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Issue

Response to the recommendations of the State Coroner following the inquest into the deaths of Gilles Mattaini, John Russell and Ross Warren

Background

On 19 April 2005 Senior Deputy State Coroner Milledge made a number of recommendations following the inquest into the deaths of Gilles Mattaini, John Russell and Ross Warren. NSW Police was requested to consider those recommendations and advise of the outcome 'in due course'.

On 11 May 2005 the Ministry advises this Command that the 'Minister will respond on this occasion as there are considerable cost implications for the portfolio in [the] proposals.'

It is noted that the Deputy State Coroner states in her report that:

There is no doubt that the NSW Police has made significant improvements to the many issues raised during the course of this inquest eg it [sic] attitude to gay/lesbian crime, case management and proper and timely investigations. There is a need however, for recommendations to ensure the work currently being undertaken continues

Comment

Advice has been obtained from:

- Commander, Education Services
- Commander, Operational Information Agency;
- Director, Forensic Services Group
- Commander, Crime Management Faculty; and
- Commander, State Crime Command

The responses are attached to this submission.

The handwritten comments of Commander Morgan, State Crime Command ie *I support D/Supt Jones' comments, though I would recommend the Service ensure its satisfaction with physical exhibit retention facilities and [that] procedures are adequate across all [Commands]* are noted and agreed with. Given that Audit Group has corporate responsibility for identifying corporate risk and compliance issues and is responsible for conducting audits designed to assess whether legislative, procedural and policy requirements are complied with, I have forwarded a copy of the response of the Commander, State Crime Command to the Commander, Audit Group to consider.

The following is a summary of the responses prepared to assist the Ministry for Police in preparing the response.

Ensure that all Missing Person reports are investigated in a timely and proper manner

Ensure that Missing Person cases considered 'suspicious' deaths are to be referred for criminal investigation

Ensure that all Missing Persons be reported to the State Coroner after a reasonable period of time after all routine investigations have been undertaken

The NSW Police Missing Persons Procedures require Investigations Managers to:

- liaise with Crime Coordinators and obtain all information relating to suspicious missing person cases
- ensure that all suspicious missing person cases are appropriately investigated; and
- if *'foul play is strongly suspected'*, to immediately contact the Homicide Squad, State Crime Command through the Duty Operations Inspector.

Crime Managers are required to make available criminal investigators to immediately respond to missing person cases where suspicious circumstances exist, manage suspicious missing person cases and maintain liaison with the Homicide Squad.

If a matter remains outstanding the Crime Manager is required to meet with the Investigating Officer, Investigations and Crime Coordinator and Local Area Commander to ensure that all appropriate resources have been assigned to the case.

Prior to finalising a missing person case the Investigation Officer is required to consult with the Duty Officer and seek advice from the Investigations Manager and Crime Manager as to whether the matter should be placed before the Coroner.

The procedures remind police of their responsibilities under the *Coroners Act 1980, No 27, Part 2A – Reporting of Deaths*

12A. Obligation to Report death

- ...
- (2) *A police officer to whom a death or suspected death is reported as provided by subsection (1) or by Section 12B(5), is required to report the death or suspected death to the Coroner or Assistant Coroner as soon as possible*

The Local Area Commander has overall responsibility to ensure that the guidelines are being complied with.

NSWP Missing Persons policies and procedures are regularly reviewed and were last reviewed in September 2004. The State Coroner is consulted each time a review is conducted. The current procedures were publicised to all police via the Policing Issues and Practice Journal in October 2004 and made available on the Missing Persons Unit intranet site.

The Missing Persons Unit has undertaken an education and training program which involves meeting each Local Area Command Management Team throughout the state to discuss missing person issues at a local and an organisational level. The Missing Persons Unit also conducts presentations to all new police recruits. A video presentation by the State Coroner is included in all training and available on the NSW Police Intranet.

Undertake a review of current case management and monitoring systems to ensure that all investigations are pursued with due diligence

Major investigations are now managed within the e@glei information management system. This permits greater accountability and allows for easier supervision via the system's reporting components. Further, the COPS case management system is overseen by new Crime Management Units and Crime Managers within the Local Area Command environment. State Crime Command also has a strict review process which is applied to all major investigations led by that Command.

There have also been significant changes in the manner in which Forensic Services Group investigates major crime and suspicious deaths.

