



NSW POLICE FORCE

P190B

STATEMENT OF POLICE

In the matter of:	Special Commission of Inquiry into LGBTIQ Hate Crimes - TARADALE INQUEST RECOMMENDATIONS
Place:	Sydney Police Centre
Date:	14 June 2023

Name:	ANTHONY COOKE	Tel. No:	[REDACTED]
Rank:	Assistant Commissioner		
Station/Unit:	Central Metropolitan Region		

STATES:

1. This statement made by me accurately sets out the evidence which I would be prepared, if necessary, to give in court as a witness. The statement is true to the best of my knowledge and belief, and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated in it anything which I know to be false, or do not believe to be true.
2. I am 58 years of age.
3. I make this statement in respect of the Request for Statement issued by the Special Commission of Inquiry into LGBTIQ Hate Crimes (**Inquiry**) on 13 April 2023, specifically requesting information from the New South Wales Police Force (**NSWPF**) concerning the recommendations of Deputy State Coroner Milledge in the context of the inquest into the deaths of Ross Warren, John Russell and Gilles Mattaini in 2003-2005 (**Taradale Inquest**) (**Request for Statement**). A copy of the Request for Statement is attached as '**Annexure 1**' to this statement.
4. In this statement, I specifically address the following four recommendations made in the Taradale Inquest:

a. *Reintroduce the Gay Liaison Officers 'in service training' programme*
(**Recommendation 11**);

Witness

[REDACTED]
Elyse Wood
Manager
Crime Prevention Command
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Signature

[REDACTED]
Anthony Cooke
Assistant Commissioner
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- b. *Ensure all Local Area Commanders are aware of 'beats' in their areas and promote the need for crime prevention strategies to minimise risk (Recommendation 12);*
- c. *Promote the use of 'Standard Operating Procedures for Policing Beats' within each Local Area Command (Recommendation 13); and*
- d. *Develop and implement the 'Beat Usage Reduction and Safety Improvement Project' (Recommendation 14).*
5. The Request for Statement sought a statement addressing the following topics in connection with the recommendations of the Taradale Inquest:
- a. *"Whether and by what means (annexing any relevant document) the NSWPF accepted each of the recommendations, including in particular the following recommendation:*
- 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*
- b. *Whether, by what means, and to what extent, the NSWPF has implemented each of the recommendations (annexing any relevant document);*
- c. *Whether the NSWPF's current practices are consistent with the recommendations;*
- d. *The results of any reviews undertaken by the NSWPF as a result of the recommendations (annexing documents as appropriate); and*
- e. *Any other action undertaken by the NSWPF as a result of the recommendations."*
6. At the outset, I note that in 2005, I was the Commander for the Metropolitan Robbery Unit and had no direct involvement in the Taradale Inquest or the receipt or implementation of the recommendations made by Deputy State Coroner Milledge. The Request for Statement requests information covering an 18 year period between 2005 to the present day. Neither I, nor anyone else in the NSWPF is able to comprehensively address the relevant matters for the whole period from their own knowledge. However, I was appointed

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as the Corporate Sponsor for Communities in June 2022 and have attempted to provide the information requested by reference to documentary records held by the NSWPF.

7. In the context of responding to the Request for Statement, searches were conducted of records held within:
 - a. NSWPF network drive (P:Drive);
 - b. NSWPF Records Management System; and
 - c. NSWPF Library.
8. Searches were undertaken using a combination of key word searching and lookup of specific documents. Where required, requests have also been made to commands for documents relevant to the Request for Statement.
9. At the time of signing this statement, I have been shown a zip file of electronic documents marked with electronic document IDs in the format '**NPL.XXXX.XXXX.XXXX**'. Where I refer to a document in this statement, I refer to it by its electronic document ID.
10. In preparing this statement, I have been shown a document which appears to be a response to a request from Professional Standards Command for advice as to the recommendations arising out of the Taradale Inquest. The response was prepared by Mr David Toolan, Senior Programs Officer (Gay Lesbian and Transgender Issues) dated on or around 6 June 2005 on behalf of Crime Management Faculty (**CMF Response**). The CMF Response sets out a summary of how NSWPF responded to Recommendations 11 through 14. A copy of the CMF Response is attached at **NPL.0100.0013.0553**.
11. I have also been shown a document dated on or around 16 September 2005, which I understand to be a submission to the Ministry for Police (which I understand to be a reference to the Office of the Minister of Police as it then was), prepared by Ms Caroline Braden concerning the recommendations made in the Taradale Inquest (**Ministry Submission Paper**). Ms Braden was a Project Officer who worked in the Policy and Projects, Corporate Advice Policy team. In 2005, her role as Project Officer was

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administrative in nature (that is, she was not a sworn officer); she would collate information in response to correspondence and / or recommendations from the NSW Ombudsman, the Police Integrity Commission or the NSW State Coroner. A copy of the Ministry Submission Paper is attached at **NPL.0100.0009.0066**.

12. Finally, I have been shown an undated, signed letter from Superintendent Adam Whyte of the Policy and Programs Command, to Mr Gary Burns, sent some time after a meeting with Mr Burns at Surry Hills which took place on 9 October 2008 (**2008 Letter**). The 2008 Letter sets out a summary of how NSWPF responded to Recommendations 11 through 14. A copy of the 2008 Letter is attached at **NPL.0100.0013.0558**.
13. I respond to each of the Inquiry's questions in the Request for Statement in the following sections of my statement below:
- a. **Section A:** addresses Recommendation 11 and questions (a) to (e) in the Request for Statement concerning this recommendation;
 - b. **Section B:** sets out the evolution of the NSWPF Handbook as it relates to beats from 1999 to present day;
 - c. **Section C:** addresses Recommendation 12 and questions (a) to (e) in the Request for Statement concerning this recommendation;
 - d. **Section D:** addresses Recommendation 13 and questions (a) to (e) in the Request for Statement concerning this recommendation; and
 - e. **Section E:** addresses Recommendation 14 and questions (a) to (e) in the Request for Statement concerning this recommendation.
14. I understand the reference to a reintroduction of the Gay Liaison Officers' 'in service training' in Recommendation 11 to be a reference to the training course for the Gay Lesbian Liaison Officer / LGBTIQ+ Liaison Officer (**GLLOs**) program (**GLLO program**). In order to answer this question, an understanding of the development and evolution of the training course over the relevant time period is required, which I provide in Section A

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below. However, it is also important to note that changes to the GLLO training course were only one aspect of a much wider set of initiatives and improvements to the GLLO Program at this time. To assist the Inquiry in understanding this broader context, in conjunction with this statement I have therefore prepared a further statement (**GLLO Statement**) which addresses the:

- a. development and role of the Sexuality, Gender Diversity and Intersex (**SGDI**) portfolio within the NSWPF;
- b. role of GLLOS and the improvements made to the GLLO Program over time; and
- c. initiatives taken to seek to develop a relationship of trust and respect between the lesbian, gay, bisexual, transgender, intersex and queer (**LGBTIQ+**) communities and NSWPF to ensure all feel safe and supported by a police force reflective of the community it serves.

ROLE AND POLICING EXPERIENCE, QUALIFICATIONS AND TRAINING

15. I am an Assistant Commissioner of Police. I am currently the Commander, Central Metropolitan Region. I have held this position since April 2022. I am also the Corporate Sponsor for Communities, which includes the SGDI portfolio.
16. An explanation of my current role, policing experience, qualifications and training is set out in paragraphs 7 to 22 of my GLLO Statement.

SECTION A. RECOMMENDATION 11

Whether and by what means (annexing any relevant document) the NSWPF accepted and implemented the recommendation

17. As indicated above, I understand the reference to a reintroduction of the Gay Liaison Officers' 'in service training' in Recommendation 11 to be a reference to the training course for the GLLO Program. In order to answer the questions posed by the Inquiry, I set out below a summary of the development and evolution of that training course over the

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relevant time period. The broader context in which the GLLO training course operated, and the wider set of initiatives and improvements made to the GLLO Program at this time are the subject of my GLLO statement.

1993-2002

18. The full history of the establishment of the GLLO Program itself is set out at paragraphs 60 to 68 of my GLLO Statement. However, in short, it was established in 1990 by Ms Sue Thompson as the first of its kind in Australia.
19. I understand phase 1 of the of the GLLO Program took place from 1990 to 1992, with the purpose of mobilising NSWPF, the LGBTIQ+ communities and the wider communities to increase awareness, understanding, commitment and action on homophobic violence. Phase 2 of the GLLO Program took place from 1992 to 1994 and included the implementation of a coordinated training strategy to provide heightened awareness to homophobia, homophobic violence and increased sensitivity to the needs of LGBTIQ+ community members. The first training course for the GLLO Program was written by Ms Thompson and Mr Peter Moir in 1992, was held on 14 April 1993 and was conducted over five days. Up until 2002, Ms Thompson was responsible for the delivery of the training course. Between 1993 and 2001 Ms Thompson delivered the training course 12 times.¹
20. The Ministry Submission Paper sets out that the GLLO program training course had 'ceased' in 2002. I have not been able to locate a document which confirms the accuracy or basis of this statement. However, I understand that Ms Thompson left the NSWPF in March 2002 due to injury and later formally retired in March 2003. Mr Toolan was appointed as Senior Program Officer for Gay, Lesbian and Transgender Issues as Ms Thompson's successor in January 2003. Mr Toolan's evidence before the Taradale Inquest confirms that prior to his appointment, the position was vacant because his predecessor, Ms Thompson, had been unwell for some time and there was 'a backlog of work'. An extract of Mr Toolan's evidence from the daily transcript of the Taradale Inquest

¹ Submission and attachments 1 through 15 of Ms Sue Thompson dated 7 November 2018 provided to the Parliamentary Inquiry into Gay and Transgender Hate Crimes between 1970 and 2010.

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is attached as **NPL.0100.0013.0586**. I therefore infer there may have been a brief hiatus in the offering of the training program in 2002 during Ms Thompson's leave. Such a position would explain a reference in the 2008 Letter to the training as never having "ceased".

2003-2005

21. Between 1995 and 2003, the focus of NSWPF policy in respect of issues affecting the LGBTIQ+ community had been on violence prevention, customer service and improving the relationship between NSWPF and the LGBTIQ+ community. The creation of the 2003 Policy Statement on Gay and Lesbian Issues (**2003 Policy Statement**) then formally acknowledged the diversity of sex, gender and sexuality within the community and the need for police to understand and support this diversity.
22. Mr Toolan's evidence before the Taradale Inquest indicated that he was starting to review the GLLO training course in September 2003, and that a consultant was being engaged to assist with that process. He observed that NSWPF Education Services had a policy that courses were to be reviewed approximately every two years and that the GLLO training course was 'overdue for review'. My understanding is that from 2003 to 2005, there was a comprehensive review of the GLLO training course to align with the 2003 Policy Statement and to comply with the guidelines for the review of courses set down by NSWPF's Education Services.
23. The 25 Years and GLLO-ing history of the GLLO Program is attached to my statement at **NPL.0100.0001.0117** and sets out that the GLLO training course was updated in two important ways at this time:
- a. although GLLOs had not been formally designated as liaison officers for transgender people, they were often relied upon to provide education to fellow officers and support to transgender victims of crime. The course was therefore expanded to educate officers about appropriate interactions with the transgender community; and
 - b. the training became more 'operationally focused'.

