



The Hon. David Elliott MP
Minister for Police and Emergency Services

The Hon. Shayne Mallard MLC
Chair
Standing Committee on Social Issues
Parliament of New South Wales
Macquarie Street
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Dear Chair,

NSW Government response to the recommendations of the Inquiry into Gay and Transgender hate crimes between 1970 and 2010 – 57th Parliament

Please find attached the response of the NSW Government to the recommendations of the Inquiry into Gay and Transgender hate crimes between 1970 and 2010 undertaken by the Standing Committee on Social Issues in the 57th Parliament.

Thank you for your assistance.

Yours sincerely

The Hon. David Elliott MP
Minister for Police and Emergency Services

4 November 2021

*Received a behalf of
the Clerk of the Parliament
at 3pm a Thursday
4 November 2021*

NSW GOVERNMENT RESPONSE

Into recommendations from the Inquiry into Gay and Transgender hate crimes between 1970 and 2010

	RECOMMENDATION	GOVERNMENT RESPONSE
1	That the NSW Government establish a judicial inquiry or other form of expert review to inquire into unsolved cases of suspected gay and transgender hate crime deaths.	<p>Supported.</p> <p>The NSW Government supports the establishment of a judicial inquiry or other form of expert review to inquire into unsolved cases of suspected gay and transgender hate crime deaths.</p> <p>The impact of unsolved hate crimes on victims, survivors, their loved ones and family and friends is immeasurable. The evidence presented to the inquiry showed how the associated grief and trauma has affected the lives of so many. Solving these crimes and delivering justice can help in the healing process.</p> <p>The NSW Police Force continues to actively seek new information from the community in relation to unsolved gay and transgender hate crimes with mechanisms at its disposal including Crime Stoppers, which regularly makes appeals to the public in relation to unsolved cases. Government rewards have also provided assistance where appropriate in successfully bringing perpetrators before the courts. Consideration of rewards in consultation with families and loved ones of the victims forms part of the Unsolved Homicide Review process.</p>
2	That the NSW Government, in its response to this final report on Gay and Transgender hate crimes between 1970 and 2010, provide a comprehensive update on the implementation of the recommendations made in the final report of the NSW Police Strike Force Parrabell.	<p>Supported.</p> <p>Significant progress has been made on the Parrabell recommendations including the introduction of new categories of hate crimes and crimes against LGBTIQ people in the COPS database, review of, and improvements to, criminal investigation training, expansion of the GLLO Program and involvement of the LGBTIQ community. Please refer to Annexure A: 'Progress report on Strike Force Parrabell'.</p>

3	That the NSW Government ensure that adequate victim support services are made available and widely promoted to survivors of and people who have lost a loved one to historical gay and transgender hate crimes, including providing funding and resources to third party organisations engaged in direct client services.	<p>Supported.</p> <p>The impact of historic gay and transgender hate crimes on survivors, their loved ones and family and friends is immeasurable. The <i>Charter of Victims' Rights</i> protects and promotes the rights of victims of crime in NSW. The Charter outlines victims' rights to ensure that victims are treated with courtesy and compassion at all times and that they are informed of their rights to welfare, health, counselling and legal services.</p> <p>Victims Services within the Department of Communities and Justice also provides information and referrals to support services. Under the <i>Victims Rights and Support Act 2013</i>, primary victims, secondary victims and family victims are eligible for 22 hours of counselling and there are no time limits with respect to claiming for such support, meaning that it is available to survivors and the loved ones of victims of historical hate crimes. More broadly, the system to support victims of crime extends beyond Victims Services to include government agencies such as NSW Health, the NSW Police Force and the Office of the Director of Public Prosecutions and includes the provision of funding and resources to third party organisations engaged directly with victims.</p>
4	That the NSW Government provide further funding and/or support to ensure the completion of the Bondi Memorial in Marks Park, Bondi, in honour of the victims and survivors of lesbian, gay, bisexual, transgender, intersex and queer (LGBTIQ) hate crime.	<p>Supported.</p> <p>The NSW Government will work with ACON and Waverley Council to support the completion of this important project.</p>
5	That the NSW Police Force ensure that its computerised operational policing system (COPS) adequately captures and records lesbian, gay, bisexual, transgender, intersex and queer (LGBTIQ) hate crimes.	<p>Supported.</p> <p>COPS enhancements were made to change the 'associated factor' classification from 'Bias Motivated (Suspected)' to 'Hate Crime Involvement' in January 2020. This has provided clearer messaging to frontline police who are creating reports and helps reduce confusion regarding the definition of hate crime motivators. Furthermore, the qualifying factors of 'Sexual Orientation' and 'Gender Identity' under the subcategories of 'Hate Crime Involvement' were replaced with 'LGBTIQ' to better capture incidents within a single broad category.</p> <p>Further enhancements to COPS will be considered as an outcome of the hate crime research project with Charles Sturt University, and other internal projects.</p>