Review procedures in relation to the collection and retention of physical evidence and exhibits relating to unsolved homicides and any deaths reportable to the Coroner

The following procedural documents have been developed since the events that were examined during the coronial inquest:

- Police Circular 91/103 which defines responsibility for senior forensic officers and the forensic investigators attending a crime scene
- Forensic Services Procedures Manual which comprehensively outlines responsibilities and methodologies for investigating crime in NSW and is available to all forensic investigators and other members of NSW Police
- Clearly defined Call-out Procedures
- Major Crime Policy which outlines the procedures for tasking and deployment of staff and responsibilities of supervisors
- The Major Crime Database which is regularly monitored at all levels of the Forensic Services Branch
- the introduction of COPS and the Forensic Services Information Management System (FSIMS)
- The Command Management Framework as a comprehensive audit and compliance process which requires the regular auditing of exhibits held by police.

Review procedures in relation to tracking exhibits sent to other areas for forensic testing or examination

All forensic exhibits are followed up in accordance with the Forensic Service Branch Standard Operating Procedures, via the Major Crime Database and by the Forensic Services Liaison Officer, Division of Analytical Laboratories, Lidcombe.

Consider training Rescue Squad personnel in the use of crime scene cameras and techniques for securing bodies and exhibits in rock crevices or other areas inaccessible to other police

The level of training of all forensic investigators and the level of understanding generally within NSW Police overcomes the need for this specific training.

Review procedures in relation to the recording of possible causes of death at early stages of any investigation in order to minimise erroneous or lazy conclusions based on incomplete information

NSW Police has a process which requires mandatory notification to the Homicide Squad, State Crime Command of all possibly suspicious deaths and instances of persons injured, who may die. These notifications are reviewed by an experienced Detective Inspector who provides advice and in most cases arranges the attendance at the scene of the death, by experienced homicide investigators who are available 24 hours a day, seven days a week.

Reinforce the requirements of the Charter of Victims Rights where victims of crime are entitled to be given information concerning their investigations in a timely fashion and that all victims of crime are to be dealt with compassionately

The NSW Police Missing Persons Procedures specifically advise police who are dealing with family and friends of missing persons to extend every courtesy to the person reporting/next of kin and advise them that all appropriate inquiries will be made and that they will be kept regularly updated as to the progress of the investigation.

The Missing Persons Unit provides ongoing support for families of long-term missing persons. The Missing Persons Procedures also require that families be advised of the free counselling service offered by the Family and Friends of Missing Persons Unit, NSW Attorney General's Department, especially where a matter is to be placed before the Coroner.

In the State Coroner's video that forms part of the Missing Persons Unit Education and Training Package the State Coroner emphasise the need for police to keep relatives informed at each stage of the investigation

The NSW Police Code of Conduct and Ethics specifically requires officers to 'be aware of [their] responsibilities in relation to the requirements of the NSW Government's Charter of Victims Rights

The following MCPES Packages refer to obligations of police when dealing with victims in various categories:

- M97/4 NSW Police Service Code of Conduct and Ethics
- M97/6 Victims Rights
- M97/8 Aged Persons: Issues for Police
- MO23 Child care and Protection Act
- MO32 Investigation of Adult Sexual Assault
- MO33 Domestic Violence – this module is intranet based and linked to all Victim Support Policy and Procedures on the intranet
- MO38 Disability Awareness

The 'Victim Support' Online Module is due to be released. Another package titled 'Investigating Adult Sexual Assaults' is also due for release at that time. These packages will be elective packages approved as mandatory under the MCPES for the 2005-2006 training year and will therefore serve to reinforce to police their obligations under the Charter of Victims Rights and the Code of Conduct and Ethics

Policing Issues and Practice Journal

- October 1995 Vol 3 No 4 – Adult Sexual Assault: Initial Response
- July 1994 Vol 2 No 3: Customer Service
- July 2000 Vol 8 No 3
- Domestic Violence Policy and standard Operating Procedures NSW Police Service: Key Points
- April 1994 Vol 2 No 2; Elder Abuse
- June 1997 Vol 5 No 3 Interagency Guidelines: Child protection and Intervention
- July 2000 Vol 8 No 3
- Interviewing People with Impaired Intellectual Functioning
- October 1999 Vol 10 No 1 Investigation and Management of Adult Sexual Assault
- April 2003 Vol 11 No 2 People with intellectual Disabilities
- January 1998 Vol 6 No 1 Victim Support Policy & Procedures

