dismiss the Minister. The Minister for Police should then be replaced by another Minister who is prepared to take the appropriate action in regard to the role played by the Commissioner of Police in the inquiry into Police Resources at Cabramatta, having regard to the relevant legislation, the Commissioner's employment contract and performance requirements and all of the circumstances.

The committee deliberated.

Question put.

Ayes: Mr Jobling
Mr Pearce
Ms Rhiannon.

Noes: Mr Dyer
Mr Hatzistergos
Mrs Sham-Ho
Mr West

Question resolved in the negative.

Chapter Ten, as amended, agreed to.

Resolved, on the motion of Mr Pearce, that the report as amended, be the report of the Committee.

Resolved, on the motion of Mr Pearce, that transcripts of evidence, submissions, tabled documents, other relevant documentation and correspondence (excepting in camera evidence, confidential submissions and documents provided on a confidential basis) be tabled with the report and made public.

Resolved, on the motion of Mr Hatzistergos, that the Committee express its appreciation for the work of the Committee staff on this inquiry.

4. **Adjournment**

The committee adjourned at 6.50 pm sine die.

David Blunt
Clerk to the Committee

Appendix 10

Dissenting Statements

Dissenting Statements

GENERAL PURPOSE STANDING COMMITTEE NO 3

Inquiry into Police Resources in Cabramatta

Statement of Dissent

The Hon. John Hatzistergos MLC (Deputy Chair)
The Hon. Ron Dyer MLC
The Hon. Ian West MLC

We acknowledge the general findings of the inquiry, namely:

- There were serious management problems at a local level. These issues have since been addressed with the appointment of a new Cabramatta Local Area Commander and Regional Commander;
- Despite the involvement of police in numerous business and community forums, a perception persists that police are out of touch with the needs and concerns of the local community; and
- The Committee report welcomes the initiatives announced for Cabramatta by the Premier on 27 March 2001.

Despite acknowledging the general findings, we remain concerned that at times the inquiry accepted as fact testimony that was at best anecdotal or untested opinion.

In future hearings it should be incumbent on Committee Chairs to make sure members understand the distinction between personal opinion and proven fact.

By accepting the evidence of witnesses at face value, there is a risk that individual reputations are unfairly maligned and inaccuracies reported as facts.

Finally, the report implies that the Member for Cabramatta, Ms Reba Meagher, had little involvement with the inquiry. The report fails to acknowledge the Member's involvement and ongoing role in the development and implementation of a number of strategies for Cabramatta including the Premier's Cabramatta package.


The Hon. Ron Dyer MLC


The Hon. Ian West MLC


The Hon. John Hatzistergos MLC
(Deputy Chair)

Statement of dissent
by Hon John Jobling MLC and Hon Greg Pearce MLC

Whilst we agree with the recommendations of the report there is one specific matter with which we wish to record our concern.

During the course of the Committee's hearing of evidence, a number of matters were brought to our notice.


Witnesses specifically drew to our attention the effect of:

- speaking out or expressing criticism on their future and, in the case of serving police, possible promotion within the Police Service;
- the question of practical policing knowledge being of less value than academic achievement in the process of promotion;
- the apparent lack of senior management positions held by those officers who have come through the detective ranks;
- the effect of complaints, both formal and anonymous, against front line police and the lack of knowledge as to how these may or may not effect their promotion potential;
- the general service police officers' concerns about promotional systems; and,
- the stress experienced by LAC commanders when attending OCR meetings and discussing operational targets.

We express the concern that whilst the Committee has heard the above in evidence, no specific recommendations to review and rectify the alleged problems have occurred.