Standing Committee on Social Issues

Inquiry into Gay and Transgender hate crimes between 1970 and 2010

Government Response to Final Report, 4 May 2021

NSW Police Force response to Recommendation 2:

That the NSW Government, in its response to this final report on Gay and Transgender hate crimes between 1970 and 2010, provide a comprehensive update on the implementation of the recommendations made in the final report of the NSW Police Strike Force Parrabell.

PROGRESS UPDATE ON IMPLEMENTATION OF STRIKE FORCE PARRABELL RECOMMENDATIONS

Recommendation 1

1. Details of all cases required significant investigative effort by Strike Force Parrabell operatives. The system of archiving across NSW Government departments including the NSW Police Force has been historically deficient given the existence of paper-based files consistent with general use during the period of review. The NSW Police Force must ensure that the system of electronic recording and storage of evidence consistent with use of the e@gle.i system remains in use with policy imperatives requiring storage of all investigative material in the same location, so that permanent records of investigations from commencement to judicial conclusion are maintained.

Progress update to Recommendation 1

The NSW Police Force uses e@gle.i a web based (intranet) major investigation management system that allows officers to capture and report on information gathered as a result of the investigation process. Hyperlinks, electronic images, et cetera are accessible by search and can be shared state-wide, facilitating investigations.

The core evidence management system for the NSW Police Force is the Exhibits Forensic Information and Miscellaneous Property System (EFIMS), which is currently being reviewed. It will be one of the first police technology systems to be delivered under Phase 1 of the new Integrated Policing Operating System (IPOS) Program.

As a result of reviews and investigations into matters classified as bias-related homicides or suspicious deaths, the Unsolved Homicide Team (UHT) has uploaded investigative documents, information and materials for those matters that were not already uploaded onto e@gle.i. Those items are searchable state-wide, for those officers who have appropriate security clearance.

Exhibits, where available, were also assessed for forensic potential and are recorded on the exhibit management system (EFIMS) which is accessible by relevant officers and Commands. Those exhibits were also stored at a central location to ensure continuity. Recordings, where available, were duplicated into a modern format. UHT are also undertaking a process of digitalising all archived material.

Further, the Homicide Squad is leading a project which is looking at implementing a Homicide Investigation Monitoring system which will enable all suspicious deaths to be recorded and categorised.

Recommendation 2

2. A policy position is taken by the NSW Police Force that assessments of crime are to commence from an open-mind position regarding motive, so that all motives, including bias motivation, are properly considered before any decision of exclusion.

Progress update to Recommendation 2

The NSW Police Force replaced the term 'bias motivated' with 'hate crime' in January 2020 to better reflect matters that are reported which are motivated partly or entirely by hate against the victim for one of the protected categories. In the COPS system, the qualifying factors of 'Sexual Orientation' and 'Gender Identity' under the subcategories of 'Hate Crime Involvement' have been replaced with 'LGBTIQ' to better capture incidents within a single broad category. This provides clearer messaging when creating reports and reduces confusion regarding the definition of hate crime motivators.