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24. I am not now sure what was specifically meant by 'operationally focused'. I do not now have access to the updated 2005 GLLO training course materials.
25. As set out in the Ministry Submission Paper, revised course documentation was presented to the Standing Advisory Committee Academic Board (**SACB**) of the NSW Police College in 2004 for the purpose of having the course "re-registered". This does not necessarily mean that the previous iteration of the training course had been 'de-registered'; it may have meant that the that the course program was time-limited and that it was the scheduled time to review the course. I have not been able to locate the revised course documentation provided to the SACB in 2004, but I note the CMF Response confirms that the new GLLO course had received 'in-principal approval' as at June 2005.
26. The Ministry Submission Paper then observes that further research and development was conducted before the course material was resubmitted to the SACB in September 2005 for final course approval. The CMF Response indicates that the new course was scheduled to be offered in October and December 2005.
27. I have not been able to locate a document which confirms the occasions on which the GLLO training course was offered between the years of 2002 and 2005 when the review process set out above was completed. However, the 2008 Letter confirms that between 2005 and 2008, the new GLLO training course was conducted three times for regional and metropolitan applicants.
28. Since 2008, training records indicate that the GLLO training course has been run in 2009, 2011, 2012, 2014, 2016, 2018, 2019, 2020, 2021 and 2022. Most recently in 2022, the GLLO training course was run on three occasions. There will be two GLLO courses offered in 2023; in September and November. As referenced at paragraph 87 of my GLLO Statement, as at June 2023, there are approximately 213 active GLLOs.

Recommendation 11

29. Recommendation 11 was made by Deputy State Coroner Milledge in March 2005.

Witness

[Redacted]

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30. As is evident from the timeline set out above, by this time a significant review of the GLLO training course had already been undertaken, and a revised course submitted to SACB for approval. On this basis, in my view it cannot be said that NSWPF did not accept Recommendation 11. Rather, NSWPF had already identified the need for the training course to be updated and restarted and was well underway to the implementation of the new course by the time Recommendation 11 was made. Ultimately, the recommendation was fully implemented, with the new course approved and conducted on three occasions between 2005 and 2008. As set out above, GLLO training courses have consistently been delivered by the NSWPF since that time.

Whether the NSWPF's current practices are consistent with the recommendations

31. In my view, NSWPF's current practices are consistent with Recommendation 11.
32. Paragraphs 81 to 85 of my GLLO Statement set out the current structure of the GLLO training course, which is delivered over two and half days in the form of an in-person training course and is preceded by five mandatory online modules. Crime Prevention Command is responsible for the coordination and delivery of the GLLO training course, in consultation with me as the Corporate Sponsor.
33. The training course is held at least once, sometimes twice, a year, depending on the number of applicants and to otherwise ensure the operational needs of NSWPF are met. Paragraphs 86 and 87 of my GLLO Statement set out the number of GLLOs per region as at April 2023, being over 250 active members. A total of 75 officers completed the GLLO training course in 2022.
34. The training includes presentations from key external partners including Pride in Diversity and Twenty10, who have worked closely with NSWPF to both deliver the training and also provide feedback, guidance and information to support the continued development of the training course. By way of example, the outline of the 2022 training course is set out in the Course Summary attached to my GLLO Statement at **NPL.0100.0001.0146**.

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35. This specialised training for GLLOs is additional to the mandatory training for all NSWPF officers detailed at paragraphs 79 and 80 of my GLLO Statement.

The results of any reviews and other actions undertaken by the NSWPF as a result of the recommendation (annexing documents as appropriate)

36. I understand that there has been a process of continuous improvement to the GLLO training course in the years following 2005 to ensure the GLLO Program stays up to date and fit for purpose. While not directly in response to Recommendation 11 (because, as outlined above, a review had already been undertaken in 2004 before the making of the recommendation), the review process demonstrates the continued evolution of the training course and NSWPF's ongoing commitment to and prioritisation of the GLLO Program.

37. In August 2008 the GLLO training course was refined into a four-day program. I have not been able to locate a document which sets out the purpose or catalyst for this particular review of the training course, however I understand that the focus of the 2008 training course was professional conduct in carrying out the GLLO role, developing an understanding of the history of the relationship between NSWPF and the LGBTIQ+ community, and the provision of sensitive and appropriate support to victims of violence and crime. The 2008 training course also included a number of opportunities for community representatives and various expert guest presenters to share information and experience with participants. This provided members with the firsthand experiences of LGBTIQ+ community members and information about services and groups for referral purposes.

38. The GLLO training course is continually assessed and updated in consultation with a number of key external partners, including Pride in Diversity, the Gender Centre and Twenty10, who provide feedback and guidance on the content of the training course. The training course is assessed after its delivery to each class of GLLOs and feedback is requested from course participants, key partners and trainers about the content and delivery style of the course. The assessment also involves input from Crime Prevention Command (in consultation with me as Corporate Sponsor) to ensure internal compliance with educational course requirements. One example of a recent update to the training

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course is the inclusion in 2018 of training on the use of inclusive language. A copy of the current inclusive language presentation is attached to my GLLO Statement at **NPL.0100.0001.0206**. The presentations delivered by our external partners, such as Twenty10, may also be updated by those external providers in response to community events and feedback on interactions with police from members of the public. Another example is the update to the training course in 2020 to introduce five online modules as part of a shift to blended learning, meaning a course with both online and in-person components.

SECTION B. DEVELOPMENT OF THE BEATS ENTRY IN THE NSWPF HANDBOOK

39. Recommendations 12 to 14 broadly address NSWPF's policing of beats.² In order to provide context to my answers to the specific questions in the Request for Statement in relation to these recommendations, I set out below a brief overview of NSWPF's approach to beats from 1995 to March 2005, when the recommendations were made, and to present day.
40. The first formal NSWPF policy on beats took the form of a Commissioner's Circular in 1995 (**Circular**) following two years of consultation with community agencies. I have not been able to locate any document recording which community agencies were consulted in relation to the Circular, however I note that its publication followed the appointment of Alf Peate as the first Corporate Sponsor for Gay & Lesbian issues (at the time referred to as a Spokesperson), the first public release of NSWPF's policy statement on LGBTIQ+

² The term 'beat' is described in the 'Beats (formerly Sex in Public Places) section of the 2021 NSWPF Handbook as being used to describe a public location such as a park, beach or public toilet where men meet to negotiate for and/or engage in social or sexual contact with other men.

Historically, I understand public, often non-descript locations for beats were chosen because they allowed men to meet and engage in a range of activities in a public place without being easily detected, which was important in an environment where men having sex with men was a criminal offence. Beat users were often, and continue to be, discreet whilst at a beat to avoid unwarranted attention from those using the area for more traditional purposes. While some beats were well-known, including by members of the general public, in some cases this level of discretion meant it could be difficult to identify a particular location as a beat.

Witness:

[Redacted]

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 Manager
 Crime Prevention Command
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Signature:

[Redacted]

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issues and the first action plan for the SGDI portfolio. Further detail concerning the action plan is set out in my GLLO Statement at paragraphs 50 to 59. A copy of the Circular is attached at **NPL.110.014.1483**.

41. The Circular stated a preference for high-visibility policing techniques at beats using marked police vehicles and uniformed police officers. It advised against covert operations, citing potential risk of allegations of entrapment and subsequent inadmissibility of evidence, although it was acknowledged that it may be necessary to use covert operations when police were investigating assaults at beats. In my view, the commentary regarding using high-visibility policing techniques clearly demonstrates the position of NSWPF as at 1995, and moving forward, in terms of engagement and the relationship with the LGBTIQ+ community. The Circular clearly indicates policing of 'beats' from this point was intended to be focused on crime prevention in or around public spaces for all users.
42. The Circular noted an important consequence of professional police conduct when responding to complaints about conduct occurring at beats would be an increase in the level of confidence and trust in reporting crimes of violence, and the subsequent apprehension of assailants who might otherwise go undetected.
43. The Circular also encouraged patrol commanders to liaise with a GLLO to arrange a joint problem-solving approach with interested groups such as the NSW Health Department or the AIDS Counsel of NSW.
44. The Circular was distributed to members of NSWPF by way of publication in the Police Weekly magazine. This was a hard copy publication designed to advise members across the organisation on a range of issues, including updates to policy and procedure.
45. I observe that the Circular makes reference to updating Commissioner's Instructions, which was the forerunner to what is now known as the Police Handbook.
46. In 1999, the Circular was refined and incorporated into the NSWPF Police Handbook (**Handbook**) (**1999 Handbook**). Like the Circular, it directed that priority was to be given to using marked vehicles and uniformed officers when investigating complaints or carrying

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[REDACTED]
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 Manager
 Crime Prevention Command
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Signature:

[REDACTED]
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out police operations. Commanders were again directed to liaise with a GLLO to develop a joint approach with interested groups. The key update of the 1999 Handbook was a requirement to consider the number and nature of complaints (which were not identified in the document) received in relation to a beat prior to making a decision to commence a police response. Although not defined in the 1999 Handbook, I consider that the likely type of “complaints” that might have been received by NSWPF would have included noise disturbances, littering, wilful exposure, people having sex in public places, assault and other types of violence.

47. The 1999 Handbook was the current policy at the time of the Taradale Inquiry and when Recommendations 12 to 14 were made in March 2005. A copy of the 1999 Handbook is attached to my statement at **NPL.0100.0013.0564**.

48. Between 1999 and 2008 there were two reviews of the beats entry in the NSWPF Handbook, one in 2005 and one in 2007. Neither review resulted in any changes to the Beats chapter.

2008 Update to Handbook and Guidelines

49. The first major update to the Beats chapter of the Handbook occurred in 2008. In early May 2008, the Performance, Improvement and Planning Command (**PIPC**), responsible for the maintenance and updating of the NSWPF Handbook, requested a full review of the beats section in the NSWPF Handbook (**PIPC Request**). A copy of the PIPC Request is attached at **NPL.0100.0013.0542**.

50. In response to the PIPC Request, the section on beats in the Handbook was revised. I understand that the update to the Handbook was made on 17 September 2008 and released in November 2008 (**2008 Handbook**). A copy is attached to my statement at **NPL.0100.0013.0566** and I observe that although the copyright mark states the year to be 2007, this version of the Handbook is different to that version dated December 2007 (which takes the form of the 1999 Handbook entry).

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51. The Guidelines for the Effective Policing of Beats (**2008 Guidelines**) were also released in response to the PIPC Request. The 2008 Guidelines were developed to support the implementation of the revised Handbook. A copy of what I believe to be the 2008 Guidelines is attached to my statement at **NPL.0100.0013.0521**, although I note that I have not been able to confirm whether this document is the version that was published on NSWPF's intranet at the time it was authorised for release.
52. The revised Handbook and 2008 Guidelines reflected a shift in focus, with greater emphasis being placed on the safety of men using beats. High visibility policing of beats to act as a deterrent of all criminal acts, including serious assaults and hate crimes, was prioritised, and covert operations were authorised only when they responded to actual or likely assaults in areas.
53. The 2008 Handbook update represented a significant expansion of NSWPF's policy on beats, as for the first time it provided specific direction for police command about:
- a. how a beat could be identified;
 - b. the purpose of policing beats; and
 - c. the aim of policing beats in respect of particular offences, such as:
 - i. the aim of deterring anti-social and inappropriate behaviour for minor offences such as wilful exposure. It was not recommended that plain clothes officers or covert operations be used to in relation to investigating these offences; and
 - ii. that for the more serious offences such as theft and assault, a more significant police response may be required. In those circumstances, a police command could authorise a covert operation, with the GLLO Program Senior Programs Officer for the Gay Lesbian and Transgender Issues portfolio (as it was then called) being available to provide advice as required. Ms Jacqueline Braw was the Senior Programs Officer at the time of the release of the 2008 Handbook.

