

STRIKE FORCE ENOGERA

A REVIEW OF MANAGERIAL POLICIES, PRACTICES AND PROCEDURES

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TERMS OF REFERENCE:

Review of managerial Policies, Procedures and Practices relating to the establishment and operation of Strike Force Enoggera, which was established to investigate offences associated with civil disorder in Cronulla and Surrounding Suburbs between the period Monday 12th December 2005 and Friday 20th January 2006.

Establishment of Strike Force Enoggera

Were the current Policies, Procedures and Practices for the establishment of this Strike Force appropriate?

Were the current Policies, Procedures and Practices used for the management of this Strike Force appropriate?

Communication/Reporting Lines.

Were appropriate communication lines established between Strike Force Enoggera and the State Crime Command?

Were appropriate communication lines established between the State Crime Command and the Executive?

Media

Were the Policies, Procedures and Practices of the Police Media Unit appropriate for Strike Force Enoggera?

Was the input and level of internal media resources appropriate for Strike Force Enoggera?

Training

Do any education and training implications arise for the establishment and ongoing managerial practices when creating Strike Forces responding to major crimes/incidents?

Foreword

On the afternoon of the 4 December 2005 three male lifeguards left the North Cronulla Surf Life Saving Club having completed their rostered shift. While leaving the beach area they were confronted by a number of Middle Eastern males and became engaged in a verbal altercation that resulted in an alleged assault upon the lifeguards.

In the week following this event widespread mainstream media reporting of the incident occurred. Media reports in the St. George and Sutherland area were strongly emotive and encouraged people to attend a protest meeting at Cronulla on Sunday 11 December. The Sydney media took up this reporting, and in particular a number of Sydney metropolitan radio outlets.

On Sunday 11 December 2005 a large number of people gathered on Cronulla beach and surrounding areas. While the gathering may have intended to be non-violent, with the introduction of alcohol and emotive statements being made by some of the crowd, scuffles began breaking out and racial chants turned to racial violence. In separate incidents members of the crowd set upon a number of middle eastern persons or people appearing to be middle eastern. The violence of these mob attacks and the commendable actions of Police who risked personal injury to protect those being assaulted by the rioters was captured on camera by a number of media outlets.

This violence and open racism, captured on film by the media, generated major media attention that was reported nationally and internationally.

The assaults and actions of the rioters ultimately resulted in a number of 'revenge' attacks and significant civil unrest by males of Middle Eastern appearance. The violence continued throughout the afternoon and into the early hours of the following morning resulting in considerable property damage to vehicles, shops and local residences. Many Caucasian people were attacked with the most violent being the unprovoked attack upon a male who was punched, kicked and stabbed four times before being left with the knife lodged in his back.

On the following night (Monday 12 December) another large group of Middle Eastern males gathered in the Punchbowl area. It is believed that a number of those persons then broke up into separate groups and went in car convoys to Cronulla, Caringbah, Brighton-Le-Sands, Kyeemagh and Maroubra where they engaged in acts of civil disorder resulting in extensive property damage.

The policing response to this volatile situation was the establishment of Operation SETA under the command of an Assistant Commissioner. SETA was tasked with amongst other things the responsibility to prevent further acts of violence, restore public order and the arrest of offenders. Additionally, Strike Force Enoggera was established on the 13 December and tasked with supporting SETA by investigating and arresting offenders involved in the criminal incidents of the 11, 12 and 13 December.

During the week, after the events of the 11th 12th and 13th, large numbers of SMS messages were circulated throughout the Sydney, Central Coast and Wollongong areas urging individuals to become involved in demonstrations at Cronulla on Sunday the 18th December. Police were receiving continuing intelligence that both Caucasians and Middle Eastern persons were going to Cronulla to engage in violence and civil disorder.

Following the establishment of Strike Force Enoggera on the 13 December its initial priority was to work in co-operation with SETA to (1) identify and arrest the principal offenders from the Sunday violence, (2) to close down and arrest persons responsible for the sending of text messages promoting violence and (3) to identify and arrest people involved in violence or damage following the reprisal attacks.

It was anticipated that by concentration on the first two objectives and the early arrest of some offenders that would assist in discouraging further acts of violence.

The following weeks saw Strike Force Enoggera continue to analyse information and make further arrests of Caucasians involved in the riots of the 11 December.

Media interest declined over the Christmas period however early in the New Year the Sydney media began to concentrate their reporting on the numbers and ethnicity of persons arrested from the original Cronulla incident as opposed to the lack of arrests relating to the revenge attacks.

On the 10 January 2006 the Commander of Strike Force Enoggera participated in a radio interview where amongst other things he stated that there had been fourteen arrests in relation to the riots, two in relation to the burning of an Australian flag from the Brighton-Le-Sands RSL Club and that no persons had been arrested for revenge attacks.

In acknowledging the public concern he explained that unlike the rioters (Cronulla) who were captured on media equipment and appeared on national TV the other acts (revenge) were done under the cover of darkness by people who were mobile, moved quickly into areas causing or inflicting damage and injury to property and people in those areas.

Despite the continued police assertions in the media that all offences were being investigated impartially, regardless of the ethnicity of the persons involved, the media chose to focus their reporting on the number of Caucasians arrested over the Cronulla riots and the lack of arrests of persons involved in the revenge attacks, claiming that police were going soft on criminals of Middle Eastern background.

The level of media reporting, of what was being referred to as 'reverse racism', and suggestions that police had been directed to go softly on criminals of Middle Eastern background was such that on the 13 January 2006 the Police Commissioner publicly supported the policing response by Enoggera personnel. The Commissioner also explained some of the difficulties Strike Force Enoggera was facing in relation to the collection of evidence in relation to the 'revenge' attacks. His comments, as reported in the press, were consistent with the previous statement by the Enoggera Strike Force Commander and were reported in the media in the following terms.

“Unlike the events that occurred in Cronulla where there was visual evidence in the form of photographs and video recordings etcetera, these other attacks late at night were under the cover of darkness. These were isolated incidents that were done randomly and so we have to go about methodically gathering the evidence, identifying those responsible and bringing about the prosecution”¹

The Commissioner at this time was of the belief that there were no images of offenders involved in the revenge attacks.

On the 19 January 2006 the media revealed that police (Enoggera) had been in possession of video footage of an assault by a gang of Middle Eastern males for some five weeks. The media claimed that despite the contents of that footage, no persons had been arrested. The issue continued to gain media momentum throughout the day. The Commander of Strike Force Enoggera held a media conference where he acknowledged that police had been in possession of video footage and then arranged its release for public viewing.

The release of the video footage highlighted a significant internal communication issue. The Commissioner had been involved in a number of media interviews focusing on the apparent lack of police action and difficulties in obtaining evidence in relation to persons involved in the ‘revenge’ attacks. Despite those comments and the significant media attention surrounding them staff of Enoggera failed to advise through the chain of command that they were holding video/still images of persons involved in the ‘revenge’ attacks.

On the 20 January 2006 the Commissioner announced that he had taken a decision to increase the strength of Strike Force Enoggera to 100 police and replace the Commander with another officer. Subsequently, the Commissioner approved a review of managerial policies, procedures and practices relating to the establishment and operation of Strike Force Enoggera. The Terms of Reference for that review, detailed later in this report, were intended not just to identify issues relating to Enoggera but also make recommendations for the future.

In conducting this Review it is not our brief or intention to attempt to apportion blame to individuals. The purpose is to identify any corporate deficiencies, particularly in the form of “system” failures, which can be addressed, and make recommendations that may enhance the operational capacity of New South Wales Police.

In conducting the review we have engaged in the following activities: -

- Discussions with the Police Association
- Discussions with staff of Strike Force Enoggera
- Discussions with the State Crime Command.
- Discussions with members of the Senior Executive

¹ The Daily Telegraph, 14 January, 2006 pg 2 – see also Sydney Morning Herald, 14 January, 2006 pg 6 and The Australian, 14 January, 2006 pg 10.

- Discussions with various members of NSW Police
- Reviewed documentation supplied by various commands.
- Reviewed media material relative to the review

Early in the Review it became apparent that in this time of extreme violence and public disorder, police were facing a situation the like of which had never been seen in this State before, with a crime scene that extended over many suburbs (Punchbowl to Maroubra).

Police were fully committed to and focused on operational issues aimed at restoring public order and confidence. In that operationally charged environment, it would appear that the organisational risk from external influences such as community, media, and political issues may not have been fully appreciated by some officers.

Further, there existed the need to balance operational imperatives and a detailed criminal investigation on one hand, and the community's/media's need to know on the other. Inevitably this is, and always will be, a matter of judgment based on experience. Unfortunately, it transpired that some system shortfalls allowed honest mistakes or errors of judgment which resulted in the Commissioner of Police not being informed that Strike Force Enoggera had been in possession of video/still images of offenders involved in the 'revenge' attacks for more than five weeks.

Given the environment in which the Commissioner was working at that time media/political/community that information was vital to his overall managerial role.

In the following pages of the Review a number of recommendations relate to 'system' failure, which if not addressed, will most likely ensure that as the memory of this incident fades and people move on, this type of incident will repeat itself.

Conclusions

Based on interviews and information collected during the Review, the following conclusions have been reached: -

Were the current Policies, Procedures and Practices for the establishment of this Strike Force appropriate?

1. The policies, practices and procedures for the establishment of Strike Forces were developed through Crime Agencies in 1998. Crime Agencies, now known as the State Crime Command (SCC), have retained these policies, practices and procedures, albeit with minor amendments, since that time.

Strike Force Enoggera was established in accordance with those established procedures. The Review has identified system error in relation to the selection process for Commanders, other issues in the manner in which staffing allocations are made and the provisions of Strike Force accommodation. (pages 13-16 Recommendations 1 to 3 relate).

Were the current Policies, Procedures and Practices used for the management of this Strike Force appropriate?

2. The current Policies, Procedures and Practices for the management of Strike Forces are detailed in documents contained on the NSW Police Intranet, 'State Crime Command Investigation', and the initiating document 'NSW Police State Crime Command Terms of Reference' (Annexures 1 & 2).

Strike Force Enoggera was managed in accordance with those documents. The Review has identified management issues requiring further attention relating to the use of e@gle.i and the need to develop a procedure for the cataloguing of photographic images. (Pages 18 to 20 and Recommendations 4 to 5 relate).

Were appropriate communication lines established between Strike Force Enoggera and the State Crime Command?

Were appropriate communication lines established between the State Crime Command and the Executive?

3. Communication lines between Strike Force Enoggera and the SCC are identified within Annexures 1 & 2, which, if complied with, would normally require no further consideration.

The most significant breakdown in communication related to the unintentional omission to advise the Commissioner that police were holding video images of alleged offenders involved in offences during the 'revenge' attacks. Whilst this

omission was not as a result of the actions of any one person or an attempt to deliberately mislead the Commissioner it highlighted a deficiency in the system.

The Review has identified issues requiring further attention relating to the ability of officers to identify significant issues and provide quality information along established communication lines. (Pages 21 to 24 and Recommendation 6 relates).

Were the Policies, Procedures and Practices of the Police Media Unit appropriate for Strike Force Enoggera?

Was the input and level of internal media resources appropriate for Strike Force Enoggera?

4. Under the current media policies, procedures and practices the responsibility for the media management of Strike Force Enoggera was the responsibility of the SCC.

The policies, procedures and practices in place between the MLO at the SCC and the PMU (contained in an MOU - Annexure 3) received little attention relative to Strike Force Enoggera. The Strike Force lacked a specific media strategy and from a media management point of view there was a lack of co-ordination between the SCC and the PMU. Staff from the PMU and the Commissioner's Executive Media Adviser became involved in what were SCC and PMU responsibilities. Those actions resulted in staff operating outside the terms of the MOU by dealing directly with Strike Force Enoggera, or making media decisions without prior consultation with the SCC executive on many issues.

As part of the media establishment phase of Enoggera (SCC) it would have been reasonable to expect that normal policies, practices and procedures would provide for a media assessment to be completed. That assessment may cover areas such as the need for a media plan or strategy, reviewing the number of media staff required to manage the task, consideration of appropriate spokesperson (should it be the Commander), developing formal lines of communications and protocols with the Media Unit, establish formal reporting arrangements to supply accurate and timely advice to the Commander etc. Unfortunately, on this occasion no such assessment was made and the overall media management of Enoggera by the SCC was found to be lacking.

The Review has identified that the current division of media responsibilities between the Police Media Unit, Media Liaison Officer (State Crime Command) and the Commissioner's Executive Media Adviser operating independently creates an environment where possible conflict, overlap and confusion could occur. Centralised control and accountability of all media responsibilities under the Public Affairs Branch would provide a consistent management and organizational response to all media issues. (Pages 25 to 28 and Recommendation 7 to 8 relates).

Do any education and training implications arise for the establishment and ongoing managerial practices when creating Strike Forces responding to major crimes/incidents?

5. The Review did not identify the need to enhance any current corporate training issues relative to the establishment and management of Strike Forces.

There was however, a much broader management training/development issue relating to Senior Officers that emerged during the Review. Put simply, some officers displayed a lack of core strategic/tactical competencies in the areas of organisational awareness and an understanding of internal and external risks and influences that have the capacity to adversely impact on the organisation.

In the case of Enoggera there was a total focus on internal operational issues with a corresponding failure to identify or address other significant internal and external issues that had a real potential to impact on the investigation and the organisation as a whole. (Pages 29 to 30 and Recommendation 9 relates).

General issues.

6. During the period covered by this Review a number of senior operational officers and media personnel involved in the management and oversight of various aspects of Enoggera were absent on annual leave. In some cases those absences may have impacted on the established formal and informal communication lines that had been developed between those officers. Staff changes of this scale in key positions during such an operation creates a real potential to interrupt the normal and established flow of communication.

Whilst it is not the intention to criticise staff for taking annual leave, it would seem prudent that in future major incidents, that extend across multiple commands, Commanders identify key organisational positions required for the policing response and co-ordinate any approvals for leave.