Establishing the motivation for a murder is crucial in prioritising lines of inquiry, including a thorough victimology, or study of the victim. The important work done through Parrabell helped

to establish where the actual or perceived sexual orientation of the victim was the motivation for the attack.

The NSW Police Force has a Hate Crime Incident Review Committee (HIRC) that reviews all matters reported in NSW that are flagged as 'Hate Crime Involvement' (&/or otherwise come to their attention) to:

- Ensure the hate crime element is properly identified;
- The investigative response has properly considered the hate crime element; and
- Identify emerging patterns and or trends.

In relation to training, and to further raise awareness and open mindedness amongst police and relevant unsworn employees about hate crime motivations:

- A hate crime training/awareness package has been delivered across a range of Police Commands targeting frontline police about identifying hate crime issues. It is also delivered at GLLO (LGBTIQ Liaison Officer) training courses.
- An online training package (MicroLearn) is currently being produced;
- The Engagement and Hate Crimes Unit (EHCU) collaborates with Police Assistance Line (PAL) staff to ensure that PAL operators consider possible hate crime indicators when taking calls from the public.
- Charles Sturt University (CSU) was commissioned in 2018 to conduct research for the NSWPF to create a model to identify and respond to hate crime. A first stage report has been released and a final report is expected in late 2021 to help consolidate and identify any further work required.

The EHCU also actively engages with various stakeholders to help raise awareness in vulnerable communities about hate crime. This aims to build trust and confidence to encourage the reporting all incidents of this type to police.

Recommendation 3

3. A revised system applicable to the early identification of bias crimes requires development with guidance from academic resources. The current system with 10 bias crime indicators requires greater rigour and is not user friendly for operational police who are likely, as the first point of contact, to make an initial determination of bias motivated criminal activity.

Progress update to Recommendation 3

As discussed above, enhancements were made to hate crime reporting fields in COPS to change the 'associated factor' classification from 'Bias Motivated (Suspected)' to 'Hate Crime Involvement'. This provides clearer messaging to frontline police, who are creating reports and aids in reducing confusion surrounding the definition of hate crime motivators. Furthermore, the qualifying factors of 'Sexual Orientation' and 'Gender Identity' under the subcategories of 'Hate Crime Involvement' were replaced with 'LGBTIQ' to better capture incidents within a single broad category.

Charles Sturt University (CSU) in partnership with the University of Central Lancashire were also commissioned to conduct research for the NSW Police Force with the agreed aim of developing a model to identify and respond to hate crime. The research project is a phased study, that will also explore hate crime from the perspectives of operational police officers. In March 2019, the first phase of the research project was completed with a preliminary report, '*Hate Crime: The development of an assessment tool for criminal justice practitioners*', which was prepared for the NSW Police Education and Training Command. In 2020, the NSW Police Force Engagement and Hate crime Unit took carriage of the next phases of the research project, in collaboration with CSU. This has included a range of surveys which examine the knowledge and attitudes of police officers around the identification and investigation of hate

crime. It is anticipated that any additional COPs enhancements, or any other system improvements, will be identified and guided by the recommendations of the study.

Recommendation 4

4. Once a suitable system of bias crime identification is determined, a training package is required for the information of all officers within the NSW Police Force to ensure the efficient and most accurate capture of bias related crimes consistent with any national standard or the best possible inter-jurisdictional system, which may incorporate gay-hate, religious, language, race-based, or other recognised bias.

Progress update to Recommendation 4

A hate crime education and awareness package was developed by the NSW Police Force Engagement and Hate Crime Unit, to focus the minds of frontline police on motive, and to actively look for hate crime motivators. This package has been delivered across a range of commands, with a specific focus on frontline officers. The education and awareness package is also delivered at GLLO (LGBTIQ Liaison Officer) training courses, and is shared with the Multicultural Liaison Officers (MCLOs). Due to the impact of the current pandemic, efforts are currently being made to shift the training to an online format.