Witness:

[Redacted]

Elyse Wood
 Manager
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[Redacted]

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54. Perhaps most importantly, the 2008 Handbook is the first beats Handbook entry that formally expands on the directive to use a partnership approach in the policing of beats with an aim of harm reduction and safety. Specifically, it observes:

“There are a number of examples of good practice projects involving a partnership approach to managing beats with the overall aim of harm reduction and safety. Police working in partnership with local council officers, staff from the NSW National Parks and Wildlife Service, area health staff and officers from key non-government organisations such as ACON (formerly AIDS Council of NSW) have demonstrated that collaboration can produce effective strategies to manage beats.”

55. The 2008 Handbook also emphasises that GLLOs should be consulted in the planning and implementation of strategies to manage beats, especially where gay, lesbian or transgender issues are involved, such as homophobic assaults, and/or a partnership approach is being considered.

56. It is my understanding that training and support in the implementation of the revised Handbook and 2008 Guidelines was provided by GLLOs within commands, together with a range of other training strategies including:

- a. collaborative efforts with partner agencies and key stakeholders, such as area health staff;
- b. further formal and informal partnership agreements; and
- c. information and education projects conducted by the Beats Working Group (**BWG**) (which is discussed in more detail in paragraphs 130 to 132 below).

57. NSWPF members also had other guiding resources relevant to their management of beats available to them at the time, including:

- a. utilising the experience and training of their GLLOs, who received additional specialised beats training as part of the GLLO training course;

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[Redacted]

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- b. specific training sessions on beats management which could be provided to a police command on request; and
- c. the *Strategic Framework 2007-2012 Working Together: Preventing violence against gay, lesbian, bisexual and transgender people* released in 2007 (**Strategic Framework**). The Strategic Framework included a number of non-police crime prevention strategies including education in schools and workplace environments and was recorded as resource for NSWPF members to utilise in the 2008 Guidelines. A copy of the Framework is attached to my statement at **NPL.0100.0013.0062**.

2009 – 2012 Updates to Handbook

- 58. A further review of the Beats chapter in the Handbook was undertaken on or before 12 June 2009. No changes were made to the Beats chapter.
- 59. A further review of the Beats chapter in the Handbook was undertaken on or before November 2010. The changes implemented to the Beats chapter were not extensive and related to:
 - a. references to the SGDI portfolio, rather than its predecessor, the Gay and Lesbian and Transgender Issues portfolio;
 - b. including references to bisexual and intersex members of the LGBTIQ+ community; and
 - c. updating references to the SGDI intranet website.
- 60. Further reviews of the Beats chapter in the Handbook were undertaken on or before 1 December 2011 and on or before 8 November 2012. No changes were made to the Beats chapter in the course of either review.

Witness

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 Manager
 Crime Prevention Command
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 Assistant Commissioner
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2015 update to Handbook

61. In July 2015 (then) Superintendent Crandell was the Corporate Sponsor for the SGDI portfolio. He approached PIPC with documents, including a proposed revised Beats Handbook chapter, recommending changes to the Beats chapter of the Handbook, primarily in relation to two areas:

- a. to alter the focus of the policy from crime prevention to having an overriding mission for policing beats to ensure public safety and security; and
- b. to retitle the chapter from 'Beats' to 'Sex in Public Places', in an effort to communicate that the behaviour being policed was not specific to homosexual activity, but rather referred to any sexual activity in a public place which might constitute an offence under the law.

62. A copy of Mr Crandell's request is attached at **NPL.0100.0013.0007**.

63. The draft Deputy Commissioner's announcement in respect of the change observes:

"The policing of beats requires sensitivity, which is inconsistent with the use of homophobic language or related behaviour. Actions taken should be non-discriminatory and target the behaviour, not the actual or perceived sexuality or gender identity of those involved."

64. I have not been able to locate a copy of the final announcement made by the Deputy Commissioner in respect of the implementation of Mr Crandell's draft Handbook chapter. However, the prior Beats Handbook chapter (last reviewed 20 November 2012) was archived on 8 July 2015 and replaced with the Sex in Public Places entry which had been proposed by Mr Crandell (**2015 Handbook**). A copy of the 2015 Handbook chapter is attached at **NPL.0100.0013.0576**.

2016 Update to Handbook

65. A further review of the Handbook was conducted on or before 14 December 2016 (**2016 Handbook**).

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 Crime Prevention Command
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66. The changes implemented included observations that:

- a. In general, policing responses should be similar regardless of the gender of those using these areas. Police should be aware however, of the increased vulnerability of men using beats, including the risk of bias-motivated crime and the reluctance of some men to report crimes that occurred in those areas.
- b. It was important that all officers were advised:
 - i. they are not to incite or encourage unlawful conduct or behaviours;
 - ii. due to the sensitive nature of policing beats, the integrity of officers' conduct is paramount; and
 - iii. homophobic language or behaviour will not be tolerated under any circumstances.

67. A copy of the 2016 Handbook Beats chapter is attached at to my statement at **NPL.0100.0013.0571**.

68. Each of the versions of the Handbook chapters between 2008 and 2016 refer to the Guidelines for the Effective Policing of Beats which could be obtained from the SGDI portfolio intranet site. It observes that the guidelines are to be used to guide operational responses, which might vary considerably depending on the seriousness of the offences occurring at the location (e.g. assault and theft through to minor crimes such as wilful exposure to noise disturbances). I have not been able to locate any update to the 2008 Guidelines between 2008 and 2021.

2021 Update to Handbook

69. The 2021 version of the Beats Handbook chapter is the current policy statement for the policing of beats by NSWPF (**2021 Handbook**). Following stakeholder meetings on 23 July 2020 and 21 April 2021, and consultation with the GLLO Advisory Committee, Region

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Sponsors and Commanders in metropolitan and regional locations, on 17 June 2021 NSWPF reviewed and updated the Handbook to:

- a. include a section to explain the historical context and links to the NSWPF Strike Force Parrabell final report. It also clarifies the purpose of policing these locations in a little more detail, directing police to focus on a consistent approach to policing regardless of the sexuality or gender identity of the individuals involved; and
 - b. rename the section to 'Beats' (formerly Sex in Public Places) and move the section back to 'B' in the Handbook for ease of access.
70. The intent of the policy remains ensuring the safety and security of all users of these public locations. A copy of the 2021 Handbook is attached to my statement at **NPL.0100.0013.0581** together with a copy of the Crime Prevention Command approval of the revised entry at **NPL.0100.0013.0461**.
71. I note that the 2021 Handbook no longer makes reference to the Guidelines being available and instead simply refers users to the SGDI portfolio page on the intranet for further tips about approaching and responding to issues arising in connection to beats. I also conducted a search of the SGDI portfolio intranet site and observe that the 2008 Guidelines are no longer available to members.
72. On 1 May 2023 I received notification from Capability, Performance and Youth Command that the 2021 Handbook chapter was due for review to ensure that it continues to remain cotemporary and meets the needs of the whole community, including the LGBTIQ+ community. The review is underway and is due to be completed by 30 June 2023.

SECTION C. RECOMMENDATION 12

Whether and by what means (annexing any relevant document) NSWPF accepted and implemented the recommendation

73. There are two aspects to Recommendation 12:

Witness:

[Redacted]

Elyse Wood
 Manager
 Crime Prevention Command
 14 June 2023

Signature:

[Redacted]

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- a. first, ensuring all Local Area Commanders (now referred to as Police Commanders) are aware of beats in their area; and
- b. secondly, promoting the need for crime prevention strategies to minimise risk.
74. As set out in the Ministry Submission Paper, at the time Recommendation 12 was made, NSWPF considered that the 'normal intelligence gathering processes' employed by police commands were sufficient to identify beats within a police command. The reference to 'normal intelligence gathering processes' is a reference to the process of police gathering, collecting and collating information from a range of sources, and analysing and interpreting that information to build intelligence, and it is on the basis of such material that commands develop crime prevention strategies and task and deploy resources. For example, this might be way of an anonymous complaint to Crime Stoppers, formal reports of activity to members of NSWPF or information obtained by police during interactions with members of the community at large which relates to a particular location within a police command. This information is then processed and synthesised into crime briefings for police command which allow those commanders to make decisions about the application and utilisation of resources to respond to crime across a particular police command.
75. The second aspect of Recommendation 12 speaks to how police commands promote crime prevention strategies within their police command to minimise risk. I assume the reference to minimising risk is a reference to minimising risk to the community at large, including members of the LGBTIQ+ community. A crime prevention strategy is a reference to any activity to deter crime and improve public safety and amenity. This can include an operational or police response, such as a direction to members of NSWPF to patrol an area on certain days or at certain times, and can also include non-police responses such as installing additional lighting to a carpark or clearing scrub from a particular area that is otherwise concealed so as to deter criminal activity.
76. As set out above, the 1999 Handbook was already in effect at the time Recommendation 12 was made, and invited a 'joint approach' between NSWPF and interest groups to achieve crime prevention strategies in relation to beats. It appears to me

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 Crime Prevention Command
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from the materials I have reviewed in preparing this statement that, prior to the Taradale Inquest and the making of Recommendation 12, the goal of promoting the need for crime prevention strategies to minimise risk was already being facilitated in a number of collaborative ways, which continued after Recommendation 12 was made.

77. One way was via the use of collaborative partnerships, and in some cases formal agreements. These partnerships, depending on the command location, could involve a range of key stakeholders including NSWPF, local councils, area health service staff, National Parks and Wildlife personnel and the NSW Attorney General's Department. Meetings could be conducted between these stakeholders to discuss priority issues of concern, risk assessments/audits that may be conducted and agreement reached on the most appropriate measures to ensure the safety and comfort of all users of public spaces identified as areas of potential concern, which could include beats. A focus area of these meetings and agreements was the prevention of *all* crimes occurring in these areas, including assault and hate crimes.
78. I attach to my statement two examples of the type of engagement and formal agreements entered into by NSWPF. My understanding is that this strategy of Crime Prevention Through Environmental Design (**CPTED**) predates the Taradale Inquest and Recommendation 12 and training in CPTED principles was available to Crime Prevention Officers was available since 2001. Although not in final form, I believe that they demonstrate the collaborative approach taken by NSWPF to promote the need for crime prevention strategies to minimise risk at beats in accordance with the direction contained in the 1999 Handbook, and later emphasised by Recommendation 12.
79. I attach a draft of a Service Partnership Agreement which appears to be dated 13 September 2006 at **NPL.0100.0013.0509 (Service Partnership Agreement)**. The Service Partnership Agreement observes that prior to the agreement, two multi-agency meetings were held at Dee Why Police station to discuss the medium to long term management of two reserves within the Dee Why police command. It followed an alleged assault at the Brookvale toilet block that may have been in relation to beat-related activity and a complaint from the public concerning this activity.

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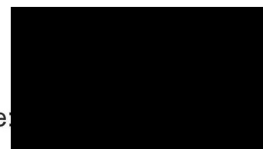
80. The first meeting on 15 July 2006 primarily focussed on managing beats within a harm-minimisation framework, drawing on the resources of local council, police and health, rather than simply closing council assets, and/or arresting participants who engaged in sexual activity in a public place.
81. Some of the key objectives of the Service Partnership Agreement were:
- a. to review the recommendations and implement collaborative strategies within three months of a site assessment being conducted of the reserves in the form of a safety audit;
 - b. for the French's Forest and Dee Why police command, to conduct regular uniformed patrol of the reserves; and
 - c. for beat management training to be hosted for Dee Why police command and Pittwater and Warringah LGA employees.
82. The Deep Creek Reserve Safety Audit Report (Draft) (**Safety Audit Report**) confirms that an audit was conducted on 3 August 2006 of both Deep and Middle Creek Reserves by members of the Manly police command , Northern Beaches police command , a Safe Communities Officer from Warringah Council, a Community Development Officer from Pittwater Council and a member of the HIV and Sexual Health Promotion Unit (whose organisation is unknown, although it appears to me to be a local health agency). The Safety Audit Report observed that there were concerns about drug activity in the reserves, and notes that that the two reserves were known as beats.
83. The Safety Audit Report included observations as to the existing lighting in the car park and toilet block area, that there were few visitors to the reserves, that there were pockets of bushland and rocky outcrops that were particularly secluded with no lines of sight and little signage to assist users to find their way around the reserve. The Safety Audit Report recommended that signage be erected that promoted using the walking track and also the distances between points of interest on the track. It also recommended regular uniformed

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 Crime Prevention Command
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or high-visibility patrols by NSWPF. A copy of the Safety Audit Report is attached to my statement at **NPL.0100.0013.0560**.

