

From: [Craig Middleton](#)
To: [derek dalton](#)
Cc: [Paul Grace](#)
Subject: RE: A few Quick questions [DLM=For-Official-Use-Only]
Date: Friday, 28 July 2017 08:45:11

Derek

Interesting question, one that I am reluctant to have an opinion on as essentially its not my decision as to what is published and the format of the publication. However since you asked ?....I can see valid arguments on both sides.

I agree that publishing the classifications for each individual matter creates the potential for individual arguments on each matter. I agree with you, we could see ourselves in a '*weird parlour game*' where we end up arguing with individuals on specific cases. I can particularly see this argument coming from the media who have previously reported on this issue and wanting to refute our findings. Of course we then run the risk of becoming focussed on individual matters and people's opinions on specific cases and lose sight of the 'bigger picture'. Additionally, as you are well aware, there is no definitive line between the categories, hence some of these matters can slip between categories quite easily (insufficient information/suspect bias etc). Even within the review team itself we had differences of opinion on cases and which category it was placed. In some respects, some of these matters could almost sit in 2 categories. But ultimately we had to make a choice, of which opinion played a part. If the truth be known alot of these matters were placed in their category based on our '*collective opinion*'. You already know this, hence why your results differ from ours, essentially those differences are based on your opinion as opposed to our opinion. Whose opinion is right ? I would suggest both are. So yes you are correct, publishing individual results runs the risk of people being able to scrutinise individual matters and challenge those individual matters based on their opinion of the information.

On the other hand, by not publishing specific results, also runs the risk of allowing the media to continue to misreport the true nature of the cases. Only offering broad results, in some respect, will not dispel the myth that has been perpetuated over the years, particularly by certain elements of the media concerning these 88 deaths. You must remember that the origins of the review were borne from the continual misrepresentation of these deaths, particularly in the media, which over the years, had built these 88 cases into something of an almost '*legendary folk lore*' status, without any real analysis of the true facts behind the cases. In my opinion, If we only publish the broader results, (ie 29% of cases reviewed were found to contain evidence of suspected bias) - then without nominating those individual cases and their individual results, I believe will do very little to correct the record and debunk the '*folk lore*' that has been propogated and to a lesser extent bring those responsible to account for the misrepresentation. Additionally, I think that not publishing individual matters - will be hard to justify, and in reality it would simply be impossible not to be able to avoid talking about individual matters - it will be the first question asked by media, community and families. I think that the appetite by the media to either challenge/discuss individual matters will simply be overwhelming and by not addressing these issues will only be portrayed as a '*cover up*' and leave more questions then answers.

In conclusion, I think there are valid arguments on both sides. I am by no means in a position to make these decisions, that is why Mr Crandell gets paid the big bucks (even bigger bucks now !) but in my opinion, there is no right or wrong way to publish these findings. It seems to me it doesn't matter which path you choose, there will be criticisms either way. Its always been my experience that transparency is the key, if we are transparent then more often then not there is a diminished appetite for argument. I also think that we need to be seen as being truthful. Criticisms or not, we need to be able to stand up and show that we are being open and honest and not '*hiding or avoiding*' of our findings. If we dont publish individual results or we actively avoid individual discussion, we may draw criticism unnecessarily.

I dont know if this has helped with your decision, but good luck anyway.

Regards



Craig Middleton | Detective Chief Inspector
Crime Manager | Surry Hills Local Area Command



▼ Derek Dalton ---27/07/2017 17:31:00---Hi Craig. Great. Thanks for all that! Strike Force it is!

From: Derek Dalton <derek.dalton@flinders.edu.au>
 To: Craig N Middleton - [REDACTED]
 Date: 27/07/2017 17:31
 Subject: RE: A few Quick questions [DLM=For-Official-Use-Only]

Hi Craig.

Great. Thanks for all that! Strike Force it is!

I will fix the number of detectives (mention it "fluctuated" a lovely word – you often supply them!) and be get rid of any mention of gender.

In truth, I was not keen that Willem got bogged down in clearances – but he seems to have a *penchant* for such things (and – as he keeps saying – the clearances actually cast you guys in a good light!)

Thanks Again

The end is –sort of– in sight.

Hey – for what it's worth Craig – I am very reluctant to publish the individual police or academic classifications for each of the individual cases in the report. I just worry that it invites some sort of weird *parlour game* where Jo public [the ignorant and not so ignorant variety] gets to query them or say *'That's not how I would classify that one'* [the central irony being – to name the bleeding obvious - that they have NOT * READ * THE * CASE *FILES!] Jackie raised it and I said "it's a bad idea".

What do you think? Part of me thinks transparency is important but then my reservations kick in.