Production of a short hate crime related training video or 'MicroLearn', is underway, although filming has been temporarily delayed due to the pandemic. Once complete, this will be internally published for all personnel to access.

EHCU has also collaborated with PAL to ensure that all PAL Operators have sufficient hate crime training. This will ensure that PAL Operators always consider possible hate crime indicators, when taking calls from members of the public.

The NSW Police Force through EHCU has also liaised with other jurisdictions across Australia, in relation to hate crime management and responses. This information has been shared with Charles Sturt University, to develop a refreshed practice model that can be shared with other Australian jurisdictions.

Finally, as noted in the progress update to Recommendation 3, the outcomes of the research project with CSU will also guide future hate crime training for the NSW Police Force.

Recommendation 5

5. A review is required of prompts to operational police when recording crimes on the COPS database to ensure that appropriate questions are being asked in light of this report and that sufficient understanding of the nature of bias crimes exists across a critical mass of police officers.

Progress update to Recommendation 5

Incidents which are identified as, or suspected of involving a hate based motivation, are recorded on COPS when either a victim and/or witness contacts police, or when a report is received from another agency. All reports entered into COPS can be flagged as having 'Hate Crime Involvement' under the 'Associated Factor field'. Additional sub-categories are available to further identify the suspected hate, or bias motivation. For any incident which has been flagged as having a 'Hate Crime Involvement', a work-flow for further assessment is initiated, so the Engagement and Hate Crime Unit can determine whether the incident meets the NSW Police Force definition of a hate crime, and which qualifying factors are involved.

In March 2021, EHCU implemented the HIRC which is chaired by the Anti-Terrorism & Intelligence Group Commander. The HIRC meets weekly and reviews all actionable incidents which have been identified flagged with 'Hate Crime Involvement'. EHCU liaises with investigators to provide advice and support, to ensure that the matters are investigated and actioned appropriately.

Communications have also been disseminated to all police officers about the changes to terminology on COPS, to provide information on the EHCUC, and to provide an update on s 93Z of the *Crimes Act 1900* (NSW).

Finally, as noted in the progress update to Recommendation 3, the outcomes of the research project with Charles Sturt University, will also guide future changes to how hate crimes may be recorded on COPS.

Recommendation 6

6. The terms of this review included the identification of bias from police investigators. No referrals were made given the difficulty in appropriating an intention to an investigator on the basis of a poor investigation or one that did not consider important evidence. This task was similarly seen as almost impossible by the academic review team. A key question was whether a death was well or poorly investigated based on evidence produced at the time. In some cases, evidence was less developed than others however with Coronial acceptance of the brief supplied, any determination of propriety was severely circumscribed. A latent assessment of ethical conduct diminished with time leaving a case for the NSW Police Force to ensure the teaching of foundational investigative ethics within criminal investigator training at all levels. In that regard, a review of criminal investigation training is required to ensure sufficient and ongoing ethical and cultural values are taught and embedded throughout an officer's career.

Progress update to Recommendation 6

The NSW Police Force's Criminal Investigator training is continually being reviewed with respect to the Parrabell report. A range of training has been implemented including:

- A foundational e-learning module titled 'Communicating Effectively' which includes ethical and cultural values training;
- Training within the Advanced Diploma Police Investigation (ADPI) covering
 - the effective management of vulnerable people in investigations (offenders, victim and witnesses);
 - cultural investigative interviews;
 - engaging with Aboriginal Communities (working together)
 - understanding and managing emotions in Self and others;
 - communicating effectively;
 - rapport building – and awareness of non-verbal communication;
 - working with interpreters for an understanding of cultural implications associated with victims of crime and how it influences reporting; and
 - support and welfare to victims of crime and witnesses.
- materials relating to people who identify as LGBTIQ in the Investigation Management of Adult Sexual Assault course.
- A presentation on responding to victims in the Investigators Course.