That policy would provide for continuity of command and expertise. Continued channels of formal and informal communication between commands with substantive officers in position. It is important that Commanders and Managers select suitable officers where leave is to be approved with those officers fully briefed on known matters of interest.

The shaded areas in the table on the following page indicate the period officers were absent from their substantive positions during the Enoggera review period.

Strike Force Enoggera – A Review of Managerial Policies, Practices and Procedures

POSITION	LEAVE (week commencing)						
	11/12	18/12	25/12	1/1	8/1	15/1	22/1
Deputy Commissioner – Operations							
Staff Officer – Operations							
Operations Manager - SCC							
Media Liaison Officer – SCC							
Manager, Media Unit							
Commander, Public Affairs (relieving officer in place)							

Recommendations:

Were the current Policies, Procedures and Practices for the establishment of this Strike Force appropriate?

Recommendation

1. *That State Crime Command consider reviewing current policies practices and procedures in the selection of Strike Force Commander, to implement a system that identifies the key internal/external management responsibilities of the Commander together with the skills, knowledge and abilities of the proposed nominee to perform those tasks.*

Recommendation:

2. *That the Commander, State Crime Command ensure that the current policy practice and procedures for reviewing the 'Appropriateness and adequacy of staffing and strike forces' as contained in the 'Investigation Document' are complied with.*

Recommendation:

3. *That NSW Police establish, equip and maintaining suitable accommodation, specifically set aside for the use of major Strike Forces on a needs basis.*

Were the current policies, procedures and practices used for the management of this strike force appropriate?

Recommendation:

4. *That the current policy governing the use of the e@gle.i system be reviewed with a view of identifying any adverse impact on operational policing, particularly in the Strike Force area.*

Recommendation:

5. *That an organisational system of capturing and cataloguing photographic images be developed and implemented.*

Were appropriate communication lines established between Strike Force Enoggera and the State Crime Command?

Were appropriate communication lines established between the State Crime Command and the Executive?

Recommendation:

6. *That State Crime Command amend the current Strike Force Terms of Reference and Review Process documentation to require the Investigations Co-ordinator, Operations Manager and Investigations Manager to consider internal/external organisational risk factors as part of the management process*

Were the Policies, Procedures and Practices of the Police Media Unit appropriate for Strike Force Enoggera?

Was the input and level of internal media resources appropriate for Strike Force Enoggera?

Recommendation.

7. *That all media management and responsibilities including the positions of Commissioner's Media Advisor and Media Liaison Officer, State Crime Command be centralised under the command of the Commander, Public Affairs Branch.*

Recommendation.

8. *The State Crime Command implement a system establishing formal policy for media management of all Strike Forces including those falling outside of the normal Squad structure.*

Do any education and training implications arise for the establishment and ongoing managerial practices when creating Strike Forces responding to major crimes/incidents?

Recommendation:

9. *That NSW Police implement an enhancing management/leadership training and development program for senior officers.*

Establishment of Strike Force Enoggera

Were the current Policies, Procedures and Practices for the establishment of this Strike Force appropriate?

The policies, practices and procedures for the establishment of Strike Forces were developed through Crime Agencies in 1998. Crime Agencies, now known as the State Crime Command (SCC), have retained these policies, practices and procedures, albeit with minor amendments, since that time.

The current management structure of the SCC is made up of the Commander (Assistant Commissioner) a Manager Operations (Detective Chief Superintendent) and a Manager, Investigations Support (Detective Chief Superintendent). Both Manager positions report direct to the SCC Commander. Additionally, there are ten Squads headed by Detective Superintendents e.g. Homicide, Fraud, Gangs etc.

The officer responsible for the establishment process of Strike Forces is the Manager Investigation Support.

On the morning of the 13 December, 2005 the Deputy Commissioner - Operations, requested the SCC to establish a Strike Force to assume responsibility for the investigation of criminal matters arising from the Cronulla incidents.

The Commander SCC responded by forwarding a proposal to the Deputy Commissioner Operations suggesting the establishment of a Strike Force, within the State Crime Command and reporting directly to, and managed by, that Command.

The Deputy Commissioner accepted the proposals of the Commander SCC and, Strike Force Enoggera was established under the management and direction of the SCC.

As required under SCC policies and procedures a detailed document contained on the NSW Intranet, 'State Crime Command Investigation', and the initiating document 'NSW Police State Crime Command Terms of Reference' were complied with and actioned. Full details of these documents are contained in Annexures 1 and 2.

Strike Force Enoggera operated under the following 'Terms of Reference':

To investigate for the purposes of identifying persons responsible for inciting, participating and/or assisting in criminal offences relating to;

- (a) civil disturbance at and near Cronulla Beach on the 11 December 2005; and
- (b) subsequent incidental and associated acts of violence and property damage arising there from or apparently related thereto;

with a view to instituting appropriate prosecutions.

Also contained within the SCC proposal was the nomination of Detective A/Superintendent Bray (the current acting Commander of the Gangs Squad) as the Commander of Strike Force Enoggera. The reasoning behind that selection was that it was considered that the duties of Commander of the Gangs Squad were most closely aligned to the anticipated role of Enoggera.

The proposal nominated a human resources component of twenty-five (25) investigators, including the S/F Commander (Investigation Co-Coordinator) and two Detective Inspectors (Officer in Charge), in addition there were two (2) analysts, one (1) Police Prosecutor and one (1) Scientific Liaison Officer.

The only alteration in the normal establishment procedures was that Strike Force Commanders normally report to a Squad Commander (Superintendent). Given in this case that Enoggera was considered complex, politically sensitive and generating high media interest Chief Inspector Bray was given the temporary rank of Superintendent. In addition he reported directly to the Manager Operations, not to a Squad Commander.

As matters of fact the current Policies, Practices and Procedures for the establishment of a Strike Force were strictly complied with. There are however, three recommendations for improvement in the areas of (1) The selection of Strike Force Commanders. (2) The estimation of staffing numbers. (3) The availability of accommodation for Strike Forces.

Selection of Strike Force Commanders

The first issue relates to the manner in which Strike Force Commanders are selected. In the case of Strike Force Enoggera the methodology used was to simply select the Commander of the Gang Squad to lead Enoggera as it was considered the duties of that position were most closely aligned to the anticipated role of Enoggera.

Whilst not questioning the investigative competence of individual commanders, it is felt that the selection process used by SCC on this occasion was inadequate and failed to fully consider all internal and external complexities of the investigation. It also appears that little consideration was given to the specific skills which may include but not be limited to political awareness, media experience, community expectations, organisational risk exposure or technical aspects that may be required by the Commander to lead and manage an investigation of this complexity and profile.

Recommendation

- 2. That State Crime Command consider reviewing current policies practices and procedures in the selection of Strike Force Commander, to implement a system that identifies the key internal/external management responsibilities of the Commander together with the skills, knowledge and abilities of the proposed nominee to perform those tasks.*

Strike Force staffing allocation

The second issue relates to the proposed allocation of staffing numbers. Of all procedures in the establishment of a Strike Force, the determination of adequate staffing numbers can be the most difficult. Staffing numbers can be influenced by one or all of the following, the complexity of the offence being investigated, the magnitude of the offences disclosed, or the need to complete an investigation in a given time period.

In the case of Strike Force Enoggera, which subsumed a minor Region Strike Force established the previous day; the allocation of staff was more difficult. In addition to the numerous offences already identified, the potential for more riots and/or revenge attacks was ongoing making it difficult to establish an appropriate staffing ratio. As at the 14 December the Strike Force had a staffing allocation of 24 personnel.

Approximately one week after Enoggera's establishment an additional full investigative team (1 Detective Inspector and 9 investigators) from the Professional Standards Command were attached to it to assist in progressing the SMS inquiries. Work demands in that Command saw all ten personnel withdrawn some ten days later on the 1st January 2006. Given their short period of attachment their value to Strike Force Enoggera was limited and certainly no assistance in the 'revenge' attack offences.

As previously stated the allocation of staffing to Strike Force Enoggera by SCC was an initial estimate of the numbers required. The ongoing review and allocation of future staffing numbers was the responsibility of the SCC as part of the investigations review process. However, in the case of Enoggera that process did not identify the need for additional staff.

The Commander of Strike Force Enoggera formed a view that he had adequate human resources to complete his task. However, this view was based on his belief that there were limited numbers of detectives available, rather than the actual staffing requirements of the Strike Force to complete the investigation given its political and media profile.

Anecdotal statements suggest that in the first phase of Enoggera there was a need for considerably more analysts. The product collected, and that needed to be collected, was extensive requiring considerable analytical work. As an indication of the work required there were some 280 event/intelligence logs to be merged, 240 vehicle logs to be examined, 60 Persons of Interest to be examined, 200,000 records for SMS and Telephone numbers to be analysed, 57 hours of video footage, 110 hours of CCTV/CD/DVD and 1,800 still photographs to be examined. It was not until this was commenced and documented that the full extent of the investigation could be determined.

On the 20 January 2005, the Commissioner appointed a new Commander to head Strike Force Enoggera and increased the staffing numbers to 100. This increase in staff allowed the Commander to assign seven teams to specific investigations, as opposed to earlier requirements of allocating two teams across all investigations.

Recommendation:

2. *That the Commander, State Crime Command ensure that the current policy practice and procedures for reviewing the 'Appropriateness and adequacy of staffing and strike forces' as contained in the 'Investigation Document' are complied with.*

Availability of Strike Force accommodation.

During the review an area of concern raised by investigators was the difficulty that can be experienced in the initial establishment stage of Strike Forces in acquiring appropriate accommodation and equipment e.g. computers, links to police information systems, scanners etc. It was claimed that delays in establishing suitable office facilities can, and do, impact on the initial information and evidence gathering process at the critical early stages of a Strike Force investigation. Given that the establishment of Strike Forces is a regular occurrence in operational policing the provision of permanent sites to be used on a needs basis would enhance the operational effectiveness of future Strike Forces.

Recommendation:

3. *That NSW Police establish, equip and maintaining suitable accommodation, specifically set aside for the use of major Strike Forces on a needs basis.*

Were the current Policies, Procedures and Practices used for the management of this Strike Force appropriate?

The term 'management' for Strike Force Enoggera is inclusive of the Officers' in Charge (Detective Inspectors) and the Investigation Supervisor (Superintendent), the Manager Operations (SCC) the Manager Investigations Support (SCC) and the Commander SCC.

As already stated there are two documents that define the management responsibilities of all Strike Forces established within the SCC.

The first is the previously referred to NSWPS Intranet – State Crime Command 'Investigation', in particular 'What documentation is needed once a Strike Force is established?' and 'How will the progress on investigations be reviewed?' (See Annexure 1 for detailed information). It is unlikely that any documentation can ever capture the dynamics that occur in policing, including the investigation of major crime from the SCC. The Review therefore is not intent on adding to the existing document.

Early procedures for a Strike Force is the requirement to prepare an Investigation Plan and place it on e@gle.i, the NSW Police program to capture all investigative actions. Detective Inspector French completed the Investigation Plan, which identifies both the Tactical and Strategic directions, for Strike Force Enoggera on 29 December 2005. This plan was also available for all persons with access to the Enoggera profile.

The Strategic actions were ultimately the most important for the Review. It identified Enoggera's priorities as (1) Identify suspects and institute appropriate prosecutions for the civil disturbance and associated offences committed at Cronulla (2) Identify suspects and institute appropriate prosecutions for the sending of SMS messages inciting civil disturbance, property damage and violence and (3) Identify suspects and institute appropriate prosecutions for the civil disturbance and associated offences committed in the Maroubra and Brighton Le Sands areas.

This plan was made known to all SETA and Enoggera Senior Officers, the State Crime Command and members of the Executive, with no disagreement of these strategies. In adhering to the plan it should not then have come as a surprise that initially only Caucasian persons were being investigated and arrested in an attempt, along with other policing strategies, to reduce the likelihood of further civil disorder.

The use of e@gle.i in the management process.

The second document, the State Crime Command 'Terms of Reference' which in addition to the nomination of the 'Terms of Reference and the personnel allocated also establishes a number of specific requirements for the Investigation Coordinator, (the Officer in charge of the investigation) (1) the utilisation of e@gle.i and COPS, (2) compliance with the Police 'Code of Conduct and Ethics' (3) corruption prevention risk management

strategies, (4) reporting requirements and other associated policies (See Annexure 2 for complete requirements.)

An examination of Enoggera's e@gle.i entries revealed that in some cases exhibits and actions were not (as required) being recorded immediately after the events. This resulted in some cases, and in particular actions relative to the incident subject of this review, being made weeks after the event. The absence of accurate e@gl.i records for information management purposes can result in incorrect information being provided to those with access to the Enoggera records for checking or reviewing current status.

A relevant and timely e@gle.i entry that was made was the statement obtained by Strike Force Enoggera personnel from Michael Keogh on the 20 December and loaded onto e@gle.i that same date. Mr. Keogh was the owner of the CCTV footage of the Brear assault outside a hostel on the 12 December 2005. This statement identifies the Brear assault. The e@gle.i entry also states that a CD was used to download images from the assault taken from two cameras on the front door and that the CD was handed to detectives on 13 December 2005. This entry was available for all persons with access to the Enoggera profile identifying that it was an AOABH, the victim's name and, the Event No. E25524972.

In contrast, many entries relating to the taking of statements from Mr Brear together with actions conducted in relation to the examination of the video footage etc after the 13 December 2005 were not included on e@gle.i until the 20 January 2006 the day on which the new Commander was appointed. This absence of e@gle.i records ensured that an examination of e@gle.i would not accurately reflect Enoggera's activities and may result in incorrect information or decisions being made.

The failure to keep the e@gle.i entries up to date was claimed to be as a result of the volume of work and corresponding lack of staff to complete the required entries. Interviews indicate that this failure is not unique to Enoggera.

Recommendation:

4. *That the current policy governing the use of the e@gle.i system be reviewed with a view of identifying the risks associated with non-compliance particularly with Strike Forces .*

Cataloguing of photographic images.

A further management issues that will no doubt impact on future Strike Forces relates to the need to establish an appropriate system of cataloguing photographic images of crime scenes.