Jackie convinced me I had to be *nicer* to ACON. I acquiesced (but I kept thinking of their outrageous criticisms of the "investigations" through my gritted teeth- which are all the more sensitive because I just spent an hour at the bloody dentists!)Ⓜ

Regards

Derek

From: Craig N Middleton [REDACTED]
Sent: Thursday, 27 July 2017 4:40 PM
To: Derek Dalton <derek.dalton@flinders.edu.au>
Cc: Anthony Crandell [REDACTED]
Subject: Re: A few Quick questions [DLM=For-Official-Use-Only]

Hi Derek

Q1 - Taradale was definitely a *Strike Force*or what we previously called a *Task Force*,but definitely not an Operation. Whilst there is not a authoritative text book definition (I know you academics love those) as to what is/isnt an Operation, Operations in police terminology would normally be used in the context of an 'action' by police for which there may or may not be an affect. ie it has a cause and affect relationship. The definition of a Police Operation is probably best drawn from our NSWPF Critical Incident Guidelines which state the following about what constitutes a police operation: : *(I know that using the word 'operation' in the narrative to define an Operation may seem a little juxtaposed but I think you will get the idea)*

Potential scenarios could include:

- any police operation calculated to apprehend a person(s)
- any police siege
- any police shooting
- a high speed motor vehicle pursuit
- an operation to contain or restrain persons
- an evacuation
- a traffic control / enforcement
- a road block

- execution of a writ / service of process
- any other circumstance considered applicable by the Coroner.

We form Strike Forces to investigate matters. But we conduct Operations (*ie a search warrant is a Police Operation requiring operational orders*). Strike Forces require Terms of Reference and investigation plans. We may form a strike force to investigate a matter, but the actual arrest of the offender may be considered a Police Operation (especially if it involves planning). Operational orders, amongst other things, stipulate how we are going to execute a certain action (*ie the arrest of an offender*). Therefore a police operation would normally involve an *action* by police (arrest of person, search warrant, policing a large event).

Q2 - I will get back to you - I dont have that authority to say yes or no. I am happy for names to be published but Mr Crandell may have other ideas as usually documents are attributed to the NSWPF as an organisation and not individuals.

Q3 - detective numbers, our numbers fluctuated between 6 to 10 officers and a mixture of male/female. Detectives were not selected on gender, so if I can suggest that maybe it is reworded not to give an impression that there was some gender based equality issue going on with the mix of male and female detectives.

Happy to discuss with Willem - of course if he is looking for a straightforward answer about terminology in the cops - he wont get one ! :)

Regards



From: Derek Dalton <derek.dalton@flinders.edu.au>
 To: Craig N Middleton [REDACTED] >
 Date: 27/07/2017 15:41
 Subject: A few Quick questions

Hi Craig,

Hope your week is going well.

1> There seems to be some confusion about whether Tarradale was a "Strike Force" or an "Operation". (Jackie Braw raised this issue)

Can you give me a definitive answer? I tried to resolve it using Google (never a good idea!). Former detective page called it Operation?

2> Nobody answered the question I posed about whether you guys want the various detectives working on *Parrabell* named in report? I presume not given the silence? Just checking because it seems to have been omitted (I had a rather long preamble when I sent the draft)

3> On page 12 I wrote: **A team of approximately six detectives (three women and three men) worked on each case. Is that pretty well correct or do you want to amend it for accuracy? (Damn my lost notes from our meeting!)**

PS: We ditched the reference to "different thresholds" (can appreciate it is divisive) and I have improved the section about the detectives asking the "right sort of questions".☺ I can see how you would see that it wasn't as fair and balanced as would be ideal.

I think Willem is going to chat to you (soon) about the niggling clearances/solved issue that seems to be an issue so that both parties can be happy with it. I follow your logic in the response but he is the one who wrote this section and he is the EXCEL master.

Cheers

Derek

Dr Derek Dalton
Associate Professor
College of Business, Government & Law
Flinders University

Sturt Road, Bedford Park South Australia 5042
GPO Box 2100 Adelaide SA 5001

E: derek.dalton@flinders.edu.au

Office Consultation Hours: Monday 10-11am and Tues 12-1pm [3.32 in LAW Building]

All mail is subject to content scanning for possible violation of NSW Police Force policy, including the Email and Internet Policy and Guidelines. All NSW Police Force employees are required to familiarise themselves with these policies, available on the NSW Police Force Intranet.

This email and any attachments may be confidential and contain privileged information. It is intended for the addressee only. If you are not the intended recipient you must not use, disclose, copy or distribute this communication. Confidentiality or privilege are not waived or lost by reason of the mistaken delivery to you. If you have received this message in error, please delete and notify the sender.

All mail is subject to content scanning for possible violation of NSW Police Force policy, including the Email and Internet Policy and Guidelines. All NSW Police Force employees are required to familiarise themselves with these policies, available on the NSW Police Force Intranet.