SMITS

- BC002 – Interviewing Techniques (Communicating with Witnesses and Victims) Ref: MCPES MO19
- CP011 – Guarantee of Service (Informing Victims of Progress of Investigations & Information to give prior to leave Ref: Code of Conduct
- CP013 Customer Service (Victim Care and Responding to Elderly Victims) Ref Code of Conduct
- CC009 Interviewing the Intellectually Disabled (definitions and points to consider during an interview) Ref: MCPES MO38
- PC013 BES Victim care

'Victims Rights' is also a component of CAS and PQA exams

Detective Training

There is a component in the Management and Conduct of Investigations Module of the Detectives Course, including written material and guest lectures including from victims of homicide

Crime Management Programs

The Charter of Victims Rights is discussed in JIRT, Adult Sexual Assault, Domestic Violence and Youth courses.

Material from the Victim of Crime Bureau, Attorney General's Department is also distributed

The Crime Management faculty is currently working on a Victim E-learning Project and a Sexual Assault Victim Care Training Package which will support the recent release of 'Anyone's Story', a video to assist NSW Police and other professionals in responding to victims of sexual assault

Audit outstanding homicides and suspected deaths to ensure investigations are active and ongoing. Where investigations have stalled these matters are to be referred to the State Coroner for his consideration

The Unsolved Homicide Team within the Homicide Squad, are currently reviewing unsolved homicides that occurred between 1970 and 2000. A number of these investigations have been confirmed as ongoing. The Homicide Squad has also commenced a process of identifying all homicide investigations that are unsolved from the year 2000 onwards. Subject to their status, a formal review of that investigation will be offered to the Local Area Command who had responsibility for that investigation. The review process is regularly applied to other current homicide investigations so that the expertise held within the Homicide Squad can be applied to an ongoing investigation.

Reintroduce the Gay Liaison Officer 'in service training' programme

The GLO Course ceased in 2002. Since then the course has been reviewed and revised. Course documentation was presented to the Standing Advisory Committee Academic Board (SAC), NSW Police College in November 2004 for the purpose of having the course re-registered. Research and development of course material is now underway for submission to the SAC in September 2005 for final course approval.

Ensure all Local Area Commanders are aware of 'beats' in their areas and promote the need for crime prevention strategies to minimise risk

Normal intelligence gathering processes employed by Local Area Commands are sufficient to identify 'beats' within an LAC.

A new draft policy, guidelines and standards operating procedures for policing beats, which emphasise a preference for crime prevention and high visibility policing will shortly be sent circulated to Region Commanders and the Professional Standards Command for comment. Local Area Commanders and Legal Services have already provided comment on previous drafts, which were also submitted to Deputy State

Coroner Milledge as evidence of NSW Police's more sophisticated response to this issue. At the conclusion of this second round of internal consultation, the documents will be submitted to the Commissioner's Executive Team for approval.

Promote the use of 'Standards Operating Procedures for Policing Beats' within each Local Area Command

If the standard operating procedures referred to above are approved, the procedures will be promoted as part of the Beat Usage Reduction and Safety Improvement Project

Develop and implement the 'Beat Usage Reduction and Safety Improvement Project'

The Beat Usage Reduction and Safety Improvement Project was developed by the Beats Working Group. This project offers the following project deliverables:

- An information package for use by Local Area Commands on crime prevention strategies;
- relevant legislation and consultation techniques in relation to beats;
- a training package aimed at raising police officers' awareness of the issue of beats and the most appropriate policing response; and
- A revised NSW Police Policy on Beats, Guidelines for the Effective Policing of Beats and Standard Operating Procedures for the Effective Policing of Beats

To date, a proposed new policy, guidelines and SOP's for the effective policing of beats have been developed and circulated for internal consultation. These documents will be submitted to CET for approval once the internal consultation process is complete. Associated information and training packages will be developed once the policy documents have been endorsed.

Recommendation

1. That the Ministry be advised

[Redacted]

AB Caroline Braden
Project Officer 16/9/05

1. Director, Strategic Support [Redacted] 12/9
2. Assistant Commissioner, Professional Standards [Redacted]
3. Deputy Commissioner, Specialist Operations [Redacted]

4. Deputy Commissioner, Operations
5. Commissioner
6. Minister

Ministry wishes to respond on this occasion
Noted. 3/9/05 - MINISTRY HAVE REQUESTED THEY RESPOND - potential COSTS!