The supporting staff from Photo-Trac on arrival at Enoggera were taken aback by the enormity of imagery product collected, some 57 hours of video footage, 110 hours of CCTV/CD/DVD and 1,800 still photographs required examination.

As there is no current organisational Policy, Practice or Procedure for the cataloguing of photographic images staff were required to develop local spreadsheets to catalogue individual images of persons involved in offences.

Given that almost every criminal investigation now sets about collecting images from Council, State Rail, private companies and other security cameras, as well as private images this is an area that requires its own specific software.

It would have been extremely useful in Enoggera but even more so if the State of New South Wales ever suffers a terrorist attack as was seen in London. The collection, cataloging and analysis of photographic images could well be the difference between arresting offenders and preventing further attacks or having very little to go on.

The Review understands that Operational Information Agency is now examining this issue however in the pursuit of effective management of Strike Forces and for terrorist incidents there is a need to support the immediate challenge of cataloguing capability.

Recommendation:

5. *That an organisational system of capturing and cataloguing photographic images be developed and implemented.*

Communication/Reporting Lines

Were appropriate communication lines established between Strike Force Enoggera and the State Crime Command?

Factually, communication lines between Strike force Enoggera and the SCC are identified within Annexures 1 & 2, which, if complied with, would normally require no further consideration. The only reporting line would be between the Strike Force Commander, the Manager Operations, the Manager Investigation Support or, direct to the SCC Commander. With Enoggera however, because of its relationship with Operation SETA there was also an additional need to provide briefings to the Police Operations Command (POC).

The actual reporting lines as reported to the Review were as follows: -

- Daily briefing papers to the SCC and POC.
- Detailed monthly reports to SCC.
- Face to face reviews (Commander Enoggera and Operations Manager SCC)
- Reporting significant issues on a needs basis.

In the case of briefings to the SCC they were in the form of a standard situation report (sit-rep) and briefing papers which refer to arrests or other events that have already happened and, the only future information is normally in respect to proposed arrests or release of media items within the next 24 hours.

On the other hand the briefing to the POC was an abbreviated report concentrating on results obtained such as current arrests etc.

There is no information available that suggests that the identified communication lines were not appropriate.

Quality of information

The issue for this Review is not so much the lines of communication but the quality of the information that was, or was not, supplied along those lines. In particular, given the considerable media and community comment being generated on the 10 January regarding the non arrest of alleged 'revenge' offenders, how did it happen that although the Strike Force held information and images of serious revenge attacks, including the attack on Steven Brear, that this information was never part of Strike Force Enoggera's reports to the SCC.

Likewise, it seems inconceivable that by the 13 January 2006 when there had still been no arrests for the 'revenge' attacks, and the level of external criticism of police had risen to such a level that the Commissioner (who was unaware that there were tapes of the revenge attackers) held a media conference supporting the work of staff attached to

Enoggera. His comments as reported in the press were consistent with the previous statements made by the Enoggera Strike Force Commander highlighting the differences between the Cronulla and 'revenge' attack investigation and were reported in the following terms.

"Unlike the events that occurred in Cronulla where there was visual evidence in the form of photographs and video recordings etcetera, these other attacks late at night were under the cover of darkness. These were isolated incidents that were done randomly and so we have to go about methodically gathering the evidence, identifying those responsible and bringing about the prosecution"¹

Notwithstanding the Commissioner's media conference no member of the SCC management sought to enquire from Enoggera as to the progress of or, holdings in relation to, the reprisal attacks. Nor did the staff of Enoggera make any approach to SCC to advise of known video/photographic images and information held by the Strike Force. Such an enquiry or flow of information on the part of either command would have identified the existence of the video in police possession that was later exploited by the media on the 19 January 2006.

The resolution of non-communication about images held by Strike Force Enoggera on the revenge attacks becomes a complex issue. If the answer was to ensure reporting of 'significant' items, then this is covered in the 'SCC Investigation' document under 'What documentation is needed once a Strike Force is Established (Annexure 1) where it states *'In addition, Strike Force Commanders will report by Situation Report, any significant activity during the month'*. It is possible to interpret that the words 'significant activity' as referring only to the investigation and not to media or political comments about the work of the Strike Force. However, given what was being promoted by the media and politicians, it is difficult not to regard these activities as 'significant'.

In trying to avoid the error from Enoggera in determining what should be communicated, the question of 'significant' can create an interpretation problem. As an example, at the scene of a major crime, attended as expected by Forensic Services, a number of fingerprints are found. These fingerprints are then compared to the forensic fingerprint database but fails to match, they are therefore of little significance at this point of the investigation. However, if a suspect is identified, and the original fingerprints compared against the suspect and is a match, the original fingerprint becomes significant and would be communicated up the chain of command in the situation reports.

The same situation could apply to Enoggera and their images. Once there is no match between the images and the database held by Photo Trac, the images will only become significant, in an investigatory sense, when the investigators plan and execute their strategy to identify and arrests the offenders depicted in the images held.

The reason offered to this Review for the non-communication was that in developing investigative priorities the Strike Force concentrated on the following. (1) Identifying

¹ The Daily Telegraph, 14 January, 2006 pg 2 – see also Sydney Morning Herald, 14 January, 2006 pg 6 and The Australian, 14 January, 2006 pg 10.

and arresting the principle offenders from the Sunday riot. (2) To close down and arrest persons responsible for the sending of text messages which promoted violence. (3) Identify and arrest people involved in violence or malicious damage from the Sunday and Monday evenings.

Having concentrated on completing priorities 1 and 2 they had not as yet implemented their investigation strategy/plans for all revenge attacks, which also encompassed the Brear matter. In point of fact although the Commander was aware that a video existed he had personally not seen this video up until the 18 January. The immediate priority for Enoggera in the revenge attacks, when there was no evidential imagery, were those serious offences most likely to allow opportunities for an early arrest, including the Sunday evening knife attack, persons threatened with firearms and other serious assaults

The Review believes that if the organization is to avoid communication difficulties in the future there is a need for another category for consideration by the Commanders of Strike Forces, the Squad Commanders and the SCC Executive. This is the need to include in the review procedures of Strike Forces the identification of specific organisational risks, rather than specific items held by an investigator, which because of circumstances such specific items may not be viewed as significant.

If Commanders are required to examine external influences, which would include both political and media activity that may have corporate effects this is more likely to provide relevant information to the Police Executive.

Recommendation:

6. *That State Crime Command amend the current Strike Force Terms of Reference and Review Process documentation to require the Investigations Co-ordinator, Operations Manager and Investigations Manager to consider internal/external organisational risk factors as part of the management process.*

Were appropriate communication lines established between the State Crime Command and the Executive?

The reporting relationship between the Commander SCC to the Deputy Commissioner-Operations rely on a two-way communication flow and has been in existence since the establishment of the SCC.

Below these two levels the issue of the appropriateness of communication is more difficult. In the case of the SCC, all Strike Forces reported initially through their Squad Commander to the Operations Manager (Enoggera was an exception as it reported directly to the Operations Manager). The ability of the Manager Operations and, then the Commander SSC, to determine what information needs to be captured from the individual Strike Forces and, from that information, what needed to be communicated to the Executive becomes a value judgment of the supplier.

Advice received from the SCC shows that the Commander and Operations Manager SCC are not normally aware of all exhibits or other items of evidence held by the Strike Forces. They suggest that to attempt to do this would require considerable duplication of records including those already available on e@gle.i, or on the C.O.P.S system, and the sheer volume of information would make it unmanageable for accurate reporting purposes.

While this is a compulsive argument, it does not eliminate the fact that the SSC management also carries responsibility for identifying corporate risk associated with operations under their command. However, on this occasion that Command did not respond to, or appear to be aware of, the significant issues impacting on Strike Force Enoggera even after the issue of police not arresting Middle Eastern offenders was widely promoted in all forms of the media and internal media briefings.

Additionally, it would appear that the Office of Deputy Commissioner-Operations in managing corporate risk did not respond to the media and community concerns over revenge attacks by requesting any specific information from the Commander SCC.

During the period 6 to the 29 January the Deputy Commissioner Operations was on leave and, an Acting Deputy Commissioner was present who had himself been on leave prior to coming to the role of Acting Deputy Commissioner. The Staff Officer to the Deputy Commissioner was on leave and only recommenced on the same date as the Acting Deputy Commissioner. As at the 9 January neither officer in the Deputy Commissioner's Office had the opportunity to be fully across the Enoggera investigations. The presence of relieving officers impacted on the effectiveness of established informal communication lines between the SCC and executive.

The issue here was not the response of the SCC to the investigation of the riot offences, or the revenge attacks, which was proceeding as planned but that communication in the critical period of the 10th to the 19th January between the SCC, Police Media Unit and the Executive over the external media's highlight of the 'revenge attacks' was lacking.

The Review believes that Recommendation 6 will enhance the capacity of SCC to identify and report on significant risk and product holdings to the Office of the Deputy Commissioner Operations.

Media

Were the Policies, Procedures and Practices of the Police Media Unit appropriate for Strike Force Enoggera?

The Police Media Unit (PMU) operates as part of the Public Affairs Branch, presently under the Command of a Police Superintendent, and performs the following role.

“The Media Unit provides advisory services to all police and the external media, ranging from over-the-phone advice to attending major crime scenes and managing critical issues.

The unit is open 24/7 and manages the media and their inquiries at major crime scenes and disasters, provides a daily briefing to the Senior Executive Service, produces media releases, co-ordinates press conferences, organises launches and provides strategic advice, focusing on how media opportunities can be best managed for investigative purposes.

The NSW Police have a Media Policy, which is designed to assist police in their dealings with the media in an attempt to build a positive public opinion of police and their work.

The Policy in itself does not govern the work of the Police Media Unit (PMU).

The PMU operates as a support unit across all Police Commands with the exception of the SCC; which has been allocated a specific Media Liaison Officer (MLO).

The allocation of a specific MLO to the SCC was established in early 2004. The MLO is seconded to the position from the PMU and operates under a Memorandum of Understanding (MOU) between the PMU and the SCC (Annexure 3). The MLO position requires the occupant to devise media strategies that meet the investigative demands identified by the SCC, whilst at the same time adhering to the NSW Police media policy and supporting the corporate image of NSW Police. Its relationship to the PMU is defined as ‘*The MLO will work cooperatively with the NSW Police Media Unit*’

Whilst the position remains attached to the PMU the command and control of the occupant is the sole responsibility of the Commander SCC. It therefore follows that as the overall management of Strike Force Enoggera (or any other Strike Force) was the responsibility of the SCC the media management under their MOU was also the responsibility of the SCC.

It could be argued that the combination of SETA and Strike Force Enoggera had one of the highest external media profiles of any operational incidence in the history of NSW Police. The PMU allocated four staff, including the Media Manager, to the management of SETA, while the SCC maintained one MLO to manage both Enoggera and other SCC media issues.

Strike Force Enoggera lacked a specific media strategy and from a media management point of view there was a lack of co-ordination between the SCC and the PMU. This resulted in staff from the PMU operating outside the terms of the MOU by dealing directly with Enoggera or making decisions without prior consultation with the SCC executive on some issues.

As part of the media establishment phase of Enoggera (SCC) it would have been reasonable to expect that normal policies, practices and procedures would provide for a media assessment to be completed. That assessment may cover areas such as the need for a media plan or strategy, reviewing the number of media staff required to manage the task, consideration of appropriate spokesperson (should it be the Commander), developing formal lines of communications and protocols with the Media Unit, establish formal reporting arrangements to supply accurate and timely advice to the Commander etc. Unfortunately, on this occasion no such assessment was made and the overall media management of Enoggera by the SCC was found to be lacking. A policy that both states and requires a media assessment to be documented needs to be enforced.

The issue was compounded for Enoggera by the fact that the MLO attached to the SCC commenced three weeks annual leave from the 23 December 2005 to the 13 January 2006. During that time two other staff of the PMU shared the relief duties. However, those relief officers remained physically located in Sydney and did not move to the SCC.

Notwithstanding the return to duty of the SCC's MLO on the 14 January 2006 the media management of Enoggera effectively continued with the PMU (contrary to policy) until the 20 January 2006. The actual SCC media officer played no significant role in managing the media issues associated with Enoggera after the 23 December 2005.

Management of the SCC apparently did not recognise the significance of the external media issues impacting on Strike Force Enoggera and the organisation as a whole. At no time from the establishment of Strike Force Enoggera did they seek additional media assistance to support the single MLO attached to the Command or, seemingly take any active control in Strike Force Enoggera media issues when it was effectively being run within the PMU from the 23 December 2005 until 20 January 2006.

The facts conclude that policies, procedures and practices in place between the MLO at the SCC and the PMU all received little attention relative to Strike Force Enoggera. This resulted in staff from the PMU and, the Commissioner's Executive Media Adviser who also became involved in what was SCC and PMU responsibilities, operating outside the terms of the MOU by dealing directly with Strike Force Enoggera, or making media decisions without prior consultation with the SCC executive on many issues.

While it is understood that the SCC would prefer to maintain a dedicated MLO attached to that command, the facts remain that a single MLO unless supported by senior officers at the SCC and PMU is unlikely to effectively manage a major media response and other Command responsibilities at the same time. The management of Strike Force Enoggera on this occasion has highlighted this inadequacy. The Review believes that this issue

could be overcome by setting up a full media capability at the SCC, including senior and experienced media personnel, or by returning the responsibility for media management to the PMU/Public Affairs Branch. The latter option being the preferred choice of the Review.

Recommendation.

7. *That all media management and responsibilities including the positions of Commissioner's Media Advisor and Media Liaison Officer, State Crime Command be centralised under the command of the Commander, Public Affairs Branch.*

Was the input and level of internal media resources appropriate for Strike Force Enoggera?

Many of the issues pertaining to this section have been fully covered under the heading, 'Were the policies, procedures and practices of the Police Media Unit appropriate for Strike Force Enoggera?' on the previous two pages. There still remains issues specific to input and level of resources

The question of suitability of the SCC policy for media response was highlighted with Strike Force Enoggera. While policy at the SCC states that proposed media should first be discussed and approved by the Squad Superintendent, in consultation with their MLO, the fact that the Commander of Enoggera was not reporting to a Squad Superintendent left him making all media decisions, presentations and interviews at a time of maximum media exposure when his real function was the management of the Strike Force.