Recommendation 7

7. It is noted that all homicide investigations, whether conducted by local or specialist criminal investigators attract a team-based, Task Force managed response which is now normal and applied consistently. For any unexplained death, specialist forensic officers are required to attend together with suitably qualified officers performing full time criminal investigative duties. This approach must continue as a safeguard against individual pockets of potential bias. By involving several officers, including forensic practitioners, mischief associated with perceptions or suspicions of bias can be better mitigated.

Progress update to Recommendation 7

A team-based 'task force' managed approach is consistently applied to the conduct of local and specialist criminal investigations. For example, current UHT investigators and analysts work in

a team environment and come from a variety of educational, ethnic, religious, gender and sexual orientation backgrounds. That working environment ensures that the focus remains purely investigative with the potential for personal bias minimised and these factors have been enhanced by NSWPF diversity training. In relation to specialist forensic officers, Crime Scene Services Branch (CSSB) attendance at suspicious death investigations is mandated in the Police Handbook and Crime Scene Procedures Manual and is consistently applied”.

Recommendation 8

8. A major success in recent times has been the involvement of members of the LGBTIQ community in the education of every potential police officer at the NSW Police Academy. The Commissioner of Police should endorse this education strategy as a permanent part of recruit development and learning system consistent with an ongoing commitment by the NSWPF to the LGBTIQ community.

Progress update to Recommendation 8

The NSW Police Force strongly supports this recommendation. Every student at the NSW Police Academy, prior to attesting, is required to participate in an LGBTIQ Diversity presentation, coordinated and presented by senior NSW Police Force personnel, including the Corporate Sponsor – Sexuality, Gender Diversity and Intersex. Key LGBTIQ community members also present at these sessions, such as Pride in Diversity, Twenty10, the Gender Centre and others.

This initiative has continued despite the pandemic, with recent sessions being held remotely. Students have been required to complete the mandatory online LGBTIQ Awareness and Inclusion module, and watch the NSW Police Force ‘Standing Together’ video, which features a number of Mardi Gras 78ers sharing their stories; representatives from Twenty10 (a LGBTIQA+ Youth Service), PFLAG (Parents and Friends of Lesbian and Gays), Wear it Purple (LGBTIQA+ Youth led organisation), and NSW police officers, as well as Police Citizens Youth Club (PCYC) representatives. Students have also been shown a PowerPoint presentation, which highlights the NSW Police Force’s corporate commitment to LGBTIQ communities.

On 5 August 2021, the most recent presentation was again interrupted by the pandemic, but was successfully conducted via Teams instead. This session included presentations by the Corporate Sponsor - Sexuality, Gender Diversity and Intersex, a Region Sponsor, Twenty10’s Co-Executive Director, a Wear It Purple representative, and a NSW Police Force Inclusion and Diversity Council LGBTIQ employee representative.

Recommendation 9

9. The GLLO (LGBTIQ Liaison Officer) Program has created an operational policing network capable of providing support to LGBTIQ communities throughout NSW and within the NSW Police Force. An expansion of the GLLO Program will maximise understanding and mutual respect among police and with the LGBTIQ community. Improvements to the GLLO Program development and delivery to capture as many NSW police officers as possible is required.

Progress update to Recommendation 9

The NSW Police Force GLLO (LGBTIQ Liaison Officer) Program continues to deliver information, education and support to commands on LGBTIQ matters, as well as engaging and providing support to community members, victims of crime and attending LGBTIQ events across the State.

As at June 2021, the total number of GLLOs (LGBTIQ Liaison Officers) across NSW was 254. An additional 30 GLLOs will be added to this total, once they have completed the second stage of GLLO training, which will occur after the current pandemic restrictions ease. These officers have all completed the five draft online modules, and are currently undertaking an assessment

task assigned to them. Once completed, they will be eligible to undertake the two day face-to-face component of the GLLO training, and complete a second assessment task, in order to graduate as a GLLO.