84. The second meeting took place on 14 August 2006 and led to agreement of a number of partnership strategies in relation to the environmental and community safety management of these sites within the Dee Why police command .
85. The Service Partnership Agreement provided for biannual meetings for one year between the key partners to the agreement and for the review of agreement, which was to occur in March 2007 and October 2007.
86. Another example of an agreement entered into by NSWPF is the Sydney Harbour National Park Community Safety & Environmental Management of July 2007 (**Sydney Harbour Partnership Agreement**). Although unsigned, it set out a number of initiatives designed to deliver services within the Sydney Harbour National Park area within a harm-minimisation framework that promoted community safety. The Sydney Harbour Partnership Agreement observed that the National Park has functioned sub-culturally as a meeting place for men who have sex with men for approximately 80 to 100 years. It also noted that in May 2007 Harbourside police command received five complaints from the general public specifically relating to beat activity at Obelisk Beach and complaints in relation to harassment and property damage at Cobbler's Beach. As a consequence of receiving these complaints, a meeting was convened on 15 June 2007 at Harbourside police command. In attendance were representatives of Mosman LGA, the Member for North Shore, Northern Sydney Central Coast Area Health Service (**NSCCAHS**) and NSWPF. At the conclusion of the meeting, a number of partnership strategies were agreed to in relation to the environmental and community safety management of the Sydney Harbour National Park site which were captured in the Sydney Harbour Partnership Agreement.
87. Some of the objectives of the Agreement were:
- a. to establish and maintain an effective model of working collaboratively to deliver services within a harm-minimisation framework that promotes community safety

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 Manager
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(including for users of beats) and environmental management of the National Park;
 and

- b. to work in partnership to prevent harm associated with homophobia for beat users and ensure the safety of young people and families who use the recreational areas of the National Park.

88. A copy of the Sydney Harbour Partnership Agreement is attached at **NPL.0100.0013.0531**.

89. Another option available to police commands was to request specific training sessions on beats management. The training was usually led by area health staff with specific expertise in the health promotion aspects of beats usage. I note that I have not been able to locate a document which confirms whether this approach was adopted by NSWPF prior to the Taradale Inquest and Recommendation 12, however, I have been able to locate documents which suggest that three such training sessions were provided to Harbourside Command on 25 July 2007, 31 July 2007 and 1 August 2007 by NSCCAHS.

Whether the NSWPF's current practices are consistent with the recommendation

90. I consider that NSWPF's current practices are consistent with Recommendation 12.

91. The 2021 Handbook contains a directive that police commands be aware of the beats in their area and ensure that that an appropriate level of police response is provided. It also directs that crime prevention strategies should be employed to promote the safety of all users of the area.

92. The 2021 Handbook sets out an approach for policing beats of 'safety, prevention and disruption'. This approach is designed to prioritise the safety of all users of public spaces and prevent assaults and other serious crime from occurring at these locations, as well as to ensure that all users are treated with respect and dignity.

93. For example, in respect of minor offences such as wilful exposure, the suggested strategy to deter anti-social and inappropriate behaviour is a highly visible police presence, with

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[Redacted]

Elyse Wood
 Manager
 Crime Prevention Command
 14 June 2023

Signature:

[Redacted]

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priority being given to marked vehicles and uniformed police officers. In respect of more serious and/or ongoing offences such as assaults and theft from motor vehicles, it is observed that those complaints may require a more significant police response and Police Command may authorise covert operations in those circumstances.

94. The 2021 Handbook also contains advice to Commanders as to how they might consider their overall police response when managing beats. It observes that there are examples of good practice projects involving a partnership approach to managing beats, with the overall aim of harm reduction and safety. Further, where a partnership approach is considered, GLLOs should be consulted in the planning and implementation of strategies to manage beats; Region Sponsors, me as Corporate Sponsor and the Senior Policy & Projects Officer for the SGDI are also available to provide advice.

The results of any reviews or any other action undertaken by the NSWPF as a result of the recommendation (annexing documents as appropriate)

95. As noted above, at the time of the Taradale Inquest, the formal policy in relation to the policing of beats was as set out in the beats entry in the 1999 Handbook chapter. I have set out above at paragraphs 48 to 72 of Section B of this statement examples of the developments to the beats entry in the Handbook that have been made since the Taradale Inquest, including the approach to the policing of beats to minimise risk.

SECTION D. RECOMMENDATION 13

96. In order to respond to the questions regarding Recommendations 13 and 14, I first set out below a brief overview of the Beats Usage Reduction and Safety Improvement Project (**Project**) referred to in Recommendation 14.
97. In doing so, I have been shown a briefing on the Project dated on or about 1 December 2003 in response to a request from then Assistant Commissioner Goodwin for a full briefing on the Project (**2003 Project Briefing**), which was prepared by Mr Toolan. The 2003 Project Briefing is attached at **NPL.0100.0013.0494**. I note that this version of the 2003

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 Manager
 Crime Prevention Command
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Project Briefing attaches draft Standard Operating Procedures (**SOPs**), guidelines and a beats policy. It does not attach Tabs A (a draft training package) and C (case study scenarios) referred to in the 2003 Project Briefing itself.

Beats Usage Reduction and Safety Improvement Project

98. The Project originated in June 2003 when Assistant Commissioner Goodwin and the Gay and Lesbian Liaison Executive (**GLLE**) undertook to develop a comprehensive organisational response to policing beats, having identified that NSWPF's response to policing beats could be improved to meet the needs of the LGBTIQ+ community, increase NSWPF rapport with beat users and otherwise improve the overall response of NSWPF to the policing of beats. The Project aimed to deliver the following:

- a. a Beat Application Package for Managers/Coordinators on:
 - i. how to effectively and holistically apply effective policing strategies to public areas to discourage inappropriate behaviour and improve safety for users of the space;
 - ii. relevant legislation that either applies or can be used in responding to unlawful activities at beats; and
 - iii. how to identify and effectively consult with relevant stakeholders in relation to a particular beat.
- b. a Beat Training Package, that aimed to provide police officers with the necessary skills and understanding to provide an appropriate and effective policing response to offensive behaviour in public spaces; and
- c. a revised NSW Police Policy on Offensive Behaviour in Public, Guidelines for the Effective Policing of Beats and Standard Operating Procedures for the Effective Policing of Beats.

99. The external stakeholders for the Project included beat users, local councils, area health services, NSW government agencies and bodies representing members of the LGBTIQ+ community, including ACON and the Gay and Lesbian Rights Lobby. I observe that many

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of these stakeholders were also part of a government-led, interagency initiative called the BWG. The BWG was formed as a collaboration of agencies directly and indirectly dealing with a wide variety of issues associated with beats in New South Wales. The work of the BWG is set out in paragraphs 130 to 132 below.

100. A new beats policy, guidelines, SOPs, case study scenarios and a training package were developed (**Draft Documents**) in the course of the Project and drafts were tendered in the Taradale Inquest in September 2003 during the evidence of Mr Toolan.
101. I am aware that the Draft Documents underwent legal review in April 2004. I address the status of the Project and the Draft Documents following the Taradale Inquest in my answers in relation to Recommendation 13 below.

Whether and by what means (annexing any relevant document) NSWPF accepted and implemented the recommendation

Progress of the Project and draft SOPs 2003-2005

102. In preparing this aspect of my statement I have reviewed:
- a. the Response to the PIPC Request referred to above at paragraph 49; and
 - b. a response from Ms Braw dated 12 August 2008 to a request from the Minister for Policy for a briefing on the status of the implementation of Recommendations 11-14 (**Response to Minister**). A copy of the Response to Minister is attached to my statement at **NPL.0100.0013.0001**.
103. The Response to Minister observes that between 2003 to 2005, a significant amount of policy work was undertaken to support the development of draft guidelines and SOPs. I believe this to be a reference to the draft SOPs described in paragraph 98.c above that were described in the evidence of Mr Toolan in the Taradale Inquest on 10 September 2003, versions of which were tendered in that inquest and referenced by Deputy State Coroner Milledge in Recommendation 13 in March 2005.

Witness:

[Redacted]

Elyse Wood
 Manager
 Crime Prevention Command
 14 June 2023

Signature

[Redacted]

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104. The Response to Minister also observes that there were two rounds of consultation undertaken (both internal and external) by July 2005 in respect of the Draft Documents, including the SOPs, but the process ultimately did not result in a finalised set of documents for implementation. I have not been able to locate a document that explains why this was the case, although the Response to Minister observes that Mr Toolan passed away suddenly in November 2005 and the Project had remained inactive since that time.
105. However, from my review of NSWPF records when preparing this statement, I consider that the work of the Project, whilst no longer under the same title, continued in the 2008 review and update to the Beats chapter in the Handbook and release of the 2008 Guidelines.

Recommendation 13

106. In summary, as best as I can infer from the documents available to me, draft SOPs had been developed at the time of the hearing of evidence in the Taradale Inquest in late September 2003 and further policy work in developing those SOPs via the Project continued in 2003 through to 2004. Deputy State Coroner Milledge made Recommendation 13 in March 2005, and by mid-2005 the Draft Documents, including the SOPs, were undergoing internal and external consultation. It seems likely that there was no formal “acceptance” of Recommendation 13 given the process to formalise the SOPs was well underway by this point. However, it appears that the Draft Documents and the Project did not proceed further, perhaps following the death of Mr Toolan in November 2005, although I cannot be certain.
107. However, for the reasons set out in the following paragraphs, I consider that both the substance and the spirit of Recommendation 13 was implemented by NSWPF in 2008 in the form of the 2008 Guidelines referenced above at paragraph 51.
108. The 2008 Guidelines include the majority of the information and reflect the suggestions contained in the draft SOPs (as contained in the Draft Documents and prepared as part of the Project and tendered at the Taradale Inquest), albeit not word for word.

Witness:

[Redacted]

Elyse Wood
 Manager
 Crime Prevention Command
 14 June 2023

Signature:

[Redacted]

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109. I set out at **Attachment A** to this statement a side-by-side-comparison of the content of the 2003 draft SOPs to the corresponding sections of the 2008 Guidelines. I observe that the majority of the language used in the 2008 Guidelines is similar to the 2003 draft SOPs, in particular the language used to define a beat, the reasons why an area might be receiving police attention and the process for requesting or demanding information.
110. The 2008 Guidelines also go further than the draft SOPs, in the following respects:
- a. It directs that operational responses should be planned and conducted within the Guidelines. The Guidelines observe that the nature and level of police responses to beats will vary considerably depending on the seriousness of offences occurring at the location, the nature of the geographical location and complaints received about the use of the location as a beat and/or in relation to assaults, although I observe that the Guidelines do not discuss the varying levels of police response.
 - b. Local Area Commanders, Crime Managers and Crime Coordinators should consider the number and nature of complaints received in relation to a beat before making a decision to instigate a police response. This decision should reflect the competing priorities within a Command and a reasonable allocation of resources.
 - c. It confirms the preferred policing response to an area identified as a beat to be high visibility policing. This is primarily to deter anti-social and inappropriate behaviour and to promote a feeling of safety for users of the area. This is particularly important when considering the history of police responses to beats. It also confirms that informing officers of the reasons for using high visibility policing in the context of managing risks to members of the community as well as the risk of complaints in relation to police behaviour is important in supporting the effective management of beats.
 - d. It provides that when making an entry on COPS about an incident at a beat, officers should include as much information as possible about an event, including why a person was approached and a full account of what was said. Officers should be aware of using inappropriate or homophobic language. A COPS entry should record the facts as objectively as possible and not be seen to make judgements about any behaviour that

Witness:

[Redacted]

Elyse Wood
 Manager
 Crime Prevention Command
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Signature:

[Redacted]

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is not illegal in nature. For example, describing someone’s behaviour as “suspicious homosexual activity” is inappropriate and incorrect. The correct description would be “explicit sexual activity conducted in a public place” or similar wording to describe the activity and why it is not legal.