Even after the return of the MLO he was scheduled for three consecutive media appearances on the 19 January, the first two organized by the PMU and the third by the MLO. This concentration of media exposure was inappropriate when it was clear that severe criticism was going to be made of him and the investigation by the media. The SCC Command, contrary to procedure, was not aware of these interviews and therefore could do nothing to assist.

The Review finds that the input and level of internal media resources was in the case of Enoggera entirely inappropriate. No formal management plan was devised, the existing MOU was not adhered to, decisions on media interviews relating to Enoggera were being made from different locations, there was no single point of accountability or co-ordination which culminated in the events of the 19 January when the media revealed that police (Enoggera) had been in possession of video footage of an assault by a gang of Middle Eastern males for some five weeks and had done nothing about it.

The SCC currently has an informal practice, by the Operations Manager, to determine the approval for media management. This informal practice should be formalised as a supplement to the NSW Media Policy and amended in the following terms, "where a Strike Force is created outside of the current Squad structure as in the case of Enoggera then proposed media should first be discussed and approved by the Operations Manager".

Given that the NSW Police Public Affairs Branch is being independently reviewed the question of appropriate management and accountability is being dealt with in a broader perspective outside this Review's 'Terms of Reference'. Recommendation 7 reflects the Review's belief that the resolution lies with the Commander Public Affairs Branch.

Recommendation:

8. *The State Crime Command implement a system establishing formal policy for media management of all Strike Forces including those falling outside of the normal Squad structure.*

Training

Do any education and training implications arise for the establishment and ongoing managerial practices when creating Strike Forces responding to major crimes/incidents?

As stated earlier in this report the current Policies, Practices and Procedures for the establishment and management of a Strike Force are well documented and were generally complied with, albeit that there are some suggestions for further improvement.

The Review did not identify the need to enhance any current corporate training issues relative to the establishment and management of Strike Forces.

There was however, a much broader management training/development issue relating to Senior Officers that emerged during the Review. Put simply, some officers displayed a lack of core strategic/tactical competencies in the areas of organisational awareness and an appropriate understanding of internal and external risks and influences that have the capacity to adversely impact on the organisation.

In the case of Enoggera there was a total focus on internal operational issues with a corresponding failure to identify or address other internal and external issues that had a real potential to impact on the investigation and the organisation as a whole.

With the exception of the work done independently by the Acting Manager of the Media Unit, the Commissioner's Media Advisor and two other staff assisting them to respond to the media aspects of the investigation, operational Police Commanders appeared to be indifferent to the community, media and political issues relating to the investigation that were being publicly played out on a daily basis and applied a micro-management style as opposed to a broader corporate macro-management style.

This was highlighted in relation to the failure of Commanders to inform the Commissioner that Enoggera was in possession of video footage of alleged reprisal attacks when that fact was being debated in the public media. Staff of Enoggera, including the Commander, were aware of their current holdings including the video footage in question (Brear assault) yet officers failed to identify or perceive the corporate issue and respond accordingly.

Specifically had that single issue been identified (as it should have) and communicated through the chain of command to the Commissioner the organisational criticism that followed in the 19 January 2006 would not have transpired.

Whilst from an organisational perspective the sample size of officers interviewed during this review was relatively small, from our previous policing experience we are confident that the issue of corporate awareness is far more wide spread throughout the organisation.

The Review has concluded that there is a need to implement an enhanced program of management/leadership development for senior officers that provides a variety of professional development experiences aimed at amongst other things increasing the corporate awareness of how the organisation fits into the broader political/community environment.

The program should also provide a greater appreciation of the role of the media, not only as an investigative tool but acknowledging the communities need to understand police activities.

Recommendation:

9. *That NSW Police implement an enhancing management/leadership training and development program for senior officers.*

Strike Force Neil
Review of the Police Response to the Cronulla Riots

Recommendations and NSW Police response:

1. It is recommended that the NSW Police continue to use racial descriptors as a law enforcement tool and use the Cronulla riot as an example of how they can be of benefit to ethnic communities.

Supported. NSW Police has been using racial descriptors and will continue to use them. The use of racial descriptors has been the subject of much debate and NSW Police believes that the model currently in use represents both national and international best practice.

2. It is recommended that a review be conducted of recording practices in the Computerised Operational Police System (COPS) as it applies to the racial descriptor of 'Mediterranean /Middle Eastern'. For accuracy, the descriptors require separation so that Middle Eastern stands as its own entity.

Supported. NSW Police, as a matter of practice, constantly reviews systems and processes. As an agency, we would not be averse to the review of the recording practices of racial descriptors within COPS, however, we would question the value of splitting the descriptor Mediterranean/Middle Eastern given the often visual similarity of persons from the two regions. As way of example, Indian and Pakistani people are grouped together because of the similarity in their appearance.

3. It is recommended that the Communications Group be included in the initial planning stages of major operations so that technical experts can provide advice on communication issues.

Supported. This is currently common practice. NSW Police supports that this become mandatory practice in all relevant Standard Operating Procedures.

4. It is recommended that the Special Services Group be included in the initial planning stages of major operations so that technical experts can conduct site surveys and provide advice on available specialist capabilities.

Supported. This is currently common practice. NSW Police supports that this become mandatory practice in all relevant Standard Operating Procedures.

5. It is recommended that a review be conducted by an appropriately skilled working party of all policy relative to public order management, including the Major Incident Management System and the Major Incident Response Teams. In particular, to ensure that all policy is consistent and in line with the original intent of the Major Incident Response Team concept and the use of experienced commanders in major operations.

Supported.

6. It is recommended that a review of the policy on the wearing of riot equipment should be conducted. In particular, as to when and at what command level the decision to wear riot equipment should be made.

Supported. Presently the Tactical Commander makes a decision locally on the wearing of riot equipment on a case by case basis. The Public Order Management Policy is currently being written to provide more consistent and definitive direction on this issue.

7. It is recommended that a review be conducted of the Joint Intelligence Group arrangements to broaden it from counter terrorism to public order management and any other major police operations.

A review is supported.

8. It is recommended that the review of the Joint Intelligence Group arrangements for use in public order management and emergency management consider the establishment of a Joint Intelligence Group Standing Committee to co-ordinate the response arrangements.

Supported.

9. It is recommended that the Assistant Commissioner for Counter Terrorism and Public Order Management review the reporting arrangements for intelligence officers working in the area of public order management to ensure consolidation.

A review is supported.

10. It is recommended that the review of the Joint Intelligence Group arrangements include a survey of the current Joint Intelligence Group room in the Police Operations Centre and develop a business case for its enhancement taking account of floor space and updated equipment.

Supported.

11. It is recommended that the policy, documentation and guidelines used by the Counter Terrorism and Public Order Management Command for threat and risk assessment and the recently proposed Threat and Risk Assessment Manual be given in-principle approval by the Commissioner's Executive Team for further development as a service wide policy.

Supported.

12. It is recommended that a working party comprised of the Counter Terrorism and Public Order Management Command, the Office of the Deputy Commissioner, region and local area commands further develop the Threat and Risk Assessment Model currently used by the Counter Terrorism and Public Order Management Command for use in all police operations.

Supported.

13. It is recommended that an investigation plan be developed for response to major public order management operations. The models used by Strike Force Enoggera and Strike Force Eagle could be considered as a model of good practice.

Supported in principle. All available models will be considered.

14. It is recommended that the Commander, Public Order and Riot Squad be delegated the responsibility of evidence gathering during public order management operations and that the Squad's Management Operational Guidelines be amended to reflect that role.

Supported in principle. NSW Police supports PORS having greater evidence gathering capability however this recommendation needs further consideration by the relevant specialist commands.

15. It is recommended that the Commander, Public Order and Riot Squad be delegated the responsibility of developing policy and operating procedures for the production and use of mass arrest kits during public order management operations.

Supported. Mass arrest kits and SOPs are already in place locally. Additionally, PORS has formed a working party to standardise policy and procedures.

16. It is recommended during major public order incidents that the State Co-ordination Centre be activated and used for the purpose of briefing the relevant government ministers, as takes place under the current counter terrorism arrangements.

Supported in principle. This recommendation needs further consideration by the relevant internal and external stakeholders, particularly Premier's Department who are responsible for the State Coordination Centre.

17. It is recommended that media management policy and relevant standing operating procedures for the Police Media Unit be developed for response to public order management operations.

Supported.

18. It is recommended that the management of the Police Operations Centre be transferred from the Central Metropolitan Region to a specialist command with state-wide responsibilities. The selected command be responsible for the maintenance of the centre, the training of police command teams and support staff in its use.

Supported in principle. At the request of the Commissioner's Executive Team, a Working Group was formed in August 2006 to address the future of the Police Operations Centre and State Emergency Operations Centre. Several meetings have been held with both internal and external stakeholders. Submissions were recently requested from stakeholders on proposed enhancements, Command and Control and location related issues.

19. It is recommended that the Commissioner's Executive Team consider re-establishing the State Planning Unit to manage the planning of all major public events and security operations state-wide.

Supported.

During the course of the review, the following recommendations (20, 21, 22 and 23) were approved by the Commissioner of Police to expedite the education and training of police in command and control and have been implemented.

20. It was recommended that a comprehensive review be conducted of all command and control training delivered within the NSW Police covering the disciplines of public order management, counter terrorism and emergency management by relevant working parties consisting of operational subject matter experts and educationalists. The working parties report to a steering committee to ensure consistency in the delivery of education programs.

A review as been undertaken under the auspices of the multi-phase Police Command Education Project (PCEP). The PCEP steering committee first convened in June 2006, with the project plan approved in August 2006. Courses are being developed as appropriate to meet PCEP outcomes, noting that public order, emergency management, counter terrorism and multi-

agency incident training is already underway – these packages are being progressively reviewed/refined to meet PCEP requirements.

21. It was recommended that a forum on command and control be conducted at the Police College under the auspices of the Commander, Education Services and be attended by all members of the working parties, Strike Force Neil and the Police Executive to set the direction and agenda for future command and control education.

Completed - Forum held on 8-9 May 2006 at the NSW Police College Goulburn as a precursor to the PCEP.

22. It was recommended that the Centre for Policing Excellence in the United Kingdom which delivers high level training in public order management be approached to participate in the forum.

Completed – Chief Inspector Mike Homden visited NSW 1-12 May 2006 to assist with the forum and, subsequently, to provide advice to relevant Strike Force and Education Services staff.

23. It was recommended that the NSW Police accept the invitation of the Chief Executive Officer of the Centre for Policing Excellence in the United Kingdom to have an appropriately qualified student on the next Advanced Public Order Program conducted at Bramshill College.

Completed – Chief Superintendent Steve Cullen (Commander PORS) undertook the Advanced Public Order Commander's Course in the UK in September 2006 and Sergeant Mick Steggle (Senior Instructor OSTTU Westmead) and Sergeant Bob O'Riordan (PORS) are presently undertaking the six week Advanced Public Order Instructor's Course in the UK, completing 27 October 2006.

24. It is recommended that the Commissioner's Executive Team give in-principle agreement to the proposed police command training program as outlined in the Education and Training section of this report and to note that this program is compatible with the proposed Police Command College initiative.

Completed – Approval in principle has led to initiation of the PCEP, which will report its phase 1 achievements to the Commissioner's Executive Team in December 2006, noting that progress with PCEP phase 2 is dependent on developments associated with the NSW Police Command College concept.

25. It is recommended that the education and training model for all training in public order management, with integration between the Public Order and Riot Squad and Education Services continue as a matter of policy. This will ensure that

operational subject matter experts and educationalist are engaged in the continued research and development of training.

Commenced – In addition to progress under the auspices of the PCEP, close liaison occurs between Education Services OSTTU trainers and relevant subject matter experts (PORS, CT Command etc) in the development and implementation of Operational Support Group (OSG), State Protection Support Unit (SPSU) and Major Incident/Public Order Commander's Course (MIPOCC) programs.

26. It is recommended that a training course in threat and risk assessment be developed by an appropriately skilled working party for all police who are responsible for the development of operational threat and risk assessments.

Supported. Threat and risk assessment are included as elements of a range of current education and training packages, such as OSG, SPSU and MIPOCC programs. These issues will also be incorporated in the relevant elements of the PCEP.

27. It is recommended that a high level working party be established to review the policy and operating procedures relevant to the issue of protective equipment for first response police to incidents of public disorder.

Supported.

28. It is recommended that the Commander, Public Order and Riot Squad research and procure suitable equipment for use in evidence gathering during public order management operations and provide training to Public Order and Riot Squad officers in this role.

Supported. PORS are currently working with the Special Services Group to progress.

29. It is recommended that the Commander, Public Order and Riot Squad research and develop mass arrest kits for use in public order management operations. That operating procedures be developed for the use of those kits by all police.

Supported. Mass arrest kits and SOPs are already in place locally. Additionally PORS has formed a working party to standardise policy and procedures.

30. It is recommended that the Commander, Public Order and Riot Squad research and acquire the necessary equipment, including photographic equipment necessary for use with mass arrest kits.

Supported. Mass arrest kits with photographic equipment and SOPs are already in place locally. Additionally, PORS has formed a working party to standardise policy and procedures.

31. It is recommended that the Director, Police Public Affairs develop a portable media kit and acquire the necessary equipment for deployment to incident sites to assist forward Police Media Liaison Officers.

Supported.

32. It is recommended that a working party of experienced intelligence officers be established and tasked to develop a portable Joint Intelligence Group kit for deployment to incident sites to assist forward Joint Intelligence Group Officers.

Supported.

33. It is recommended that an appropriately skilled project team be established to conduct research and develop a suitable model for a police command vehicle. A business case should be prepared and presented to the Commissioner's Executive Team as a matter of priority.

Supported.