Accordingly, we recommend:

- 1. That a review Committee of the Legislative Council be established to inquire into all aspects of the police service promotion system and, where necessary, recommend changes in the current promotion system which will overcome problems including those exposed by this inquiry.**



Hon John Jobling MLC



Hon Greg Pearce MLC

26/7/2001

Dissenting Report Lee Rhiannon MLC (The Greens)

Executive summary

The Greens make nine key findings and seven recommendations that cut to the heart of the evidence presented to the inquiry. The thrust of these findings is that prohibition policing is failing and may even be counter-productive in the struggle against violent crime and social disintegration.

Target hardening

Finding 1 - Prohibition Policing Inadequate

Finding 3 - Prohibition Policing causes Target Hardening

Recommendation 3

The NSW Police Service should report on factors contributing to target hardening and request appropriate intelligence from other agencies at a state, national and international level.

Crime displacement and escalation

Finding 2 - Credible Discussion Of Regulated Heroin Supply

Finding 4 - Prohibition Policing causes Drug-related Crime Escalation and Displacement

Finding 6 - Prohibition Policing causes Harm Maximisation and Displacement

Recommendation 1

Committee should investigate regulated supply and safe administration of heroin.

Recommendation 2

Committee should consider other aspects of the drug trade.

Erosion of police morale & improper police conduct

Finding 5 - Prohibition Policing Erodes Police Morale and Ethical Conduct

Recommendation 4

Review Woods Royal Commission reforms with regard to the empowerment and morale of operational officers in Cabramatta.

"Wall of Silence"

Finding 7 - Prohibition Policing erodes Community Morale

Recommendation 6

The government should cost the proposal for establishing a trial of Cabramatta scholarships.

Drug Importation into Australia

Finding 8 - Drug importation is unstoppable

Recommendation 5

The Police Service should consider strategies that "contain" and localise the drug market rather than simply displace it to another area.

Cabramatta package violates civil liberties

Finding 9 - Cabramatta package will erode civil liberties

Recommendation 7

The Committee should review the government's Cabramatta package with an emphasis on the impact on the civil liberties of members of the Cabramatta community.

Dissenting Report Lee Rhiannon MLC (The Greens)

The Inquiry into Police Resources in Cabramatta has provided a vital forum for gathering evidence about Cabramatta policing, with obvious implications for crime policy across New South Wales.

The Greens support the vast majority of findings, recommendations and general commentary in the majority report and commend the Committee and its Chair.

Unfortunately the Government has pre-empted the deliberations of this Inquiry and prematurely announced the Cabramatta Package of legislative reforms. This Package has been endorsed by the majority report.¹ This Dissenting Report is necessary because there is evidence that the Cabramatta Package will be ineffective. This Report argues that the use of and trade in drugs needs to be considered when examining police resources in Cabramatta.

Key findings and new recommendations

Finding 1 - Prohibition Policing Inadequate

Suppressing the drug trade is no longer a viable policing goal². The market is too strong, too flexible and too much in demand to ever be successfully repressed. To hold onto this expectation can only lead to disappointment, anger and frustration for all parties involved.³

Prohibition policing cannot stop drug abuse, drug crime (importation, distribution, selling, gang-wars and corruption) or drug-related crime (theft and lawlessness by drug users).

It is apparent that any of the benefits associated with the much-vaunted Operation Puccini⁴ only lasted as long as the intensive street level policing continued. The CCTV cameras and loitering laws moved the drug trade away from the public gaze,⁵ but did not resolve any of the fundamental problems associated with the drug crime in Cabramatta.

Prohibition policing is failing because it has the policy emphasis wrong. It is clear that drugs are a social/health issue with crime implications and not the other way around. Most of the following findings and recommendations address this fundamental fact.