- e. It includes the Corporate Sponsor (then Spokesperson) of the Gay, Lesbian and Transgender Issues portfolio as an information source for NSWPF members.
111. The main difference between the draft SOPs from 2003 and the 2008 Guidelines is that the 2008 Guidelines incorporated a level of flexibility in operational responses, allowing a range of police responses to cover different policing contexts.
112. Use of the Guidelines were promoted in two ways:
- a. they were specially referred to as an information resource in the 2008 Handbook; and
 - b. they were made available to all NSWPF on the intranet site for Gay, Lesbian and Transgender Issues.

Whether the NSWPF’s current practices are consistent with the recommendations

113. As observed in paragraph 71 above, it appears that the Guidelines were in force from 2008 until the most recent update to the Handbook in 2021 where they are no longer referred to as an information resource. I have not been able to locate a document related to the 2021 review which sets out why the Guidelines were not referenced in the 2021 Handbook and why they were removed from the intranet. However, my understanding is that a deliberate decision was made to remove the 2008 Guidelines as a source of information for NSWPF members as it was considered that the content of the 2008 Guidelines was largely contained within the 2021 Handbook update.
114. In preparing this statement, I have reviewed both the 2008 Guidelines and the 2021 Handbook. In my view, some of the information contained in the 2008 Guidelines is now incorporated in the extensive 2021 Handbook beats entry, albeit not word for word, such that I believe that the intent of the 2008 Guidelines is clearly captured in the 2021 Handbook.

Witness:



Elyse Wood
 Manager
 Crime Prevention Command
 14 June 2023

Signature:



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115. For example, I consider that the intent of the sections in the 2008 Guidelines dealing with why an area is receiving policing, the use of high-visibility policing methods and the observations around the importance of professionalism of police has been incorporated into the 2021 Handbook.

116. I consider that other aspects of the 2008 Guidelines, such as the collection and storage of information in COPS, are now governed by usual police practice and other internal procedures such that it would not require separate articulation in a set of guidelines associated with a particular Handbook entry.

117. I consider that the main difference is that the focus of the 2021 Handbook is on the offence of sex in public places (in relation to all genders) in an effort to be more inclusive, rather than focusing on the activities of gay men as the 2008 Guidelines do.

The results of any reviews or any other action undertaken by the NSWPF as a result of the recommendation (annexing documents as appropriate).

118. As set out in paragraph 68 above, I have not been able to locate any document which suggests that the Guidelines were reviewed at any time between their introduction in 2008 and their eventual phase out in 2021.

SECTION E. RECOMMENDATION 14

Whether and by what means (annexing any relevant document) the NSWPF accepted and implemented the recommendation

119. As set out in my response to Recommendation 13 above, the Project does not appear to have progressed beyond mid-late 2005, and I have been unable to locate any documents confirming the reason for this.

120. However, it is my understanding that many initiatives intended to be delivered by the Project, continued, notwithstanding that the Project itself did not proceed further.

121. I have already explained above that the substance of the draft SOPs were encapsulated in the 2008 Guidelines. I also consider that the 2008 Guidelines, as well as

Witness:

[REDACTED]
 Elyse Wood
 Manager
 Crime Prevention Command
 14 June 2023

Signature:

[REDACTED]
 Anthony Cooke
 Assistant Commissioner
 Central Metropolitan Region
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encapsulating the draft SOPs, incorporated the spirit, and in many instances the precise wording from the draft 2003 “Guidelines for the Effective Policing of Beats” contained in the Draft Documents (**2003 Guidelines**).

122. I set out at **Attachment B** a side-by-side comparison of the content of the 2003 Guidelines to the 2008 Guidelines. I observe for example that:

- a. The definition of the term ‘beat’ is included word for word, save for it not including references to men ‘*hoping*’ to negotiate and/or engage in social or sexual contact ‘*of a homosexual nature*’ with other men.
- b. The introduction paragraph for Briefing Officers is identical.
- c. The section “*Why an area is receiving police attention?*” is copied word for word, save for the 2008 Guidelines not referring to facilitating a ‘*relationship*’ with beat users, but the 2008 Guidelines do note that a rapport with beat users may ‘*build trust and confidence in the local police*’.
- d. The section “*what is expected of tasked officers?*” includes a small but significant change: the 2008 Guidelines include a direction that ‘*officers should be supported to respond professionally at all times*’, rather than the 2003 wording that some ‘*officers may respond through adopting a level of professionalism lower than expected*’.
- e. the conclusion in the 2003 Guidelines is incorporated word for word in the 2008 Guidelines.

123. I also consider the 2008 Handbook update incorporated the vast majority of the wording from the “draft policy” contained in the Draft Documents. For example:

- a. The definition of the term ‘beat’ is included in the 2008 Handbook word for word, save for it not including references to men ‘*hoping*’ to negotiate and/or engage in social or sexual contact ‘*of a homosexual nature*’ with other men.
- b. How a beat is identified is incorporated, albeit not precisely word for word, in the 2008 Handbook, with the omission of the reference to “*the clandestine nature of beats*”.

Witness:

[REDACTED]
 Elyse Wood
 Manager
 Crime Prevention Command
 14 June 2023

Signature:

[REDACTED]
 Anthony Cooke
 Assistant Commissioner
 Central Metropolitan Region
 14 June 2023

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- c. The purpose of policing beats, albeit not precisely word for word, is included in the 2008 Handbook.
- d. The guidance as to minor offences including wilful exposure is included word for word in the 2008 Handbook, save for a slight rewording in the final sentence to read “*Where covert operations in relation to obscene exposure are required, they are not to be conducted without prior written approval from the Local Area Commander.*”
- e. The four key points that officers need to be advised of either verbally or through operational orders are included word for word in the 2008 Handbook, albeit under the section ‘More serious offences’ and with an introduction advising that the points apply to *all* offences in the 2008 Handbook.
- f. The direction in respect of police response to more serious offences is incorporated, albeit not precisely word for word.
124. I set out at **Attachment C** a side-by-side comparison of the content of the 2003 “draft policy” referred to the Draft Documents to the corresponding sections of the 2008 Handbook.
125. In preparing this statement I have not been able to locate copies of any documents that speak to the implementation of the remainder of the Project deliverables.

The results of any reviews or any other action undertaken by NSWPF as a result of the recommendation (annexing documents as appropriate).

126. As noted above, at the time of the Taradale Inquest, the formal policy in relation to the policing of beats was as set out in the beats entry in the 1999 Handbook. I have set out above at paragraphs 48 to 72 of Section B of this statement examples of the developments to the Handbook since the Taradale Inquest. Although I have not located any document which suggests that the initiatives undertaken by NSWPF were specifically in response to the making of Recommendation 14, I consider that the 2008 update to the Handbook and the 2008 Guidelines captured the spirit of the Recommendation, at least in part.

Witness:



Elyse Wood
 Manager
 Crime Prevention Command
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Signature:



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 Assistant Commissioner
 Central Metropolitan Region
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Whether NSWPF's current practices are consistent with the recommendation

127. As observed in paragraph 71 above, it appears that the 2008 Guidelines were in force from 2008 until the most recent update to the Beats chapter in the Handbook in 2021 where they are no longer referred to as an information resource. As I set out in paragraphs 113 to **Error! Reference source not found.** above, I have not been able to locate a document related to the 2021 review which sets out why the Guidelines were not referenced in the 2021 Handbook and why they were removed from the intranet, however I consider that aspects of the 2008 Guidelines have been incorporated into the 2021 Handbook, which is why perhaps, the 2008 Guidelines were no longer considered a necessary information source for members. I otherwise consider that the 2021 Handbook is a considered and appropriate response to the community, including the LGBTIQ+ community, which NSWPF serves.

128. Although I note above at paragraph 125 that I have not been able to locate any documents that speak directly to the implementation of the remainder of the Project deliverables, I observe that a training package in respect of the management of beats is delivered as part of the GLLO training program and has been since at least 2008. A copy of the most recent Beats Management training deck is attached to my statement at **NPL.0100.0001.0132**. GLLOs who receive this specialist training are then able to act as an information source in relation to beats for their fellow officers within their commands.

OTHER MATTERS

129. For completeness, I record below NSWPF's involvement in the BWG which was broadly related to the policing of beats.

Beats Working Group

130. The BWG was a government-led, interagency initiative that was comprised of representatives from the NSW Attorney General's Department, NSW Police, NSW Health, Inner City Legal Centre, City of Sydney, ACON Anti-Violence Project, Gay & Lesbian Rights Lobby, and other government agencies and local councils, which appears to have operated from some time prior to 2003 to approximately September 2009. The BWG was

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 Elyse Wood
 Manager
 Crime Prevention Command
 14 June 2023

Signature:

 Anthony Cooke
 Assistant Commissioner
 Central Metropolitan Region
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formed as a collaboration of agencies directly and indirectly dealing with a wide variety of issues associated with beats in New South Wales, such as issues relating to HIV and STI transmission, violence at beats, enforcement of offences of sexual activity in public places and destruction of vegetation and habitat.

131. I am unable to say why, but it appears the BWG stopped meeting in 2006 and was reconvened in 2007. A copy of the terms of reference for the reconvened group is attached to my statement at **NPL.0100.0013.0492**. The Group was chaired by ACON. NSWPF was represented on the BWG by Chief Superintendent Donna Adney, the Corporate Sponsor for Communities at the time, Mr Toolan, then Senior Program Officer for Gay, Lesbian and Transgender Issues and later by Ms Braw Senior Program Officer for the SGDI portfolio.

132. The BWG met consistently (at times on a monthly basis) across 2008 and 2009 with the goal of developing an information resource to distribute to beat users containing information about health and safety. NSWPF was involved in providing feedback and testing the resource, however I have not been able to locate any document which confirms that the resource was in fact published by the BWG.

133. In my view, the work undertaken, and improvements made, by the NSWPF from 1995 to present in relation to the policing of beats, as set out in this statement, demonstrates a clear and ongoing intent from NSWPF to collaborate with the LGBTIQ+ community to ensure their safety as members of the broader community which NSWPF serve. As Corporate Sponsor for the SGDI portfolio, it is my intention to ensure that NSWPF will continue to work closely with the LGBTIQ+ community through building relationships and facilitating dialogue between the NSWPF, its GLLOs, external stakeholders and community members so NSWPF continues to police in a way that is respectful and responsive of the needs of the community.