Strike Force Neil

Review of the Police Response to the Cronulla Riots

Recommendations and NSW Police response:

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Supported. NSW Police, as a matter of practice, constantly reviews systems and processes. As an agency, we would not be averse to the review of the recording practices of racial descriptors within COPS, however, we would question the value of splitting the descriptor Mediterranean/Middle Eastern given the often visual similarity of persons from the two regions. As way of example, Indian and Pakistani people are grouped together because of the similarity in their appearance.

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Seen. 15/9/06.
1. Commander, P.S.C.

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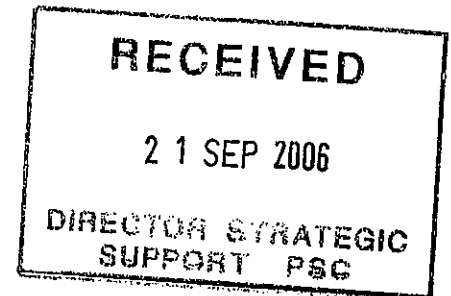
Your Ref: ADM/3443PO2

Our Ref: NSW P 10/2006/91100 - 012

Mr Simon Cohen
Assistant Ombudsman (Police)
NSW Ombudsman
Level 24, 580 George Street
Sydney 2000

8 September 2006

Dear Mr Cohen



Re: Final Report into complaint alleging NSW Police failure to respond to an assault on Mr Greeks during the Macquarie Fields riots

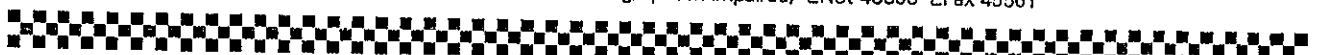
I refer to the Final Report in this matter, Commissioner Moroney's response dated 24 May 2006 and your correspondence dated 20 July 2006.

Issue one

I refer to your correspondence of 20 July 2006, and comments in your final report which analyses this issue at pages 19 to 21 and states "*Alleged inaction of police, as a result of a flawed 000 procedure, which is said to have contributed to a persons injury is clearly a police complaint for the purposes of Part 8A*".

Legal advice has been obtained which deals with the scope of the Ombudsman's jurisdiction under Part 8A of the *Police Act* and how it interacts with schedule 1, clause 13 of the *Ombudsman's Act 1974*. The advice in dealing with this issue states the following:

- Operational decisions by police officers are capable of falling within the broad scope of s122 (1) of the *Police Act* where a complaint is made. Such decisions are therefore capable of being investigated by NSW Police pursuant to Part 8A of the *Police Act*.
- Once an operational decision becomes the subject of a complaint that is investigated by NSW Police pursuant to Part 8A of the *Police Act*, the Ombudsman's powers in respect of the investigation by NSW Police apply, including the power to request NSW Police to conduct further investigation. Schedule 1 clause 13 of the *Ombudsman's Act* does not affect the Ombudsman's power to request NSW Police to conduct further investigation into a complaint under Part 8A of the *Police Act*.



Issue three

The Final Report in this matter recommends that the Commissioner consider whether NSW Police should contact NSW Ambulance with a view to explaining why NSW Police did not provide an escort to ambulance officers attending to Mr Greeks. In an effort to resolve this matter, information was sought from the Operational Communications and Information Command, who provided the following advice.

Assistant Commissioner Waites, the Commander of the Operational Communications and Information Command has advised that a meeting was held on 10 July 2006 with Superintendent Phil Wilson, Region Commander, South Western Sydney, NSW Ambulance Service. Superintendent Wilson carried out a search of the records for the Ambulance Despatch Centre and provided the following information.

- On the night of 27 February 2005 Superintendent Wilson of the NSW Ambulance Service was on duty at the NSW Police Command Centre when the request for an escort was received.
- This request was made by the Ambulance Despatch Centre and not by any specific ambulance officer.
- Superintendent Wilson then had discussions with senior police in attendance and formed the opinion that it would be provocative to send an ambulance to Mr Greek's address.
- Through contact with the Ambulance Despatch Centre, Superintendent Wilson ascertained the medical condition of Mr Greeks and made arrangements for Mr Greeks to be conveyed by a friend to a nearby intersection where he would be met by an ambulance.
- Mr Greeks' friend subsequently drove him to the Macquarie Fields Ambulance Station where he was given triage treatment and conveyed to hospital.

Superintendent Wilson stressed that there was no fault or dereliction of duty on the part of any member of NSW Police in relation to this issue and stated that he was very satisfied with the advice, information and assistance provided by NSW Police throughout the course of events at the Macquarie Fields riots in February 2005.

The Acting Centre Manager at the Sydney Communications Centre has confirmed that NSW Ambulance has been advised of the procedure that will be followed should there be any deviation from the existing 000 procedures.

In view of the above information I do not propose to take any further action on this issue.

Issue four

Further advice received from the Communications Group indicates that new state-wide standard operating procedures (SOPs) have been drafted which are applicable to all VKG/PAL centres. Please find attached a copy of the state-wide SOPs which incorporate a contemporaneous reminder.

COPY



NSW POLICE
www.police.nsw.gov.au
ABN 43 408 613 180

COMMISSIONER'S OFFICE

Mr Jasen Greeks
32 Eucalyptus Drive
Macquarie Fields
Sydney NSW 2564

8 September 2006

WITHOUT PREJUDICE

Dear Mr Greeks

I refer to the assault on you that occurred outside your neighbour's property on 27 February 2005 in Macquarie Fields and the subsequent police response. As you would be aware this incident was investigated by NSW Police and oversighted by the Ombudsman's Office.

I understand Superintendent Stuart Wilkins spoke to you on 13 April 2005 to inquire if you wished to lodge a formal complaint about the matter and that subsequent discussions with your legal representative disclosed that you did not wish to be interviewed or lodge a complaint at that time.

Having now reviewed the matter I believe the lack of an immediate police response to the reports of assault on you was attributable to the heavy demands placed on police as a result of events that occurred in the Macquarie Fields area.

Nevertheless, the community is entitled to expect that calls of this nature will attract a prompt response and I regret that this did not occur in this instance. Please accept my sincere apologies for the lack of an immediate police response in this instance and any distress that it may have caused you and your family.

Yours faithfully

T W Collins APM
Acting Commissioner of Police

COPY





NSW Ombudsman

Our reference: ADM/3443P02

Your reference: NSWP/D/2006/91100-00

Contact: Simon Cohen

Telephone ☎: 9286 0908

NSW Police
Unclassified
Secretariat

NSWP/D/2006/91100-007



GOVERNMENT RELATIONS - ADVICE - Simon Cohen -
Assistant Ombudsman - 20/07/06 - Complaint alleging NSW Police
failure to respond to an assault on Mr Greeks during Macquarie
Fields riots in February 2005

26/7/06
Commissioner Moroney
NSW Police
Locked Bag 502
Parramatta NSW 2124

Commander/Director

PROFESSIONAL STANDARDS

www.ombo.nsw.gov.au

☒ For attention and reply direct O.B.O. the Commissioner

☐ For advice, including draft response please, by

Return via:

☐ DCOP/EDCS and Commissioners Office

☐ Direct to Ministry via DCOP/EDCS/Commissioners Office

Manager, Correspondence
Commissioners Secretariat, Ext. 45442

CC:
CC:

Dear Commissioner

26/7/06
Re complaint alleging NSW Police failure to respond to an assault on Mr Greeks during
Macquarie Fields riots in February 2005

Thank you for your response of 24 May 2006, received here on 13 June 2006, concerning my
final report about the NSW Police investigation of the above complaint. I have also now
received your letter, dated 12 May 2006, advising you do not propose to invoke s.163 in
relation to my report.

I appreciate your careful and considered review of my final report and have closely reviewed
the matters you have raised in response. I note that you have acknowledged that certain
aspects of the NSW Police investigation of this matter were not ideal, and that a more
effective investigation of the complaint could have been conducted. The response you have
provided generally deals with the matters raised within the report. Other than the matters
identified below, I do not require any further response from NSW Police.

1. You state in your letter, at page 3, that while there may have been an error of judgement
or honest mistake in the management of the amended '000' procedures, this cannot be
said to amount to misconduct or unethical behaviour. I strongly agree with your statement
in this respect. However, where police procedures have contributed to poor outcomes for
complainants, it is incumbent on NSW Police – as it is for any agency – to use the
opportunities presented by those matters to closely examine procedures. This is to
identify how the procedures may have contributed to poor outcomes, and then to amend
and improve those procedures to prevent similar outcomes into the future. It is this close
link between procedures and conduct that lead these matters to naturally fall within the
review by the Ombudsman of complaint matters.
2. I note you are seeking advice in relation to providing an apology or further information to
Mr Greeks. I therefore ask for your further advice, in due course, as to my
recommendations that these actions be taken.
3. I also note that further evidence has come to light indicating the Ambulance Service did
request an escort when attending Mr Greeks following the assault on him. I would ask

RECEIVED

31 JUL 2006



NSW POLICE

www.police.nsw.gov.au

ABN 43 408 613 180

COMMISSIONER'S OFFICE

NSWP/D/2006/91100-001

24 May 2006

**Mr Simon Cohen
Assistant Ombudsman (Police)
NSW Ombudsman
Level 24, 580 George Street
Sydney
NSW 2000**

Attention: Ms Louise Clarke

Dear Mr Cohen

Re: complaint alleging NSW Police failure to respond to an assault on Mr Greeks during the Macquarie Fields riots

I refer to your correspondence dated 21 April 2006 enclosing the Final Report in this matter and note your request that I personally consider the final recommendations made therein.

Final Recommendation 1

In reviewing this matter I have sought further advice from the Professional Standards Command, South West Metropolitan Region, North West Metropolitan Region and the Communications Group. I have undertaken a review of your report and the police response to the complaint and your final recommendations and provide the following comment in relation to the issues raised.

Failure to adequately plan the investigation

On review of the police response to this issue, I have been advised that the Professional Standards Command Complaint Management Team (PSC CMT) decided against the use of an investigation plan for the following reasons:

- The CMT took over the matter when it was almost completed. It was of the view that despite the additional requests by the Ombudsman, preparation of an investigation plan at this stage would not further assist in monitoring the progress of the investigation

there were no further substantive issues concerning former Deputy Commissioner Madden.

I am also advised that the PSC CMT whilst aware of the issues raised within the legal review i.e. "there was no factual finding as to whether C/I Peters took action after being informed of the Greeks assault" was of the opinion that despite the absence of a factual finding the evidence within the investigation addressed the concerns raised.

The implementation and communication of 000 procedures during the riot

Hoax calls and Amended 000 procedures

The Ombudsman's criticisms in relation to this issue arise from your Office's view that there were insufficient instances of intelligence reports that police would be ambushed to warrant a change to the 000 procedures. As the issue for complaint in this matter was "whether Chief Inspector Peters directed police not to attend the assault at Eucalyptus Drive" the change in the 000 procedures was not considered an issue for investigation. The reference in the investigation to this issue was to help identify the background to the events and describe the environment that prevailed at the time.

I have read your concerns and note that whilst the investigator did not consider the issue of the amendment to the 000 procedures to be within the scope of this investigation the communication 'void' that arose as a result, has been acknowledged and addressed by the Deputy Commissioner Field Operations. I have also been advised that a report entitled 'Investigation P0501293 - Operational Issues' authored by Ms Elphinstone fully canvassed the details of what occurred during the change to the 000 procedures was forwarded to the Deputy for consideration. The subsequent amendments to the 000 procedures are evidence that NSW Police has acknowledged and acted on flaws that were highlighted through this matter.

The decision to amend the 000 procedures was a decision made in a challenging and dangerous environment. While there might have been an error of judgment or honest mistake made in the management of the amended procedures it cannot be said to amount to misconduct or unethical behaviour by any officer.

I intend to seek legal advice to clarify your comments in relation to the jurisdiction of Part 8A of the Police Act and the excluded jurisdiction of schedule 1 clause 13 of the Ombudsman Act.

Superintendent Wilkins becoming commander of Macquarie Fields LAC

I have been advised that the appointment of Superintendent Wilkins to Macquarie Fields in a relieving capacity on 22 June 2005 was made at a stage when the only issues outstanding were peripheral and did not have an impact on the main investigation. I have also been advised that Superintendent Wilkins had stated that with the exception of Sergeants Haberley and Miller who are known to him in a professional capacity only, he knew none of the other officers involved in this matter. While it may have been prudent

08:20 – Sgt Walters is recorded telephoning shift Co-ordinator Mal McGregor at the Sydney Communications Centre and relays the message from Insp Haberley. The conversations are contained in the attached CD.

I am also advised that between this first request and the time of the assault on Mr Greeks a number of requests were made from Macquarie Fields Duty Officers to the Police Assistance Line in regards to being contacted for E000 calls. These requests ranged from 'all calls' to calls involving 'simless mobiles' to be rung through to Macquarie Fields 10. An examination of the E000 calls made during the subject period relating to the Macquarie Fields area reveals no jobs were created for the vicinity of Eucalyptus Drive involving simless mobile telephones. There is no specific criterion in the CIDS system or at the Sydney Communications Centre to determine if a job is a hoax call. This is established by police attending the relevant job and making that determination.

Despite the inquiries made by the investigator and further information provided by the Sydney Communications Centre it is apparent that there is no explanation for the varied procedures in place at different times during the riots. As the anomalies in the policy and procedure have been examined and addressed by the Deputy Commissioner Field I am confident these problems will not now arise in if NSW Police is faced with a similar situation.

Provisional recommendation 2

Advice provided from the Sydney Communication Centre indicates that the internal practice note relating to 'Deviation from existing procedures for the allocation of 000 calls' has been amended to include the following:

"...at the expiration of the deviation process the Rescue Co-ordinator will contact the Duty officer for the relevant Command and review what actions and which vehicles attended each specific CIDS job to ensure that all jobs have been actioned".

Provisional recommendation 3

No comment is necessary as NSW Police has provided the tapes in this matter.

Provisional recommendation 4

As indicated in your report Mr Greeks through his solicitor confirmed that he did not wish to make any complaint. Given the findings of this investigation and noting that Mr Greeks had no complaint to make, I am not entirely convinced that it is necessary to apologise to Mr Greeks. However I will be seeking legal advice as to the appropriateness of offering an apology or corresponding with Mr Greeks to explain the circumstances which led to there being no immediate police attendance after the assault.