Finding 2 - Credible Discussion Of Regulated Heroin Supply

As the drug trade has such a large impact on the community and police operations, it was to be expected that some submissions to the inquiry would address the form this trade takes. One teacher at Cabramatta High School called for a review of legislation and for heroin to be legalised.⁶ Retired

¹ General Purpose Standing Committee No.3 Report 6 *Cabramatta Policing*, June 2001, hereafter "The Report", 6.21

² Dixon, D & Maher, L "The Policing of Drug Offences" p. 50, in Chan, J et al *Policing in Cabramatta*, Sydney, Federation Press, forthcoming (Submission 14)

³ Dixon, D & Maher, L "Submission to the Legislative Council's Standing Committee Inquiry into Police Resources in Cabramatta" p. 1 (Submission 14)

⁴ Dixon, D & Maher, L "The Policing of Drug Offences" p. 54, in Chan, J et al *Policing in Cabramatta*, Sydney, Federation Press, forthcoming (Submission 14)

⁵ Dixon, D & Maher, L "The Policing of Drug Offences" pp. 22-23, in Chan, J et al *Policing in Cabramatta*, Sydney, Federation Press, forthcoming (Submission 14)

⁶ Transcript, February 6th 2001, p. 15

Superintendent of Police and Former Local Area Commander at Cabramatta, Mr Alan Leek, argues strongly for a safe injecting facility with “culturally specific detoxification and the maintenance of a needle exchange”.⁷

The cultural context in Cabramatta is critical here. Dixon and Maher found a prejudice against safe injecting facilities amongst Indo-Chinese drug users. More than 35% of Indo-Chinese users would not use safe injecting or smoking rooms under any circumstances.⁸

Recommendation 1 - investigate regulated supply and administration of heroin

It is recommended that the inquiry solicit information about culturally appropriate options for the regulated supply and safe administration of heroin, with a view to the possible implementation of a legalised distribution program .

Recommendation 2 - Adequate Terms Of Reference

Considering the Committee has been limited in its capacity to consider all aspects of the drug trade which impact on the situation in Cabramatta, it is recommended that the current terms of reference be extended to include an investigation into the evaluation of world's best practice policy models for dealing with the causes and effects of drug crime and drug-related crime, in terms of health, social and civil liberties outcomes.

Finding 3 - Prohibition Policing causes Target Hardening

Intensive prohibition policing produces and encourages the development of more organised, professional and enduring forms of criminality. Police success in street-level law enforcement may, ironically, foster the organised criminality about which so much concern is expressed.⁹

Structural changes within the drug selling networks in the wake of saturation policing can have a negative impact on a community. When dealers are arrested or displaced, novices and those willing to work in a higher risk environment, move in. Street-level dealing in the wake of enhanced street police operations is therefore prone to becoming more volatile and open to penetration by organised groups.¹⁰

Recommendation 3 - Investigations of Target Hardening and Linkages to Gun Crime

The NSW police service should report on factors contributing to target hardening and request appropriate intelligence from other agencies at a state, national and international level.

Finding 4 - Prohibition Policing causes Drug-related Crime Escalation and Displacement

There is evidence that drug-related crime, committed by users, escalates when police crack down on petty thefts and drug possession. The crime also seems to move to new areas, this phenomenon known

⁷ Report of Proceedings, Monday 18 December 2000, p. 7

⁸ 2 Dixon, D & Maher, L “Submission to the Legislative Council’s Standing Committee Inquiry into Police Resources in Cabramatta” p. 19 (Submission 14)

⁹ Dixon, D & Maher, L “Law Enforcement, Harm Minimization, and Risk Management in a Street-level Drug Market” p. 11 (Submission 14)

¹⁰ Dixon, D & Maher, L “Law Enforcement, Harm Minimization, and Risk Management in a Street-level Drug Market” p. 11 (Submission 14)

as displacement.¹¹ Geographical displacement of places of purchase and consumption of heroin is recognised as having a direct correlation to street-level law enforcement.¹²

The drug market as well as drug use has apparently been dispersed to outside the Cabramatta CBD and to other Sydney suburbs.¹³ Dixon and Maher quote a senior police officer who saw this as a fair outcome: "We knew there was going to be a displacement effect ... It is a bit like aircraft noise. We have to spread the problem about and not just have it centred on one suburb".¹⁴