GLLO (LGBTIQ Liaison Officer) numbers per region as at June 2021:

- Central Metropolitan Region 49
- South Western Sydney 20
- North Western Sydney 30
- Northern Region 42
- Southern Region 29
- Western Region 19
- Specialist Commands 65

TOTAL: 254

Recent training of GLLOs also included two regional courses to respond to demand across the State, The two courses were held in Western Region (Dubbo) in November 2020, and Southern Region (Goulburn, NSW Police Academy) in May 2021.

The 30 officers currently undertaking the GLLO course are completing a pilot program, to trial a new blended training option for GLLOs and other police officers. The online training modules will provide greater access for all NSW police officers to LGBTIQ education. The five new online modules are currently being refined following the pilot and evaluation. They will be submitted to the NSW Police Force Academic Board for endorsement soon. Once endorsed, they will be available for officers to access and complete via the NSW Police Force 'PETE' learning system.

Recommendation 10

10. Equity and diversity awareness is available to all police officers, as is training in ethics and ethical behaviour. Examples provided in equity training require experience from and involving the LGBTIQ community to provide officers with specific context and raise even further sexual orientation and gender identity awareness.

Progress update to Recommendation 10

All NSW Police Force personnel are required to complete the mandatory online LGBTIQ Awareness and Inclusion module, which now forms Module One in a five part series of online LGBTIQ training modules. These modules were piloted and evaluated in July 2021. Based on the evaluation, a number of amendments are currently in progress, and once completed will be submitted to the NSW Police Force Academic Board for endorsement.

Successful completion of all the five online modules, in addition to two assessment tasks, will form a prerequisite for admission to the face-to-face component of the NSW Police Force GLLO (LGBTIQ Liaison Officer) Course. However, each of the five online modules will be made available to all NSW Police Force personnel to access and complete.

The five modules are proposed to be reviewed annually to ensure the material is current.

Additional training opportunities include LGBTIQ Ally training, as well as broader unconscious bias and diversity and inclusion content within other organisational education and training programs.

Recommendation 11

11. Significant progress has been made with engagement activities across other jurisdictions of policing and emergency services throughout Australia. The Commissioner of Police should endorse a mandatory LGBTIQ Conference on a two to three-year rotation to enhance cross jurisdictional networks and inclusion practices.

Progress update to Recommendation 11

The scheduled GLLO Conference for August 2020 was postponed due to the pandemic. Two prior GLLO (LGBTIQ) Conferences were held at the NSW Police Academy in 2015 and in 2017. Both were evaluated as being highly successful, and invited representation from other policing and emergency services within Australia.

A conference is now planned for 2022, in the lead up to Sydney World Pride 2023. It will again likely be held at the NSW Police Academy. It is anticipated that up to 150 participants will attend, including a number of police and emergency service personnel from other agencies across Australia and New Zealand. The Conference will also provide various Australian jurisdictions the opportunity to workshop possible World Pride 2023 community engagement activities.

An important theme running throughout the upcoming Conference, will be the social and related impacts of the pandemic on the mental health, and well-being of LGBTIQ communities and police. The Conference will be organised by the NSW Police Force GLLO Advisory Committee, led by the Senior Policy and Projects Officer - Sexuality, Gender Diversity and Intersex.

Recommendation 12

12. The Commissioner of Police should endorse the wearing of GLLO badges at all times on police uniform by qualified LGBTIQ Liaison Officers. Allowing the prominent display of the GLLO symbol signifies respect for the LGBTIQ community and acknowledges the skills of suitably trained police to provide support and advice whether for LGBTIQ police officers or members of the community.

Progress update to Recommendation 12

The inclusion of the GLLO badge as an authorised embellishment for officers who have completed the GLLO training program and are accredited to perform the role of a GLLO (LGBTIQ Liaison Officer) has been approved by the NSW Commissioner of Police. GLLOs are now formally authorised to wear the GLLO badge on their uniforms at all times, in accordance with policy relating to the wearing of pins. This facilitates the easy recognition of officers trained as LGBTIQ Liaison Officers. In addition work is being undertaken to improve the attachability of the badge and increase visibility.