I note your report at page 3 states "As such this office wrote to Assistant Commissioner Carroll, PSC and expressed our view that there was a potential for a conflict as the investigating officer reported albeit indirectly to Deputy Commissioner Madden." It is then apparent that the PSC acted to remove the suggestion of conflict by taking over the management of the matter. At no time did your office clearly indicate that the PSC was expected to investigate Mr Madden's involvement in this matter. I note that despite your office having received a copy of the investigation reports and other review documentation this issue was never raised in subsequent correspondence from your office listing outstanding issues requiring investigation.

When the PSC took over this matter the investigation was almost complete. As such the CMT reviewed the holdings and requested further information be provided. The PSC CMT had 'ownership' of the matter on 11 March 2005 until the investigation was completed on 19 March 2005. The investigation had been well established and investigative directions set, which in any investigation is difficult to change without compromising the outcome.

It appears that your office as part of its monitoring role sought to request certain investigations be conducted prior to your review of the completed investigation. This has added to the unorthodox nature of this investigation.

Whilst I agree that some criticism is warranted in relation to the quality of the investigation report and over the management of this matter I am of the view that there was always only one issue under investigation. That issue was "the alleged inaction by Duty Officer Peters in ensuring a police response to the Greeks assault". This action /inaction cannot be proven and accordingly the matter has not been sustained. It is the view of NSW Police that the other peripheral issues that your office has sought to bring into this investigation have already been appropriately addressed in other forums and do not form complaints under Part 8A of the Police Act.

As indicated above I will be seeking legal advice to clarify the extent of the Ombudsman's jurisdiction under Part 8 A of the Police Act.

Final Recommendation 2

Whilst it is apparent that this investigation was not conducted and managed in an orthodox manner I have taken into account the factors which impacted on the direction of this investigation and do not believe further advice and guidance is required. I also note that the current composition of the PSC CMT does not have any members who deliberated over the management of this investigation,

As noted above in my review of preliminary recommendation 6 I have been advised by the Professional Standards Command that the Director Operations will meet with Commander Wilkins to discuss the issues raised in your report in relation to the conduct of this investigation.

Inquiries: Louise Clarke (9265 0410)



NSW Ombudsman

Our reference: ADM/3443
Your reference: P0501293

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21 April 2006

Mr Ken Moroney
Commissioner of Police
Level 14, 201 Elizabeth Street
Sydney NSW 2000

Commander

Professional Standards Cmdr.

In consultation with the Reg. Cer.

21/4.

Re: N/W please provide your advice on the issues raised herein. See pp 29-31, p 28.

Return papers through 4/C Field Ops who will also provide comment.

Advice on ① required by 24/5/06, and ② by 12 May 06.

Dear Mr Moroney

*Ken Moroney.
Comm. 21/4*

Complaint alleging NSW Police failure to respond to an assault on Mr Greeks during the Macquarie Fields riots

I refer to the letter from A/Assistant Commissioner Hudson, dated 14 March 2006, responding to this office's statement of provisional findings and recommendations with respect to this matter.

I have taken A/Assistant Commissioner Hudson's response into account in preparing my final report on the matter. I enclose this office's final report for your information.

I draw your particular attention to my findings and final recommendations at pages 29-31.

As the initial NSW Police response to our provisional statement by A/Assistant Commissioner Hudson did not accept all of my provisional recommendations, I have asked that you personally consider my final recommendations. As requested in recommendation 7, I would appreciate your advice as to the progress against recommendations 1-6 by **Friday 2 June 2006**.

Please note that at this stage I have been unable to provide the Minister with this report due to inadequate advice from NSW Police regarding the specific portions of the report over which s163 *Police Act* has been claimed. In relation to this, recommendation 8 of my final report requests that,

The Commissioner notify me, by **Friday 19 May 2006**, as to the precise information that he believes is critical police information (as defined by s163 *Police Act*), including reasons for that opinion.

Upon receiving the above advice from you, this office will forward a copy of the final report to the Minister. The Minister has been advised of this.

NSW Police
Highly Protected
Commissioner's Office

NSWP/D/2006/71196



GOVERNMENT RELATIONS - COMPLAINTS - Simon Cohen -
NSW Ombudsman - 21/04/06 - NSWP failure to respond to an
assault on Mr Greeks re Macquarie Fields riots



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OFFICE OF THE NSW OMBUDSMAN

FINAL REPORT

**Complaint alleging failure by NSW Police to respond to the assault of Mr Greeks
during the Macquarie Fields riots**

DATE: 21/4/06

INTRODUCTION

This final report relates to this office's concerns regarding the adequacy of the NSW Police investigation into a complaint that police officers failed to respond to a 000 call reporting an assault on Mr Jasen Greeks.

BACKGROUND

On 25 February 2005, a vehicle being pursued by police crashed in Eucalyptus Drive, Macquarie Fields. The accident resulted in the death of two passengers in the vehicle. The driver fled the scene.

This accident sparked a series of public disorder incidents over the next several days, referred to as the Macquarie Fields riots.

During these riots, a reporter interviewed a Macquarie Fields resident, Mr Jasen Greeks. In televised footage of this interview Mr Greeks criticised the driver for leaving the scene of the accident and stated he should hand himself in.

On the evening of 27 February 2005, Mr Greeks was assaulted by a group of men, causing serious injuries to Mr Greeks including a fractured eye socket, wounds and bruises. It has been alleged there is a connection between the assault and Mr Greeks' interview.

Three 000 calls were made during the assault, however police did not attend the scene of the assault.

THE COMPLAINT

After specific details of the police response to the assault of Mr Greeks were reported in the media, it became apparent that details of the COPS event relating to the assault of Mr Greeks had been released to the media. The COPS event included the following,

A check of CIDS revealed police were directed not to attend [the assault] by the Duty Officer.

This raised community and media concern that the Duty Officer at Macquarie Fields police station at the time of the assault, Chief Inspector Peters, may have directed police officers not to respond to the assault of Mr Greeks.

As a result of these concerns, Greater Metropolitan Region held an extraordinary Complaint Management Team (CMT) meeting on 9 March 2005, and determined that the allegation should be investigated. The minutes of the CMT meeting constituted the complaint document for the purpose of the complaint notification.

injure and kill police, supported by repeated acts of violence towards police and their vehicles...

2. On the 26th February 2005, A/Duty Officer Guy Haberley negotiated a vetting process with the Communications Centre-VKG concerning the management of triple 0 calls to the area in which the public order management operation was being conducted. ... This strategy was implemented with the full support of Local Area Commander Sweeney...

3. There was no direction given by any officer, for police not to attend any call for assistance.

4. There were no identified 'no go' areas...

6. Greeks was assaulted between 6.30pm and 6.40pm on Sunday 27th February 2005. [The basis for this chronology is unclear. In particular, there is no evidence that the assault occurred before 6.40pm.] ...

8. Police were contacted via triple 0 on three occasions between 6.41pm and 7.03pm [on 27 February 2005] relating to the incident subsequently identified as the assault upon Jasen Greeks...

9. The first call related to a brawl involving a number of males. This was appropriately broadcast from VKG, with a request for either Macquarie Fields 10 (Duty Officer) or Macquarie Fields 14 (Supervisor) to acknowledge. It is noteworthy that this message was broadcast once, and received no broadcasted response. The broadcast was responded to by Sergeant Loney in the first instance and Chief Inspector Peters in the second.

10. Ambulance officers did attend the scene, treating and removing Jasen Greeks from the area. Greeks was conveyed to Campbelltown Hospital and later transferred to Liverpool Hospital...

11. Commander Sweeney, Duty Officer Peters and Sergeant Loney all acknowledge their awareness of the job. Commander Sweeney confirms his knowledge that ambulance personnel had attended and removed Greeks from the area and conveyed him to hospital some time shortly after 7.00pm.

12. Sergeant Miller was approached at the Macquarie Fields police station about 9pm on the 27th February 2005 by Leanne McNaught and advised of the assault upon Greeks. [I note that Sergeant Miller's statement, signed on 9 March 2005, indicates that Sergeant Miller was actually told about the assault by Ms Joan Ngoronoa at 9.20pm.] Information was provided concerning his location at the Campbelltown Hospital.

13. Sergeant Miller...facilitated a response from Detective Leading Senior Constable Brticevic...

15. Multiple attempts were made to obtain a statement from Greeks, this ultimately being achieved on the 8th March 2005. Jesse Kelly was arrested on the 9th March 2005 and charged with a number of serious offences, including the assault upon Greeks.

The investigation report determined that the allegation of inaction by Chief Inspector Peters could not be sustained.

through his legal representative, who subsequently advised that Mr Greeks did not wish to make any complaint.

Contrary to the requests made by the PSC CMT, Commander Wilkins declined to interview the following people:

- The relevant VKG operators. However, the report indicated that there were voice recordings of the phone conversations between VKG and Macquarie Fields police. I note that the transcripts of the calls include the reporting of the first two 000 calls, but there is no transcript provided in relation to the reporting of the third 000 call.
- Sergeant Lonegan, on the basis that he was vague in the initial interview, and at any rate, Chief Inspector Peters claimed he knew about the assault and directed that police attend, so there was no utility in checking whether Sergeant Lonegan did pass on the information to Chief Inspector Peters.
- Chief Inspector Appleton, on the basis of a conversation Commander Wilkins had with Chief Inspector Appleton, during which he denied having been briefed on the non-attendance of police. No contemporaneous notes recording this conversation were provided.

Commander Wilkins also advised that no protocols were in place in regard to police and ambulance consultation at the time of the assault on Mr Greeks.

In relation to the further issues raised by this office, Commander Wilkins advised that the reason for changing the 000 procedures was based on the occupational welfare of police responding to these calls. Commander Wilkins also stated, "it was not [within] the scope of this investigation to assess the appropriateness or otherwise of that process".

On 6 May 2005, Commander Wilkins reinterviewed Chief Inspector Peters. This interview did not include putting the specific discrepancies of other versions to Chief Inspector Peters or detailed discussion of the issues. Rather, Chief Inspector Peters was asked to comment on the fact that his supervisors did not recall being requested to attend to the Greeks assault, and whether there was any consultation between NSW Police and NSW Ambulance Service on the night regarding the assault. This office also commented that an ERISP would be the most appropriate method of obtaining a complete version of events, however I note that a typed record of interview was again conducted.

Professional Standards Command CMT reviews dated 2 and 9 June 2005

Diane Elphinstone of PSC conducted an initial analysis of the further information provided by Commander Wilkins. This analysis noted a range of inquiries that had been requested but had not been conducted. As a result of this, the PSC CMT required Commander Wilkins to attend a CMT meeting on 9 June 2005 to discuss the further information provided and other lines of inquiry that had not been pursued.

Following the CMT meeting on 9 June 2005, the PSC CMT had several outstanding matters that they required Commander Wilkins to address. Specifically, the PSC asked him to provide the relevant rosters to identify all supervisors on duty at Macquarie Fields police station at the time of the assault, and review the listening device material to ensure that no planned assault of Mr Greeks was captured on this material.

- a call. A review of whether the process instituted was appropriate should be initiated;
- The modified process of attending to triple 0 calls was not adequately communicated to the duty officers. A review of the communication of the altered process to relevant parties should be initiated to determine where the communication failed; ...
- The ambulance that attended the scene of Mr Greeks' assault was not escorted by police. Was this in accordance with current protocols? Should the ambulance have been escorted?

The response from Chief Superintendent Baker also included advice completed by Diane Elphinstone, dated 12 August 2005, forwarded to Deputy Commissioner (Field Operations) for consideration of operational issues raised in the complaint investigation. The operational issues identified by Ms Elphinstone were the variation in procedures regarding the allocation of 000 calls from VKG, Mr Greeks' allegation that an offer of assistance by police was dependent on his children giving evidence and the access and inappropriate use of information accessed via the state wide significance COPS event of the assault on Mr Greeks.

In relation to the allocation of 000 calls, Ms Elphinstone raised concerns regarding a lack of documentation to support the decision to vary the established 000 procedures. In particular, her report states:

Documentation that was not located [during the investigation] included:

- Intelligence holdings, synopses, logs or reports that record the details of all of the hoax calls etc that were received before 26 February 2005 and were used as the basis for seeking the variation in procedures.
- The criteria that was to be used by the VKG operators in contacting the station rather than following established procedures (i.e., "the tree streets" in Macquarie Fields).
- The risk factors that were to be used by Macquarie Fields LAC as criteria in determining the appropriate response to a call originating from the Eucalyptus Drive area (e.g. specific location of incident, seriousness of call, use of a SIMless phone, anonymity of caller, identity of phone subscriber, phone calls from landlines, type of incident reported, etc).
- Notes of the shift changeover that occurred on the evening of 27 February 2005, including any documentation provided to duty officers, team leaders etc. re the variation in procedures that were to be adopted by the command when receiving 000 calls from VKG that related to the Eucalyptus Drive area.
- What arrangements, if any, Macquarie Fields LAC had put in place with other emergency services when it was decided to vary the established VKG procedures in allocating calls on 26 February 2005. ...
- SOPs that identified officer functions re the receipt, assessment and allocation of each call forwarded by VKG to the LAC. Not only should such procedures have identified officer responsibilities, but should have addressed what back-up measures were to be adopted in dealing with each call in ensuring that appropriate action had been taken in relation to each call.

All authorisations by a region commander for such a deviation will be for a determined and finite period, in most cases three hours, however a longer finite period may be negotiated for protracted incidents in exceptional circumstances.

The DOI will be responsible for consulting with the relevant local area commander and region commander at the expiration of the determined period to establish if continued deviation from the normal procedures is justified. Again this process must be documented by the DOI in the VKG log at the relevant time.

On authorisation from the region commander, the DOI must provide a SITREP to the Deputy Commissioners outlining any such deviation from existing procedures.

This office's statement of provisional findings and recommendations dated 31 January 2006

As a result of this office's concerns about the investigation into this matter, a provisional statement of findings and recommendations was issued to the Commissioner of Police on 31 January 2006. The particular concerns and comments raised in the provisional statement are discussed in detail below.