Finding 5 - Prohibition Policing Erodes Police Morale and Ethical Conduct

Prohibition policing is a futile exercise. Pursuit of this goal erodes morale in many ways. It also promotes corruption and abuse of process by the Police Service.¹⁵

Police officers are instructed to make prohibition their goal, through the use of intensive street level policing, and then in the same breath asked to work within the policy of harm minimisation. Conflicting messages within the Police Force, on both a local level and in the higher ranks, have resulted in confusion and lack of direction for the Police officers working in Cabramatta and others working to assist people caught up in the drug trade.¹⁶

Recommendation 4 - Operational Directives to Police

The Police Service and Police Association should review progress of the Woods Royal Commission reforms, with particular emphasis on the empowerment and morale of operational officers in Cabramatta.

Finding 6 - Prohibition Policing causes Harm Maximisation and Displacement

Prohibition policing causes users, buyers and sellers to adopt riskier behaviour with negative health side effects, both for themselves and the wider community. The tendency of police to disturb intravenous drug users (IDU) while they are self-administering means that IDUs are more likely to share needles or use dirty needles, and are less likely to clean up after themselves, posing greater health risks for other community members.¹⁷

Injecting drug users in Cabramatta utilise a wide range of public, semi-public and private locations to consume drugs. Successful police operations targeting known injecting locations in and around Cabramatta have resulted in users being forced to seek out new locations in nearby residential areas. This results in 'the problem' spreading further into the community. Over time more flats, parks and families are affected by the consequences of the drug trade: discarded syringes, effected users and more drug-related crime. There are also increased associated risks to drug users: seclusion can be fatal

¹¹ Dixon, D & Maher, L "The Policing of Drug Offences" p. 55, in Chan, J et al Policing in Cabramatta, Sydney, Federation Press, forthcoming (Submission 14)

¹² Dixon, D & Maher, L "The Policing of Drug Offences" p. 55, in Chan, J et al Policing in Cabramatta, Sydney, Federation Press, forthcoming (Submission 14)

¹³ Dixon, D & Maher, L "Law Enforcement, Harm Minimization, and Risk Management in a Street-level Drug Market" p. 10 (Submission 14)

¹⁴ Dixon, D & Maher, L "Law Enforcement, Harm Minimization, and Risk Management in a Street-level Drug Market" p. 10 (Submission 14)

¹⁵ Dixon, D & Maher, L "The Policing of Drug Offences" p. 77, in Chan, J et al Policing in Cabramatta, Sydney, Federation Press, forthcoming (Submission 14)

¹⁶ Dixon, D & Maher, L "Submission to the Legislative Council's Standing Committee Inquiry into Police Resources in Cabramatta" p. 2 (Submission 14)

¹⁷ Dixon, D & Maher, L "The Policing of Drug Offences" p. 28, in Chan, J et al Policing in Cabramatta, Sydney, Federation Press, forthcoming (Submission 14)

if a user overdoses. Cabramatta already accounts for a disproportionate share of overdose deaths in southwest Sydney, most of which occur in public places.¹⁸

Dixon and Maher argue that a policy based on geographical displacement of drug problems has the potential to produce more, rather than less, harm.¹⁹

The policy of harm minimisation has been formally adopted by the NSW Police Service. However, the evidence presented to the inquiry is that the policy is neither respected nor understood by many officers at an operational level.²⁰

Current policing strategies may also result in harm maximisation because they threaten the tentative alliance between drug users and health professionals, by displacing or driving drug users underground. Forcing heroin users to move around marginalises and alienates them from their communities and the rest of society, hampering close contact and outreach efforts directed at this population. New developments within at-risk communities may go unnoticed until it is too late.²¹

Prohibition policing creates a war zone environment which erodes community morale, thereby undermining the social structures which form the front-line defence against drug abuse and crime.