Witness:

[Redacted]

Elyse Wood
 Manager
 Crime Prevention Command
 14 June 2023

Signature:

[Redacted]

Anthony Cooke
 Assistant Commissioner
 Central Metropolitan Region
 14 June 2023

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Attachment A – Comparison of 2003 draft SOPs to Sections of the 2008 Guidelines

2003 Draft SOP	Sections of 2008 Guidelines
<p>Introduction The term 'beat' is used to describe a public location, such as a park, beach or public toilet, where men meet hoping to negotiate and/or engage in social or sexual contact with other men.</p>	<p>The term 'beat' is used to describe a public location such as a park, beach or public toilet where men meet to negotiate and/or engage in social or sexual contact with other men.</p>
<p>These SOPs are to be used in conjunction with current NSW Police Policy on Beats and the NSW Police Guidelines for the Effective Policing of Beats.</p>	<p><i>Not included</i></p>
<p>Pre-operation Briefing Before undertaking duties that will include policing a beat, officers should be briefed on the following:</p>	<p>Briefing Officers An effective briefing for officers prior to policing a beat will provide the requisite information necessary to execute effective beat policing strategies. Adequately briefed officers have the potential to improve relations with those people using an area identified as a beat whilst reducing the risk of allegations of misconduct or discrimination.</p>
<p>1. Why it is necessary for the area to be policed Reasons include:</p> <ul style="list-style-type: none"> • complaints from residents or locals; • assaults or other serious crimes have occurred at the location; • media interest in a particular location in relation to alleged offensive behaviour; • ongoing police monitoring of a known beat. 	<p>(1) Why an area is receiving police attention? Reasons could include:</p> <ul style="list-style-type: none"> • complaints from residents or locals • assaults or other serious crimes have occurred at the location • a media article on offensive behaviour at a particular location • ongoing police monitoring of a known beat.
<p>2. The purpose of the tasking Explaining the purpose of a tasking has a direct bearing on the role of officers when attending the area, ie. deterring offensive behaviour, gathering intelligence in the wake of assaults etc, and give officers a better idea of the type of policing response a situation requires.</p>	<p>(2) What is the purpose of policing an area? Explaining the purpose of a tasking has a direct bearing on the role of officers when attending the area. This may be to deter offensive behaviour and/or to gather intelligence in the wake of assaults reported in the area. Explaining the purpose of a tasking gives officers a better idea of the type of policing response a situation requires.</p>
<p>3. Any sensitivities surrounding the area that may impact on the activities of the officers.</p>	<p><i>Not included</i></p>
<p>When patrolling a beat, officers are advised to consider the following:</p>	<p><i>Not included</i></p>
<p>High Visibility Policing HVP is the preferred policing response to an area identified as a beat.</p>	<p>(4) High Visibility Policing (HVP) HVP is the preferred policing response to an area identified as a beat. This is primarily to deter anti-social and inappropriate behaviour and to promote a</p>

Witness

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 Manager
 Crime Prevention Command
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	<p>feeling of safety for users of the area. This is particularly important when considering the recent history of allegations of misconduct and unethical behaviour resulting in the first Commissioner’s Circular on responding to beats in 1995. Informing officers of the reasons for using HVP in the context of managing risks to members of the community as well as the risk of complaints in relation to police behaviour is important.</p>
<p>Professionalism Officers are also to be reminded of the level of professionalism expected in undertaking their duties as dictated by the NSW Police Code of Conduct and Ethics. Under no circumstances should officers use language that is, or could be considered, homophobic.</p>	<p>(1) Remain Professional The majority of complaints about police at beats are from men who are not committing an offence when approached by police. These men may be present in an area that is a known beat. Complaints cite police as being rude, harassing, accusatory and homophobic. Officers should be reminded of the Code of Conduct and Ethics when interacting with people at beats and remain professional at all times.</p>
<p>Approaching a Member of the Public When approaching a member of the public at a known beat, it is important to have legitimate reasons for doing so. Investigation of a crime, canvassing an area for witnesses, collecting intelligence or engaging members of the public in relation to personal safety messages are all examples of legitimate reasons for why an officer might engage with a member of the public at a beat.</p> <p>All members of the public have a general right to be present at public areas. A male person at a beat should only be approached if officers have a legitimate reason for doing so and not solely on the basis that the person is male and present at a known beat.</p>	<p>(2) Motivation For Approaching Someone A distinction should be made between “obscene exposure” and other behaviours that may be exhibited by men at a beat that do not amount to “obscene exposure”. Men who are sitting in a vehicle at a beat or talking to another beat user are not breaking the law. “Obscene exposure” occurs when a person “wilfully exposes his or her person” and this behaviour is against the law. It is not sufficient to suspect that a man at a beat is about to engage in this illegal behaviour.</p> <p>A person participating in “obscene exposure” should attract the legitimate attention of law enforcement.</p> <p>Contrast this with the following examples of legal behaviours at beats which should not attract police attention per se:</p> <ul style="list-style-type: none"> • simply being present at a beat • ‘picking someone up’ at a beat • two men kissing in a car at a beat. <p>When patrolling a beat officers should apply sensible criteria to decide whether to interact with someone. HVP is often enough to deter people from engaging in illegal behaviour. If the officer approaches a member of the public at a known beat it is important to have a legitimate reason for doing so.</p> <p>Investigation of a crime, canvassing members of the public generally about an issue or for witnesses,</p>

Witness:



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 Crime Prevention Command
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	<p>collecting intelligence or engaging members of the public in relation to personal safety messages are all examples of legitimate reasons for an officer to approach someone at a beat location.</p> <p>However, targeting someone simply because they are male and in an area that is a known beat is generally not a legitimate reason for approaching someone and questioning them about their reasons for being present. The presence of a male in an area known to be a beat alone does not constitute a crime nor should it necessarily warrant police attention. Officers should be reminded that all members of the public have a general right to be present in public areas.</p> <p>Where appropriate officers are still encouraged to speak to members of the public when patrolling an area or gathering intelligence.</p>
<p>Requesting or Demanding Identification Officers are entitled to speak to members of the public, and are generally entitled to ask questions or request information, as long as to do so would not transgress what is reasonable and thus constitute harassment. Note, however, that a member of the public is equally entitled to refuse a request for information or to provide identification. Officers are encouraged to speak to members of the public, however, should only request identification from persons at a beat where there is a legitimate reason for doing so and it is required in the course of undertaking legitimate police business.</p> <p>Where an officer demands information or identification, a legislative foundation for doing so must exist.</p>	<p>(3) Requesting or Demanding Information Officers are entitled to speak to members of the public, ask questions or request information provided this questioning does not transgress what is reasonable and thus constitute harassment. Note however that a member of the public is equally entitled to refuse a request for information or refuse to provide identification. Officers should only request identification from a person if there is a legitimate reason for doing so and it is required in the course of undertaking legitimate police business. When an officer demands information or identification, a legislative foundation for doing so must exist.</p>
<p>Collection and Storage of Information Officers should refer to the current relevant NSW Police policies and user guides on the collection and storage of information when entering intelligence reports or events into COPS. It is important that officers do not collect information in a manner that is unethical, or inappropriate. Under no circumstances should information such as people’s names and addresses or vehicle registration plates be entered into COPS</p>	<p>(4) Collection and Storage of Information It is important that information that is collected in the course of law enforcement duties is done so in a manner that is ethical and appropriate. Please refer to the relevant current NSW Police Force policies in relation to the collection and storage of information when entering intelligence reports or events on COPS. Under no circumstances should information such as someone’s name and address or vehicle registration be recorded on COPS solely on the basis that the person was present at a beat. The following</p>

Witness:



Elyse Wood
 Manager
 Crime Prevention Command
 14 June 2023

Signature:



Anthony Cooke
 Assistant Commissioner
 Central Metropolitan Region
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<p>purely on the basis that a person was at an area that is also a beat.</p> <p>When making a COPS entry about an incident at a beat, officers should include as much information as possible about an event, including why a person was approached and an account of what was said.</p> <p>When making a COPS entry, officers should beware of using inappropriate or homophobic language. A COPS entry should record the facts as objectively as possible and not be seen to make judgments about any behaviour that is not illegal in nature. The use of such language may not be consistent with NSWP policy.</p>	<p>are examples of the inappropriate collection and storage of information in beat situations:</p> <ul style="list-style-type: none"> • approaching a man at a park when he is not committing an offence and requesting his particulars. Further recording this information on COPS as an intelligence report would also be inappropriate • recording the registration plates of vehicles that are present at a known beat and recording this information on COPS. (This is also inconsistent with intelligence-led policing because the intention of the drivers of the cars is not known.) <p>However, it is important that officers do record information that is relevant to their tasks and that may be of interest to the Local Area Command.</p> <p>When making an entry on COPS about an incident at a beat officers should include as much information as possible about an event, including why a person was approached and a full account of what was said. Officers should be aware of using inappropriate or homophobic language. A COPS entry should record the facts as objectively as possible and not be seen to make judgements about any behaviour that is not illegal in nature. For example, describing someone's behaviour as "suspicious homosexual activity" is inappropriate and incorrect. The correct description would be "explicit sexual activity conducted in a public place" or similar wording to describe the activity and why it is not legal.</p>
<p>Gay and Lesbian Liaison Officers and Corporate Support Officers can contact the following for advice about beats:</p> <p>(a) the Senior Programs Officer (Gay, Lesbian and Transgender Issues), Operational Policy and Programs, [REDACTED]</p> <p>(b) a Gay and Lesbian Liaison Officer at the nearest LAC.</p>	<p>NSW Police Force Gay and Lesbian Liaison Officers and Corporate Support Support structures exist within the NSW Police Force to ensure that officers can seek advice on gay, lesbian and transgender issues where they are not clear on appropriate procedures or behaviour: (1) over 100 police Gay and Lesbian Liaison Officers (GLLOs) located across NSW (contact list is available on the Intranet > Knowledge Maps > Gay, Lesbian & Transgender Issues) (2) the Senior Programs Officer (Gay, Lesbian and Transgender Issues), Policy and Programs, [REDACTED] (3) the Corporate Spokesperson (Gay, Lesbian and Transgender Issues), Commander Surry Hills LAC – [REDACTED]</p>
<p>Related documents</p>	<p>Related documents</p>

Witness [REDACTED]
 Elyse Wood
 Manager
 Crime Prevention Command
 14 June 2023

Signature: [REDACTED]
 Anthony Cooke
 Assistant Commissioner
 Central Metropolitan Region
 14 June 2023

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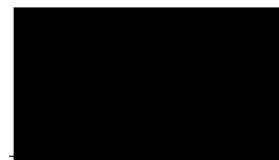
NSW Police Code of Conduct and Ethics NSW Police Policy on Beats NSW Police Guidelines for the Effective Policing of Beats NSW Police Policy Statement on Gay and Lesbian Issues	NSW Police Force Policy on Beats NSW Police Force Code of Conduct and Ethics NSW Police Policy Statement on Gay and Lesbian Issues (currently under revision) Strategic Framework 2007-2012 Working Together: Preventing violence against gay, lesbian, bisexual and transgender people
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Witness:



Elyse Wood
Manager
Crime Prevention Command
14 June 2023

Signature:



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Assistant Commissioner
Central Metropolitan Region
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Attachment B – Comparison of 2003 draft guidelines to 2008 Guidelines