This office requested a response from NSW Police no later than 28 February 2006.

NSW Police response to this office's provisional statement

On 28 February 2006, Mr Chris Leeds, Director, Strategic Support, provided a brief response, addressing only one matter in the provisional report, that is the s163 "critical police information" claim in the original documents. As I was concerned that this response was entirely inadequate, I raised the matter with A/Deputy Commissioner Carroll and A/Assistant Commissioner Hudson on 2 March 2006. I agreed to provide an additional period for a further response.

On 14 March 2006, A/Assistant Commissioner Hudson provided a further, detailed response, some 13 pages in length, hereafter referred to as the "NSW Police response".

Upon receiving the NSW Police response, it was apparent that other officers may have provided A/Assistant Commissioner Hudson with reports or additional information to assist him in the preparation of his response. As such, on 15 March 2006 this office requested any reports or the additional information upon which he relied, in order to facilitate the full consideration of all information available to NSW Police.

In a letter dated 17 March 2006, A/Assistant Commissioner Hudson declined to provide this information, advising it was for the purpose of internal advising only and that all information received relevant to issues raised by this office had been incorporated in his response of 14 March 2006.

I have closely considered each matter raised in A/Assistant Commissioner Hudson's report. Where relevant, the NSW Police response to this office's provisional statement is discussed in detail below.

NSW Ombudsman's Final Report about a complaint alleging NSW Police failure to respond to assault of Mr Greeks during the Macquarie Fields riots

and, as such, it appears there may have been opportunity for more measured consideration of an appropriate investigation strategy.

I also raised concerns in my provisional statement that PSC did not appear to have required an investigation plan when they took over management of the investigation, or following Commander Wilkins' failure to adequately address all issues of investigation on several occasions.

The NSW Police response states,

...the investigation was at an advanced stage by the take over date of 11 March 2005 [by PSC] and was in fact completed around one week later on 19 March 2005.

The issue of the investigation plan was not overlooked by the CMT but was discussed at the CMT meeting on 14 March 2005 where it was concluded that under the circumstances preparing a plan would not assist the monitoring of the investigation.

I am of the view that had an investigation plan been developed and approved by the CMTs responsible for the management of this investigation, some of the flaws of the investigation, such as interviewing the subject officer at the outset, failure to identify all issues of complaint, and a failure to pursue relevant lines of inquiry may have been avoided. While I note advice that the PSC CMT considered the implementation of a plan and decided it would not assist, it subsequently required the investigator to re-investigate and clarify further aspects of the investigation on several occasions. An investigation plan may have assisted with establishing clear expectations with the investigator at an earlier stage of the PSC oversight process.

Interviewing subject officer at the outset

This matter was allocated to Commander Wilkins on 9 March 2005, the same day as the matter was registered on catsi and notified to this office. On this same date, the subject officer, Chief Inspector Peters was interviewed by way of typed record of interview.

In our letter dated 8 April 2005, this office noted that after reviewing the CIDs messages and COPS event, the investigator commenced the investigation by interviewing the subject officer.

Commander Wilkins, in his second investigation report dated 16 May 2005, stated,

Chief Inspector Peters was directed to return from approved annual leave (holidaying in Noosa QLD) by the Region Commander, Greater Metropolitan Region. There was little option but to interview the Chief Inspector from the outset, which was completed by way of Record of Interview.

The NSW Police response to this issue stated,

...it is perhaps not unreasonable that the investigator faced with an officer recalled from planned leave with his family at the direction of the Commissioner of Police thought he had little option but to interview him at the time he was recalled.

The NSW Police Complaint Management Manual states,

It is recommended that any interview conducted during a police complaint investigation be recorded electronically. This would include the complainant and witnesses (internal or otherwise) and the subject officer. ... The advantages of having the interview recorded electronically include a more accurate recording of the interview and a shorter duration for the interview, which helps to minimise the impact on the subject officer. The process also allows a more objective review of the interview and provides a clear insight into what happened during the interview.

This office agrees that the use of recorded interviews is to be preferred to typed records of interview in most circumstances. Due to the time taken to type answers, typed interviews are generally less candid, do not record peripheral details, do not allow for a full dialogue and therefore do not allow for a thorough canvassing of issues in the same way an electronically recorded interview does. While I agree this matter did not raise, on its face, issues of criminality, it does raise very significant and obvious matters of public interest, including an alleged failure by police to appropriately respond to an assault occasioning serious injury. For these reasons, obtaining versions of events through electronically recorded interviews would clearly have been more appropriate.

The NSW Police response acknowledges the guidance of its own policies. It notes the expectation of the investigator that hard copies of the interview were expected to be required by chain of command at the earliest opportunity as a reason for the typed interview. In addition, the response stated,

It is noted that there is no criticism levelled at the content of the records of interview including their accuracy.

This office raises no issue with the accuracy of the records of interview, although this is clearly a matter in which we are entirely reliant on the investigator and interviewees, given that there is no independent record of the interviews. However, a range of specific discrepancies were not fully canvassed within these interviews. The cumbersome nature of a record of interview may have precluded the full and candid canvassing of these issues. This is another reason, in addition to the advantages outlined above, of electronic recording of interviews.

Failure to identify all issues requiring investigation or relevant lines of inquiry

The management of this investigation was taken over by PSC after concerns were raised that then Deputy Commissioner Madden may have delayed lodging this matter as a complaint and commencing an investigation. This issue was not addressed by the investigation report, or other advice received from PSC. Deputy Commissioner Madden has left NSW Police, and as such, no further inquiries into this issue should now be conducted. However, given that the purpose of transferring the investigation management to the PSC was to address concerns about Mr Madden's conduct, this office expected that the issue would have been addressed in the investigation papers.

The NSW Police response to this office's provisional report stated,

synopsis provided and other entries in the critical incident investigation log are for the time period after the new procedures were implemented.

The investigator should consider all relevant CIDS records of the hoax '000' calls as well as any additional intelligence holdings, station summaries or documents that relate to the decision to alter the procedures for the handling of '000' calls.

As noted above, as far as this office was aware at the time of making a provisional statement, prior to deviating from the 000 procedures there was only one recorded report that attempts might be made to lure police to Eucalyptus Way in an attempt to ambush them.

In relation to this issue, Chief Inspector Peters stated in his record of interview dated 9 March 2005,

A.16. ... Through the afternoon and night we were receiving hoax calls from SIM-less mobiles that police were going to be ambushed, that there was supposed to be a build up of weapons as such in different locations. These were all reported to the commander as they were received. I also received a number of phone calls from VKG indicating different hoax calls and providing information about fires and again, police being ambushed.

Chief Inspector Peters also described a number of particular hoax calls, however these all appear to have occurred after the assault on Mr Greeks.

Additionally, Superintendent Sweeney in his record of interview dated 15 March 2005 stated,

A.3. ... I was aware that during the changeover of the GD's shift for Macquarie Fields and induction of a large number of OSG personnel that a call had been received concerning an assault in the area of the tree where the two deaths had occurred on the previous Friday night. I recall being told of the incident and I was aware that at the time the command was receiving a large number of hoax calls which we were aware had been deliberately made with a view of enticing the police into the area and ambushing the general duties officers...

A.10. ... We had current, valid and timely intelligence which indicated from registered sources and other community sources that there were groups in the area stockpiling rocks bricks and Molotov cocktails.

No documentation or other evidence was provided to this office relating to the hoax calls received prior to the police decision to alter the 000 procedures. As such, it remains unclear whether there was reasonable cause to deviate from the usual 000 procedures.

The NSW Police response provided some further information from Chief Inspector Wilson about the reasons for amending 000 procedures. The reason provided, as recorded on Channel 1 at 21.27 on 26 February 2005, was,

We've got about 100 up there trying to get us into the area. There has already been an SPG truck smashed and the dog got into trouble.

The amendment required all jobs concerning Eucalyptus Drive received from SIM-less mobile phones not to be broadcast, but instead rung through to Chief Inspector Wilson. A

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Peters- Yeah, that's right, yep, because they're only going around the memorial apparently
VKG- This one's, yeah outside number 32 and the informant's dad [has] been assaulted [by] somebody armed with a glass
Peters- OK
VKG- So yeah. This is the one we've just got in now.
Peters- Right
VKG- The other one was just guys assaulting someone else. So, still the same case.
Peters- Yep, if we can at this point in time.
VKG- Are you going to arrange something from the station or...
Peters- Yep, yep, we'll arrange something.

While a CIDs record exists for a third 000 call about Mr Greeks assault, no transcript of any conversation between the VKG and Macquarie Fields Police station was provided. The CIDs message for this third call was received at 1856hrs, and it states,

FYI, inft has called back req ambos for father Jasen Greeks. Ambos etc again. [For your information, informant has called back requesting ambulance for father, Jasen Greeks. Ambulance contacted again]

Amended 000 procedures

This office's letter dated 8 April stated,

Procedures for the dissemination of '000' calls

Further clarification will be required about the processes in place for the dissemination of '000' calls on the 26 and 27 February 2005. From the information provided, I understand that 000 operators were transferring these calls to the Police Assistance Line (PAL) who would speak directly with the caller. It then appears that these calls would be forwarded to VKG, with jobs being broadcast over Channel 1, as per normal practice. However, advice in Inspector Ruming's email indicates that jobs for Eucalyptus Way were not broadcast but were instead held by the Channel and forwarded directly to the duty officer for action. Despite this advice, it appears that the first job relating to the assault was broadcast by radio to the station and received by Sergeant Loneygan, while the second and third calls were phoned through to Chief Inspector Peters. It also appears the CIDS records were acquitted on the basis of the responses from these officers. I note that VKG operators are to be interviewed to further clarify the above procedures, as well as the nature of the advice they were given by the police who were informed of the '000' calls reporting Mr Greeks' assault.

In relation to this, I note that some detail has been provided indicating that Sergeant Haberley and Superintendent Sweeney approved of the new procedures for '000' jobs for the duration of the civil unrest at Macquarie Fields. The investigation should consider whether any procedures were established to ensure the follow up of these jobs, as would normally occur through CIDS.

I also note that in his record of interview, Chief Inspector Peters stated at answer 19 that he had no knowledge of procedures in place whereby Duty Officers would receive all '000' calls and make an assessment of those. The investigator should also consider any mechanisms in place to ensure that staff were aware of these procedures.

the subject of investigation. Unfortunately, it appears there is still a very limited understanding of how and why the procedures were altered, who made this decision, how it was communicated at VKG and Macquarie Fields police station and how long the amended procedures remained in place.

This office identified further lines of inquiry and outstanding issues regarding this aspect of the investigation in our letter dated 8 April 2005. Ms Dugandzic's legal advice dated 11 July 2005 and Ms Elphinstone's report dated 12 August 2005 also identified a range of matters relating to this issue that were not fully addressed by the investigation. NSW Police appears to have acknowledged, but not acted upon, these matters.

In my view, the investigator of this matter, Commander Wilkins, was in the best position to make these inquiries. This information could then have informed any decisions made in relation to new procedures or SOPS in relation to this issue. To ask the Deputy Commissioner (Field Operations) to develop new procedures or conduct a review of this issue without having fully canvassed what occurred in this matter appears to me to be an unsound approach.

A synopsis of the response of A/Assistant Commissioner Hudson about this issue of amended 000 procedures is as follows:

- It was a policing operational issue and should not have been included in a complaint investigation. There were errors of judgement by PSC in taking this approach.
- The deviation to 000 procedures was not within the terms of reference of the investigation.
- The issue is "operational" and falls outside the scope of the Ombudsman's jurisdiction.
- Legal advice about the issue was in fact a review, on which PSC was not obliged to act, and which should not have been provided to the Ombudsman.
- Ms Elphinstone's review was not normal practice, and addressed matters which were appropriately referred to the Field Operations Command.
- The issue has now been dealt with by NSW Police operationally.

None of this reasoning alters my view. Clearly, the procedures that have resulted in a failure by police officers to respond to an emergency call are within the jurisdiction of Part 8A of the *Police Act*.

First, conduct includes action or inaction (s121, *Police Act*).

Second, S122 defines complaints to which Part 8A of the *Police Act* applies. It includes:

- s122(1)(d)(i) the conduct of a police officer that is unreasonable
- s122(1)(d)(iv) the conduct of a police officer that arises from a mistake of fact
- s122(1)(d)(v) the conduct of a police officer for which reasons should have been given

Third, complaints which allege inappropriate conduct (action or inaction) resulting in injury are of a kind that must be notified to the Ombudsman and are subject to oversight. (Clause 9(a), Class and Kind Agreement)

Alleged inaction of police, as a result of a flawed 000 procedure, which is said to have contributed to a persons injury, is clearly a police complaint for the purposes of Part 8A.

Any examination should, of course, include an investigation of the procedures themselves. This matter directly arises from the complaint.

To argue that the conduct is out of jurisdiction or divorced from the complaint, that information should have been refused to the Ombudsman, and that internal reviews were flawed is to ignore the primary issue; no one within police has properly considered how it was that procedures were initiated that placed persons such as Mr Greeks and his family in considerable jeopardy. To be frank, the police response to this issue is defensive, blinkered and disappointing.

Superintendent Wilkins becoming commander of Macquarie Fields

Prior to the finalisation of this complaint investigation, Commander Wilkins was transferred to the position of Commander, Macquarie Fields Local Area Command. My preliminary view was that this officer continuing with the investigation of this matter had the potential to undermine public confidence in the investigation through a perceived conflict of interest. The investigation by a commander entirely independent of Macquarie Fields was appropriate. It would have been more prudent for the investigation to be completed prior to Commander Wilkins being appointed as the Macquarie Fields Commander or preferably, for the matter to have been reassigned on his transfer.

A/Assistant Commissioner Hudson's response to this office's provisional report indicates that Superintendent Wilkins was posted to Macquarie Fields on 22 June 2005. I note that the final submission for the investigation report was provided to PSC from Superintendent Wilkins on 28 June 2005. It appears that the overlap of his role as investigator and Commander at Macquarie Fields was extremely short, and further inquiries and requests for information from this office did not relate directly to Superintendent Wilkins.