It is more realistic for the police to aim for a containment of the market, and in this way, engage more fruitfully with attempts to move those affected by the drug trade into treatment and rehabilitation programs.²² This would involve Cabramatta police deciding where drug sales could be carried out in the least harmful way, in a location acceptable to the community, which here is defined to include users and sellers.

Following Findings 3, 4, 5 and 6 the Greens make the following recommendation:

Recommendation 5 - Police should strive for Containment

It is recommended that the Police Service consider strategies which 'contain' and localise the drug market rather than simply displace it to another area.

Finding 7 - Prohibition Policing erodes Community Morale

While some good initiatives have been proposed to improve communication between the community and operational police, there has been insufficient action to follow through on these proposals.²³ Two striking examples of this are the continuing lack of recruits to the Police Force from the Indo-Chinese community, and the lack of appointments from the Indo-Chinese community to advisory positions.

Research has shown that the Police Force tends to stereotype all members of 'Asian cultures' in similar and derogatory ways. This leads to negative and discriminatory treatment by the police

¹⁸ Dixon, D & Maher, L "Law Enforcement, Harm Minimization, and Risk Management in a Street-level Drug Market" pp. 8-9 (Submission 14)

¹⁹ Dixon, D & Maher, L "Law Enforcement, Harm Minimization, and Risk Management in a Street-level Drug Market" p. 10 (Submission 14)

²⁰ Dixon, D & Maher, L "The Policing of Drug Offences" p. 59, in Chan, J et al Policing in Cabramatta, Sydney, Federation Press, forthcoming (Submission 14)

²¹ Dixon, D & Maher, L "Law Enforcement, Harm Minimization, and Risk Management in a Street-level Drug Market" p. 9 (Submission 14)

²² Dixon, D & Maher, L "Submission to the Legislative Council's Standing Committee Inquiry into Police Resources in Cabramatta" p. 2 (Submission 14)

²³ Dixon, D & Maher, L "The Policing of Drug Offences" p. 67, in Chan, J et al Policing in Cabramatta, Sydney, Federation Press, forthcoming (Submission 14)

towards people from an 'Asian' background, which in turn sets up a cycle of conflict and lack of respect between the Police and members of these cultures.²⁴

In the recently published *Future Directions* statement by Police Commissioner Peter Ryan, the only reference that is made to ethnic communities and multiculturalism is in the context of what has been called ethnic crime gangs.²⁵

Finding 8 - Drug Importation Unstoppable

Evidence from the National Crime Authority shows that it is impossible to halt or even significantly reduce drug importation rates.²⁶

To paraphrase in economic terms, the unlimited demand for illegal drugs creates such a great sales incentive that there is no way to prohibit supply. A new approach is needed.

Recommendation 6 - Cabramatta Scholarships

It is recommended that the government cost a proposal for establishing a trial of "Cabramatta scholarships" that would sponsor young school-leavers and graduates from Cabramatta in work and study placements outside their area.

Finding 9 - Cabramatta package will erode Civil Liberties

There is a strong prima facie case that the Government's premature Cabramatta package announced this year will dramatically erode civil liberties in NSW.

Destroying civil liberties will exacerbate many of the problems facing drug policy, namely the 'wall of silence' and general police-community relations, as detailed in Findings 7 and 10 above.

Recommendation 7 - Investigate Cabramatta package

It is recommended that the future work of the Committee review the implementation of and study the effects of the Government's Cabramatta package, with an emphasis on the impact on the civil liberties of the members of the Cabramatta community.



Lee Rhiannon MLC
26/7/01

²⁴ Dixon, D & Maher, L "Law Enforcement, Harm Minimization, and Risk Management in a Street-level Drug Market" p. 37 (Submission 14)

²⁵ Dixon, D & Maher, L "Law Enforcement, Harm Minimization, and Risk Management in a Street-level Drug Market" p. 30 (Submission 14)

²⁶ *Evidence* 30/03/01 p.17