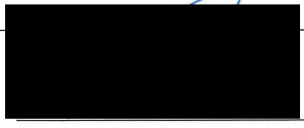
2003 Draft Guidelines	2008 Guidelines
<p>The term 'beat' is used to describe a public location, such as a park, beach or public area, where men meet hoping to negotiate and/or engage in social or sexual contact of a homosexual nature with other men. As policing beats can be a sensitive issue, both politically and at the individual level, it is important that officers are equipped with the necessary skills to police beats effectively and appropriately. It is recommended that Crime Managers and/or Crime Coordinators use the following information as a guide for preparing officers to effectively police beats.</p>	<p>The term 'beat' is used to describe a public location such as a park, beach or public toilet where men meet to negotiate and/or engage in social or sexual contact with other men. As policing beats can be a sensitive issue, both politically and at the individual level, it is important that officers are equipped with the necessary skills to police beats effectively and appropriately. It is recommended that Crime Managers and/or Crime Coordinators use the following information as a guide for preparing officers to effectively police beats.</p> <p>These guidelines are to be used in conjunction with current NSW Police Force policy on Beats contained in the Police Handbook: Chapter B (Policy & Procedures > Operational Policies > NSW Police Force Handbook > Chapter B > 'Beats').</p> <p>Operational responses should be planned and conducted within these guidelines. The nature and level of police responses to beats will vary considerably depending on the seriousness of offences occurring at the location, the nature of the geographical location and complaints received about the use of the location as a beat and/or in relation to assaults.</p> <p>Local Area Commanders, Crime Managers and Crime Coordinators should consider the number and nature of complaints received in relation to a beat before making a decision to instigate a police response. This decision should reflect the competing priorities within a Command and a reasonable allocation of resources.</p>
<p>Briefing Officers An effective briefing for officers prior to policing a beat will provide the requisite information necessary to execute effective beat policing strategies. Adequately briefed officers have the potential to improve relations with those people using an area identified as a beat whilst reducing the risk of allegations of misconduct or discrimination. When briefing officers on policing a beat, it is recommended that the</p>	<p>Briefing Officers An effective briefing for officers prior to policing a beat will provide the requisite information necessary to execute effective beat policing strategies. Adequately briefed officers have the potential to improve relations with those people using an area identified as a beat whilst reducing the risk of allegations of misconduct or discrimination. When briefing officers on policing a beat it is recommended that the following be included:</p>

Witness:



Elyse Wood
 Manager
 Crime Prevention Command
 14 June 2023

Signature:



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 Assistant Commissioner
 Central Metropolitan Region
 14 June 2023

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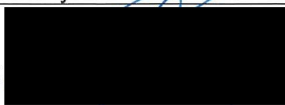
<p>following be included:</p>	
<p>(1) WHY AN AREA IS RECEIVING POLICE ATTENTION? Reasons could include;</p> <ul style="list-style-type: none"> • complaints from residents or locals; • assaults or other serious crimes have occurred at the location; • a media article on offensive behaviour at a particular location; • ongoing police monitoring of a known beat. <p>Informing officers of the reasons for policing a venue will give them a better understanding of their role and the environment within which their actions will be viewed by members of the public.</p> <ul style="list-style-type: none"> • For example, where an officer encounters men using a beat for appropriate social contact and the officer has been briefed about assaults in the area, the officer can discuss issues of personal safety with the men. This situation may facilitate a relationship and rapport with beat users and has previously lead to intelligence on perpetrators of assaults and other crimes. 	<p>(1) Why an area is receiving police attention? Reasons could include:</p> <ul style="list-style-type: none"> • complaints from residents or locals • assaults or other serious crimes have occurred at the location • a media article on offensive behaviour at a particular location • ongoing police monitoring of a known beat. <p>Informing officers of the reasons for policing a venue will give them a better understanding of their role and the environment within which their actions will be viewed by members of the public.</p> <p>For example, where an officer encounters men using a beat for appropriate social contact and the officer has been briefed about assaults in the area the officer can discuss issues of personal safety with the men. This situation may facilitate the development of rapport with beat users, building trust and confidence in the local police. It may lead to intelligence on perpetrators of assaults and other crimes in the area.</p>
<p>(2) WHAT IS THE PURPOSE OF POLICING AN AREA? Explaining the purpose of a tasking has a direct bearing on the role of officers when attending the area, ie. deterring offensive behaviour, gathering intelligence in the wake of assaults etc, and give officers a better idea of the type of policing response a situation requires.</p> <ul style="list-style-type: none"> • For example, if an area is being policed as a result of complaints about offensive behaviour then, in line with the NSW Police Beats policy, the goal of policing is general deterrence and so High Visibility Policing is the preferred policing response. 	<p>(2) What is the purpose of policing an area? Explaining the purpose of a tasking has a direct bearing on the role of officers when attending the area. This may be to deter offensive behaviour and/or to gather intelligence in the wake of assaults reported in the area. Explaining the purpose of a tasking gives officers a better idea of the type of policing response a situation requires.</p> <p>For example, if an area is being policed as a result of complaints about offensive behaviour, the NSW Police Force policy on Beats suggests the goal of policing is general deterrence and so High Visibility Policing is the preferred policing response.</p> <p>Further, explaining the reasons for policing an area may have the added effect of increased officer confidence in undertaking certain tasks and/or procedures, particularly in relation to sensitive</p>

Witness:



Elyse Wood
Manager
Crime Prevention Command
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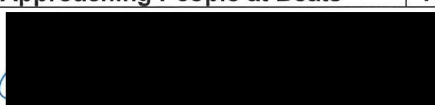
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<p>Further, explaining the reasons for policing an area may have the added effect of increased officer confidence in undertaking certain tasks and/or procedures, particularly in relation to sensitive issues, as they are endorsed and supported by their Local Area Commander or Crime Manager.</p>	<p>issues. The officer can state that their response has been endorsed and supported by their Local Area Commander or Crime Manager.</p>
<p>(3)WHAT IS EXPECTED OF TASKED OFFICERS?</p> <p>It is important that officers are aware of the level of professionalism that is expected of them, particularly when responding to a known beat. Previous allegations of misconduct and unethical behaviour resulted in the first Commissioner’s Circular on responding to beats in 1995. The subject of beats can elicit negative emotional responses and some officers respond through adopting a level of professionalism lower than expected.</p> <p>Where it is considered necessary, tasked officers should be reminded of the standards of professionalism expected by the organisation, as stated in the NSW Police Code of Conduct and Ethics, and that this standard remains regardless of the subject matter of work being undertaken.</p> <p>Every situation will be different and the appropriate policing response will vary according to the individual situation, however, it is important to stress that NSW Police has mandated levels of professionalism to be adhered to.</p>	<p>(3) What is expected of tasked officers?</p> <p>It is important that officers are aware of the level of professionalism that is expected of them, particularly when responding to a known beat. Previous allegations of misconduct and unethical behaviour resulted in the first Commissioner’s Circular on responding to beats in 1995. The subject of beats can elicit negative emotional responses and officers should be supported to respond professionally at all times.</p> <p>Where it is considered necessary tasked officers should be reminded of the NSW Police Force Code of Conduct and Ethics. Standards quoted in this document are relevant regardless of the subject matter of work being undertaken.</p> <p>Every situation will be different and the appropriate policing response will vary according to the individual situation. That said it is important to stress that the NSW Police Force has mandated levels of professionalism to be adhered to.</p>
<p><i>Not included</i></p>	<p>(4) High Visibility Policing (HVP)</p> <p>HVP is the preferred policing response to an area identified as a beat. This is primarily to deter anti-social and inappropriate behaviour and to promote a feeling of safety for users of the area. This is particularly important when considering the recent history of allegations of misconduct and unethical behaviour resulting in the first Commissioner’s Circular on responding to beats in 1995. Informing officers of the reasons for using HVP in the context of managing risks to members of the community as well as the risk of complaints in relation to police behaviour is important.</p>
<p>Tips for Approaching People at Beats</p>	<p>Tips for Approaching People at Beats</p>

Witness: 
 Elyse Wood
 Manager
 Crime Prevention Command
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Signature: 
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<p>Following are some suggested tips for officers policing beats that could be given in the briefing stage:</p>	<p>Following are some suggested tips for officers policing beats that could be given in the briefing stage:</p>
<p>(1) Remain Professional The majority of complaints about police at beats are from men who, whilst present at an area that is a known beat, are not committing an offence when approached by police. Complaints cite police as being rude, harassing, accusatory and homophobic. Officers should be reminded of the Code of Conduct and Ethics when interacting with people at beats and remain professional at all times.</p>	<p>(1) Remain Professional The majority of complaints about police at beats are from men who are not committing an offence when approached by police. These men may be present in an area that is a known beat. Complaints cite police as being rude, harassing, accusatory and homophobic. Officers should be reminded of the Code of Conduct and Ethics when interacting with people at beats and remain professional at all times.</p>
<p>(2) Motivation For Approaching Someone Distinction must be made between “obscene exposure” and all other behaviour that may be exhibited by men at a beat, such as simply being present, or talking to another beat user. “Obscene exposure” occurs when a person “wilfully exposes his or her person” and is against the law. A person participating in obscene exposure would attract the legitimate attention of law enforcement. However, simply being at a beat, picking someone up at a beat or two men kissing in a car at a beat is completely lawful behaviour and should not provoke police attention per se.</p> <p>When patrolling a beat, officers should apply sensible criteria when deciding whether to interact with someone. High Visibility Policing is often enough to deter people from engaging in illegal behaviour. Unless canvassing members of the public generally about an issue, targeting someone simply because they are male and at an area that is a known beat is generally not basis enough for approaching someone and questioning them as to their reasons for being present. Even where a male is present because the area is a beat, his presence alone does not constitute a crime nor should it necessarily warrant police attention. However, where appropriate, officers are still encouraged to speak to members of the public when patrolling an area or gathering intelligence.</p>	<p>(2) Motivation For Approaching Someone A distinction should be made between “obscene exposure” and other behaviours that may be exhibited by men at a beat that do not amount to “obscene exposure”. Men who are sitting in a vehicle at a beat or talking to another beat user are not breaking the law. “Obscene exposure” occurs when a person “wilfully exposes his or her person” and this behaviour is against the law. It is not sufficient to suspect that a man at a beat is about to engage in this illegal behaviour.</p> <p>A person participating in “obscene exposure” should attract the legitimate attention of law enforcement.</p> <p>Contrast this with the following examples of legal behaviours at beats which should not attract police attention per se:</p> <ul style="list-style-type: none"> • simply being present at a beat • ‘picking someone up’ at a beat • two men kissing in a car at a beat. <p>When patrolling a beat officers should apply sensible criteria to decide whether to interact with someone. HVP is often enough to deter people from engaging in illegal behaviour. If the officer approaches a member of the public at a known beat it is important to have a legitimate reason for doing so.</p> <p>Investigation of a crime, canvassing members of the public generally about an issue or for witnesses, collecting intelligence or engaging members of the public in relation to personal safety messages are all examples of legitimate reasons for an officer to approach someone at a beat location.</p>

Witness:



Elyse Wood
 Manager
 Crime Prevention Command
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Signature:



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 Assistant Commissioner
 Central Metropolitan Region
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	<p>However, targeting someone simply because they are male and in an area that is a known beat is generally not a legitimate reason for approaching someone and questioning them about their reasons for being present. The presence of a male in an area known to be a beat alone does not constitute a crime nor should it necessarily warrant police attention. Officers should be reminded that all members of the public have a general right to be present in public areas.</p> <p>Where appropriate officers are still encouraged to speak to members of the public when patrolling an area or gathering intelligence.</p>
<p>(3) Use Appropriate Language When speaking to members of the public, it is important to use appropriate language. Where advising members of the public about possible incidents of obscene exposure it is preferable to state that there have been incidents of offensive behaviour in the area, without attributing it to a specific social group. Whether the offensive behaviour is committed by heterosexuals or homosexuals is irrelevant.</p> <p>Comments should be confined to the crime itself (offensive behaviour), rather than the participants (who may be gay, bisexual, married with kids, heterosexual etc). The main purpose is to warn members of the public about inappropriate behaviour, which should be done without -potentially contributing to anti-homosexual sentiment.</p>	<p>(3) Requesting or Demanding Information Officers are entitled to speak to members of the public, ask questions or request information provided this questioning does not transgress what is reasonable and thus constitute harassment. Note however that a member of the public is equally entitled to refuse a request for information or refuse to provide identification.</p> <p>Officers should only request identification from a person if there is a legitimate reason for doing so and it is required in the course of undertaking legitimate police business. When an officer demands information or identification, a legislative foundation for doing so must exist.</p> <p>Use appropriate language when speaking to members of the public. When advising members of the public about possible incidents of “obscene exposure” it is preferable to state that there have been incidents of offensive behaviour in the area without attributing it to a specific social group. It is not relevant to say the offensive behaviour is committed by heterosexuals or homosexuals. This could be interpreted as inappropriate and an example of police targeting and harassing a particular group within the community.</p> <p>Comments should be confined to the crime itself (offensive behaviour), rather than the participants (who may be homosexual, bisexual or heterosexual). The main purpose is to warn members of the public about inappropriate behaviour which can be</p>

