

## GUIDELINES FOR THE EFFECTIVE POLICING OF BEATS

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.

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'*).

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.

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.

### **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:

#### **(1) Why an area is receiving police attention?**

Reasons could include:

- 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.

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.

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.

**(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.

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.

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. The officer can state that their response has been endorsed and supported by their Local Area Commander or Crime Manager.

**(3) What is expected of tasked officers?**

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.

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.

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.

**(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 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.

**Tips for Approaching People at Beats**

Following are some suggested tips for officers policing beats that could be given in the briefing stage:

**(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.

**(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.

A person participating in “obscene exposure” should attract the legitimate attention of law enforcement.

Contrast this with the following examples of **legal** behaviours at beats which should **not** attract police attention per se:

- simply being present at a beat
- ‘picking someone up’ at a beat
- two men kissing in a car at a beat.

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.

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.

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.

Where appropriate officers are still encouraged to speak to members of the public when patrolling an area or gathering intelligence.

**(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.

**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.

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 achieved without contributing towards anti-homosexual sentiment.

#### (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 are examples of the **inappropriate** collection and storage of information in beat situations:

- 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.)

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.

### **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]

### **Conclusion**

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.

### **Related Documents**

*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*