I also note that A/Assistant Commissioner Hudson states,

If the publicity given to this matter is removed, the issue for investigation remains a management issue, classifiable as a category two investigation, one that is routinely investigated by the CMT that 'owns' the subject officer.

I am of the view that it is impossible to divorce this matter from the public scrutiny it received. This was one of the reasons the matter was investigated outside Macquarie Fields Command, and I remain of the view that it would have been more prudent for consideration to be given to ensuring Superintendent Wilkins' involvement as investigator was completed prior to his transfer to Macquarie Fields Local Area Command.

Investigation Outcomes

Alleged Inaction by Chief Inspector Peters

The original investigation report made the following finding,

Additionally, I remain concerned that Commander Wilkins failed to address this key issue of the investigation. Superintendent Wilkins appears to have focussed on the significant public order issues at Macquarie Fields at the time. It is of course appropriate to reflect on the exceptional circumstances at the time the assault was reported, including the extended shifts officers were working and the highly volatile community situation at the time. However, these conditions should not derogate from a thorough examination of circumstances where highly publicised allegations of police inaction linked with serious injuries are in issue.

Failure to direct police to attend assault did not impact on the assault

As noted above, Commander Wilkins' investigation report states,

The assault upon Greeks was reported in the final seconds of the incident, and after the fact. No immediate police presence would have prevented the crime. The attendance of police at the scene could well have inflamed or compounded wider policing strategies that were to be implemented. The impact of police not attending this incident was minimal with extensive follow up being undertaken in the days subsequent to the assault.

I note Ms Dugandzic's legal advice also indicates that any police response could not have prevented the assault on Mr Greeks.

In this office's provisional report, I noted that the first 000 call appears to have been received by VKG at 1840hrs, and is recorded as an assault occurring at the time. This office was not provided with a transcript or tape of the call and the caller, Mr Steven Black, was not contacted to provide information about what he said and the circumstances of his call to 000, despite his telephone number being available to investigators.

The second 000 call made by Mr Greeks' daughter appears to have been received at 1842hrs. Again, no transcript or tape of this call was provided to this office. The CIDs record of this call indicates that at this point the assault was over and the offenders were walking across the street.

In his record of interview dated 11 May 2005, A/Inspector Guy Haberley estimated that assessing any calls direct to the station would take between thirty seconds to a couple of minutes from when a call was received.

In relation to the view that a police response would not have prevented the assault, I noted that Commander Wilkins did not appear to have conducted an analysis of the relevant times that calls were received by VKG, whether there were cars nearby that were available to attend and whether a prompt police response may have cut short the assault or at least resulted in the immediate arrest of the perpetrators.

In the absence of this analysis, I was of the view that the conclusion that the failure of police to attend had no impact on the assault could not be supported in such an unequivocal manner and was concerned that the investigation proceeded from an early stage based on what was, in my view, a flawed assumption that was not adequately tested by the investigator.

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- It is not the role of NSW Police to undertake risk assessments on all 000 calls for the NSW Ambulance service;
- Any complaint could have been raised by NSW Ambulance; and
- The intelligence being received was only that police would be ambushed and attacked, not ambulance officers.

As noted above, it is difficult for this office to comment on police intelligence as we were provided with limited intelligence received by NSW Police prior to the attack on Mr Greeks. However, Chief Inspector Peters' interview on 9 March 2005 indicates that later that night actual damage was sustained to ambulance and fire vehicles. Additionally, in Superintendent Sweeney's interview dated 15 March 2005, he clearly identifies that one of his roles was to assist with the protection of other emergency services personnel.

The NSW Police response appears to rely heavily on the fact that NSW Ambulance did not make a complaint. However, the evidence clearly points to a considerable risk to ambulance officers who responded to the emergency calls. I note this issue is now addressed, at least in part, in the new NSW Police 000 protocols.

Positive finding regarding actions of VKG operator

I note that Commander Wilkins' investigation report made a positive finding regarding the actions of the VKG operator who took the second 000 call, from Mr Greeks' 11 year old daughter. Commander Wilkins' report states,

Good police work:

During the course of this investigation, a review was made of the triple 0 call received at 1845 on the 27.2.05 by operator CLI 289741. The caller was Ashley Greeks, who is the daughter of the victim, Jasen Greeks. The female telephonist maintained a highly professional and empathetic disposition, providing ongoing support and comfort that should be formally acknowledged.

I note that the CIDs message of this call includes the VKG operator requesting advice regarding an ETA for police, as Ashley Greeks was very upset and crying. The CIDs report indicates that when the VKG operator asked whether there was an ETA, the response (from an unknown person) was, "No and don't give one pol will organise say nothing".

As noted above, this office was provided with a copy of the 000 calls following our provisional report. After listening to the recording I agree the operator displayed professionalism and empathy in circumstances where a child phoned 000 for immediate assistance. However, because of flawed police procedures the assistance requested and which the telephonist endeavoured to arrange, was ultimately not provided.

As noted above, NSW Police provided these tapes to this office.

Provisional recommendation 4

I request that NSW Police consider contacting Mr Greeks with a view to apologising and explaining why police did not respond to the assault on him.

NSW Police responded to this recommendation by stating,

Superintendent Wilkins also spoke to Mr Greeks on 13 April 2005 to ask if he would like to lodge a complaint. Mr Greeks had referred Mr Wilkins to his barrister, Mr Mitchell Paish, who stated that Mr Greeks did not wish to be interviewed, nor lodge a complaint at that stage. The issue of an apology and further contact with Mr Greeks ought to rest there unless raised by Mr Greeks or his legal representative in the future. ...

...Mr Greeks has indicated that he does not wish to make a complaint against NSW Police and was not the complainant in this matter. In view of the above it is considered inappropriate and unnecessary for NSW Police to apologise to Mr Greeks.

Given that this matter showed a clear failing by police to respond to a serious assault on Mr Greeks, it is extremely disappointing that NSW Police at a corporate level refuses to acknowledge the deficiencies in their response to the 000 call, explain to Mr Greeks why there was no response to his emergency call, and apologise to Mr Greeks and his daughter for the poor service he and his family received after reporting the assault. In the circumstances of this matter, notwithstanding Mr Greeks' reluctance to assist police with the complaint investigation, an apology to Mr Greeks and his children is entirely warranted.

Provisional recommendation 5

I request that NSW Police consider contacting NSW Ambulance with a view to discussing why NSW Police did not provide an escort to the ambulance attending to Mr Greeks, and to canvass appropriate arrangements to ensure ambulance officers are made aware of circumstances where 000 procedures are altered.

As noted above at pages 24-25, the NSW Police response to this issue relies upon the Ambulance Service having not made a complaint. The investigation into this matter showed that Commander Sweeney felt that protection of emergency service was a role for police during the riots. In relation to the ambulance response to Mr Greeks, this was not provided. As such, it remains unclear why NSW Police at a corporate level would be reluctant to discuss this matter with the Ambulance Service.

The internal practice note relating to amended 000 procedures now includes the requirement for the DOI to advise other emergency services should 000 procedures be amended in the future. This is a positive development.

Provisional recommendation 6

Commander Wilkins should be provided with an overview of this office's concerns about his investigation and provided with advice and guidance regarding the appropriate level of investigation for high profile investigations, such as this.

FINDINGS AND FINAL RECOMMENDATIONS

This office has significant concerns about the way this matter was handled by NSW Police. It is recognised that the circumstances of the incident were a highly volatile, quickly changing environment, and police officers were working significantly prolonged shifts in extraordinary conditions. While I note the NSW Police response to this office's provisional report indicates that, given the negative content of the report, this acknowledgement "might as well be removed from the report", it is important to note that this office's report concerns the handling of the investigation, rather than the incident at the core of the complaint. The investigation into the police failure to respond to the assault on Mr Greeks is so poor that few conclusions can be drawn about the conduct of police on the night in question.

Despite the circumstances of the incident, this complaint raised allegations of a serious nature, possibly involved senior police officers and was made in the context of a very high profile incident. The object of an investigation such as this should be to establish, as accurately as possible, what occurred and why.

This office made it clear from the outset that the matter required close monitoring to ensure that all relevant lines of inquiry were pursued. Despite this, and despite the fact the investigation was being managed by the PSC CMT, no formal investigation plan was created, and the conduct of the investigation was not monitored in a proactive manner.

In matters where the PSC has been identified as the most appropriate command to manage an investigation, the PSC CMT should undertake a proactive role in ensuring the investigation plan and methodology are sound prior to any further investigation taking place. As a first step, the PSC CMT should assess the complaint, identify the issues and review the investigation plan, and any investigation conducted to date, prior to the investigator conducting any further inquiries.

The investigation itself involved poor practices, including interviewing the subject officer at the outset and using typed rather than electronically recorded interviews. Further, the investigator's report failed to address the central issue of whether there was a failure by police to respond to the assault on Mr Greeks, and in my view did not fully explore the role of Chief Inspector Peters. Additional issues, such as the failure of police to escort ambulance officers attending to Mr Greeks were not addressed. Questions also remain about how the 000 procedures were altered during the Macquarie Fields riot, who made the ongoing decisions around this, and why.

As the failure to respond appropriately to the assault on Mr Greeks appears to have occurred, at least in part, as a result of the changes to the 000 procedures, this issue should have been thoroughly investigated and addressed within the complaint investigation. There is no real possibility of determining why police failed to respond to the assault when issues relating to the changed procedures have not been adequately canvassed. Given this, it is unclear why NSW Police continues to hold the view that the amended 000 procedures are outside the scope of the investigation. These matters are not purely operational in nature, but are clearly a key issue in the complaint matter. They should have been investigated.

7. The Commissioner provide advice as to the progress against recommendations 1-6 by **Friday 2 June 2006**.
8. The Commissioner notify me, by **Friday 19 May 2006**, as to the precise information that he believes is critical police information (as defined by s163 *Police Act 1990*), including reasons for that opinion.

W/ G

Gina Cohen

ASSISTANT OMBUDSMAN

21 APRIL 2006.



- 24 It is recommended that the Commissioner's Executive Team give in-principle agreement to the proposed police command training program as outlined in the Education and Training section of this report and to note that this program is compatible with the proposed Police Command College initiative.
- 25 It is recommended that the education and training model for all training in public order management, with integration between the Public Order and Riot Squad and Education Services continue as a matter of policy. This will ensure that operational subject matter experts and educationalist are engaged in the continued research and development of training.
- 26 It is recommended that a training course in threat and risk assessment be developed by an appropriately skilled working party for all police who are responsible for the development of operational threat and risk assessments.
- 27 It is recommended that a high level working party be established to review the policy and operating procedures relevant to the issue of protective equipment for first response police to incidents of public disorder.
- 28 It is recommended that the Commander, Public Order and Riot Squad research and procure suitable equipment for use in evidence gathering during public order management operations and provide training to Public Order and Riot Squad officers in this role.
- 29 It is recommended that the Commander, Public Order and Riot Squad research and develop mass arrest kits for use in public order management operations. That operating procedures be developed for the use of those kits by all police.
- 30 It is recommended that the Commander, Public Order and Riot Squad research and acquire the necessary equipment, including photographic equipment necessary for use with mass arrest kits.
- 31 It is recommended that the Director, Police Public Affairs develop a portable media kit and acquire the necessary equipment for deployment to incident sites to assist forward Police Media Liaison Officers.
- 32 It is recommended that a working party of experienced intelligence officers be established and tasked to develop a portable Joint Intelligence Group kit for deployment to incident sites to assist forward Joint Intelligence Group Officers.
- 33 It is recommended that an appropriately skilled project team be established to conduct research and develop a suitable model for a police command vehicle. A business case should be prepared and presented to the Commissioner's Executive Team as a matter of priority.



Recommendations

- 1 It is recommended that the NSW Police continue to use racial descriptors as a law enforcement tool and use the Cronulla riot as an example of how they can be of benefit to ethnic communities.
- 2 It is recommended that a review be conducted of recording practices in the Computerised Operational Police System (COPS) as it applies to the racial descriptor of 'Mediterranean / Middle Eastern'. For accuracy, the descriptors require separation so that Middle Eastern stands as its own entity.
- 3 It is recommended that the Communications Group be included in the initial planning stages of major operations so that technical experts can provide advice on communication issues.
- 4 It is recommended that the Special Services Group be included in the initial planning stages of major operations so that technical experts can conduct site surveys and provide advice on available specialist capabilities.
- 5 It is recommended that a review be conducted by an appropriately skilled working party of all policy relative to public order management, including the Major Incident Management System and the Major Incident Response Teams. In particular, to ensure that all policy is consistent and in line with the original intent of the Major Incident Response Team concept and the use of experienced commanders in major operations.
- 6 It is recommended that a review of the policy on the wearing of riot equipment should be conducted. In particular, as to when and at what command level the decision to wear riot equipment should be made.
- 7 It is recommended that a review be conducted of the Joint Intelligence Group arrangements to broaden it from counter terrorism to public order management and any other major police operations.
- 8 It is recommended that the review of the Joint Intelligence Group arrangements for use in public order management and emergency management consider the establishment of a Joint Intelligence Group Standing Committee to co-ordinate the response arrangements.
- 9 It is recommended that the Assistant Commissioner for Counter Terrorism and Public Order Management review the reporting arrangements for intelligence officers working in the area of public order management to ensure consolidation.
- 10 It is recommended that the review of the Joint Intelligence Group arrangements include a survey of the current Joint Intelligence Group room in the Police Operations Centre and develop a business case for its enhancement taking account of floor space and updated equipment.
- 11 It is recommended that the policy, documentation and guidelines used by the Counter Terrorism and Public Order Management Command for threat and risk assessment and the recently proposed Threat and Risk Assessment Manual be given in-principle approval by the Commissioner's Executive Team for further development as a service wide policy.
- 12 It is recommended that a working party comprised of the Counter Terrorism and Public Order Management Command, the Office of the Deputy Commissioner, region and local area commands further develop the Threat and Risk Assessment Model currently used by the Counter Terrorism and Public Order Management Command for use in all police operations.



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