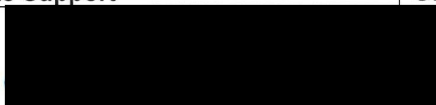
Witness: 
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	<p>achieved without contributing towards anti-homosexual sentiment.</p>
<p>Collection and Storage of Information It is important that information that is collected in the course of law enforcement duties is done so in a manner that is ethical and appropriate. Please refer to the relevant NSW Police policy in relation to the collection and storage of information. The following are examples of the inappropriate collection and storage of information in beat situations;</p> <ul style="list-style-type: none"> • approaching a man at a park when he is not committing an offence and requesting his particulars. Further recording this information in COPS as an intelligence report would also be inappropriate; • recording the registration plates of vehicles that are present at a known gay beat, and recording this information on COPS. This is also inconsistent with intelligence-led policing when the intention of the drivers of the cars is not known. <p>However, it is important that officers do record information that is relevant to their tasks and that may be of interest to the local area command.</p>	<p>(4) Collection and Storage of Information It is important that information that is collected in the course of law enforcement duties is done so in a manner that is ethical and appropriate. Please refer to the relevant current NSW Police Force policies in relation to the collection and storage of information when entering intelligence reports or events on COPS.</p> <p>Under no circumstances should information such as someone’s name and address or vehicle registration be recorded on COPS solely on the basis that the person was present at a beat. The following are examples of the inappropriate collection and storage of information in beat situations:</p> <ul style="list-style-type: none"> • approaching a man at a park when he is not committing an offence and requesting his particulars. Further recording this information on COPS as an intelligence report would also be inappropriate • recording the registration plates of vehicles that are present at a known beat and recording this information on COPS. (This is also inconsistent with intelligence-led policing because the intention of the drivers of the cars is not known.) <p>However, it is important that officers do record information that is relevant to their tasks and that may be of interest to the Local Area Command. When making an entry on COPS about an incident at a beat officers should include as much information as possible about an event, including why a person was approached and a full account of what was said. Officers should be aware of using inappropriate or homophobic language. A COPS entry should record the facts as objectively as possible and not be seen to make judgements about any behaviour that is not illegal in nature. For example, describing someone’s behaviour as “suspicious homosexual activity” is inappropriate and incorrect. The correct description would be “explicit sexual activity conducted in a public place” or similar wording to describe the activity and why it is not legal.</p>
<p>Gay and Lesbian Liaison Officers and Corporate Support</p>	<p>NSW Police Force Gay and Lesbian Liaison Officers and Corporate Support</p>

Witness:



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<p>Support structures exist within NSW Police to ensure that officers can seek advice on • gay, lesbian and transgender issues where they are not clear on appropriate procedures or behaviour:</p> <p>(a) the Senior Programs Officer (Gay, Lesbian and Transgender Issues), Operational Policy and Programs, [REDACTED]</p> <p>(b) the fulltime Gay and Lesbian Liaison Officer at Surry Hills LAC - [REDACTED]</p>	<p>Support structures exist within the NSW Police Force to ensure that officers can seek advice on gay, lesbian and transgender issues where they are not clear on appropriate procedures or behaviour: (1) over 100 police Gay and Lesbian Liaison Officers (GLLOs) located across NSW (contact list is available on the Intranet > Knowledge Maps > Gay, Lesbian & Transgender Issues)</p> <p>(2) the Senior Programs Officer (Gay, Lesbian and Transgender Issues), Policy and Programs, [REDACTED]</p> <p>(3) the Corporate Spokesperson (Gay, Lesbian and Transgender Issues) Commander Surry Hills LAC – [REDACTED]</p>
<p>Conclusion</p> <p>The majority of problems experienced by police at beats relate to officers being discourteous and rude. Often this results in the deterioration of relations with the public as no charges are laid, but a complaint is made against an officer(s) and managerial intention may result. By maintaining levels of professionalism and courtesy when policing beats, many of these problems can be averted. Further, a professional approach by police will often lead to, better relations with members of the community and community groups that can advantageously impact on policing an area.</p>	<p>Conclusion</p> <p>The majority of problems experienced by police at beats relate to officers being discourteous and rude. Often this results in the deterioration of relations with the public as no charges are laid but a complaint is made against an officer(s) and managerial intervention may result. By maintaining levels of professionalism and courtesy when policing beats many of these problems can be averted. Further, a professional approach by police will often lead to better relations with members of the community and community groups that can advantageously impact on policing an area.</p>
<p>Related Documents</p> <p>NSW Police Code of Conduct and Ethics NSW Police Guidelines for the Effective Policing of Beats NSW Police Standard Operating Procedures for Policing Beats NSW Police Policy Statement on Gay and Lesbian Issues</p>	<p>Related Documents</p> <p>NSW Police Force Policy on Beats NSW Police Force Code of Conduct and Ethics NSW Police Policy Statement on Gay and Lesbian Issues (currently under revision) Strategic Framework 2007-2012 Working Together: Preventing violence against gay, lesbian, bisexual and transgender people</p>

Witness: [REDACTED]

Elyse Wood
 Manager
 Crime Prevention Command
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Signature: [REDACTED]

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Attachment C – Comparison of 2003 draft policy to 2008 Handbook

2003 Draft Policy	2008 Handbook
<p>Definition The term 'beat' is used to describe a public location, such as a park, beach or public toilet, where men meet hoping to negotiate and/or engage in social or sexual contact of a homosexual nature with other men.</p>	<p>The term 'beat' is used to describe a public location such as a park, beach or public toilet where men meet to negotiate and/or engage in social or sexual contact with other men. Men using beats do not necessarily identify as homosexual. Available research and descriptive evidence suggests that many beat users identify as bisexual or heterosexual despite the homosexual nature of their activities.</p>
<p>How is a Beat Identified? The nature of beats, that they are public areas where a range of activities can be undertaken, means that often it will be difficult to identify that the area is also a beat. In addition, that beat users attempt to be discreet whilst at a beat, avoiding unwarranted attention from those using the area for more traditional purposes, also contributes to the clandestine nature of beats. Beats are often identified by members of the public, or members of certain occupations, such as security guards, who then contact police to report the matter.</p>	<p>How is a Beat Identified? Beats are public areas where a range of activities are undertaken. It is often difficult to identify whether an area is a beat. In addition, beat users tend to be discreet whilst at a beat to avoid unwarranted attention from those using the area for more traditional purposes. Beats are often identified by members of the public or members of certain occupations such as security guards and rangers who then contact police to report the matter.</p>
<p>Purpose of Policing Beats A range of illegal activity is committed at beats. Crimes range in seriousness from wilful exposure and theft from motor vehicle through to homophobic assault and murder, robbery and drug possession and/or supply. seriousness of the activity being policed should dictate the response.</p>	<p>Purpose of Policing Beats A range of illegal activity occurs at beats. Crimes range in seriousness from wilful exposure and theft from motor vehicle through to homophobic assault and murder, robbery and drug possession and/or supply. The seriousness of the activity being policed should dictate the response.</p> <p>Local Area Commanders Be aware of beats in your area; ensure an appropriate level of police response is provided. Crime prevention strategies should be employed to promote safety for all users of the area.</p> <p>Crime Managers and Crime Coordinators Consider the number and nature of complaints received in relation to a beat before making a decision to instigate a police response.</p> <p>Guidelines for the Effective Policing of Beats can be obtained from the Gay, Lesbian and Transgender Issues intranet site > Knowledge Maps > Gay, Lesbian & Transgender Issues > 'Beats'</p>

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	<p>These can be used to guide operational responses which will vary considerably depending on the seriousness of offences occurring at the location, the nature of the geographical location and complaints received about the use of the location as a beat and/or in relation to assaults in the area.</p>
<p>Minor Offences Including Wilful Exposure For minor crimes, such as wilful exposure, the aim of policing beats is the deterrence of anti-social and inappropriate behaviour. Crime prevention through High Visibility Policing is the preferred policing strategy. Consequently, priority should be given to using marked vehicles and uniformed officers when patrolling beats.</p>	<p>Minor offences including wilful exposure For minor crimes such as wilful exposure the aim of policing beats is the deterrence of antisocial and inappropriate behaviour. Crime prevention through High Visibility Policing is the preferred policing strategy. Consequently, priority should be given to using marked vehicles and uniformed officers when patrolling beats</p>
<p>It is not recommended that plain clothes officers and covert operations be used in relation to investigating complaints of obscene exposure. Where covert operations in relation to obscene exposure are required, they are not to be conducted without prior written approval from the Local Area Commander.</p>	<p><i>(appears under More serious offences section)</i> It is not recommended that plain clothes officers and covert operations be used in relation to investigating complaints of obscene exposure. Where covert operations in relation to obscene exposure are required, they are not to be conducted without prior written approval from the Local Area Commander.</p>
<p>Regardless of the policing response to a beat, officers must be advised, either verbally or through operational orders, of the following:</p> <ul style="list-style-type: none"> • they are not to incite or encourage unlawful conduct or behaviour; • evidence obtained via entrapment/agent provocateur may be excluded by the courts and so these strategies are not to be employed; • due to the sensitive nature of policing beats, the integrity of officers' conduct is paramount; • homophobic language or behaviour is not to be used. 	<p>In response to all offences officers must be advised, either verbally or through operational orders, of the following:</p> <ul style="list-style-type: none"> • they are not to incite or encourage unlawful conduct or behaviours • evidence obtained via entrapment/agent provocateur may be excluded by the courts and so these strategies are not to be employed • due to the sensitive nature of policing beats the integrity of officers' conduct is paramount • homophobic language or behaviour is not to be used.
<p>More Serious Offences More serious and/or ongoing offences, such as assaults and theft from motor vehicle, may require a more sophisticated policing response then High Visibility Policing. Where this is the case, the Local Area Commander may authorise a covert operation. Where a covert operation involves gay, lesbian or transgender issues, such as homophobic assaults, the Senior Programs Officer (Gay,</p>	<p>More serious offences More serious and/or ongoing offences such as assaults and theft from motor vehicle may require a more significant policing response. If this is the case the Local Area Commander may authorise a covert operation. Where a covert operation involves gay, lesbian or transgender issues, such as homophobic assaults, the Senior Programs Officer (Gay, Lesbian and Transgender Issues), Policy and Programs, is</p>

Witness:

[Redacted Signature]

Elyse Wood
 Manager
 Crime Prevention Command
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Signature:

[Redacted Signature]

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Lesbian and Transgender Issues), Crime Management Faculty, is available to give advice and can be contacted on [REDACTED]	available to provide advice and can be contacted on [REDACTED]
Related Documents <i>NSW Police Code of Conduct and Ethics</i> <i>NSW Police Guidelines for the Effective Policing of Beats</i> <i>NSW Police Standard Operating Procedures for Policing Beats</i> <i>NSW Police Policy Statement on Gay and Lesbian Issues</i>	Not included

Witness:

[REDACTED]

Elyse Wood
 Manager
 Crime Prevention Command
 14 June 2023

Signature:

[REDACTED]

Anthony Cooke
 Assistant Commissioner
 Central Metropolitan Region
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