

Sex in Public Places

(Chapter formerly named 'Beats' - reviewed and updated 14 December 2016 [D/2016/675891])

Sex in public places on a consensual basis is not a common occurrence, however may involve members of the opposite sex or members of the same sex.

In Australia, the term 'beat' is sometimes 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 suggest that many beat users identify as bisexual or heterosexual despite the homosexual nature of their activities.

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. Reasons for this contact often relate to litter, noise or movement of people and vehicles in the area.

Purpose of Policing Beats

Historically, beats have been scenes of crime ranging in seriousness from wilful exposure and theft from motor vehicles through to homophobic assault and murder, robbery and drug possession and/or supply. The seriousness of the activity being policed should dictate the response. However, at all times an overriding mission for policing of beats should be to ensure public safety and security. 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 crime.

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.

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.

Guidelines for the Effective Policing of Beats

(http://intranet.police.nsw.gov.au/strategy_and_knowledge_maps/gay_lesbian_bisexual_transgender_intersex_issues/sexual_preference_prejudice) can be obtained from the Sexuality, Gender Diversity and Intersex intranet site under Policing & LGBTI Communities.

This information 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.

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.

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.

More serious offences

More serious and/or ongoing offences such as assaults and theft from motor vehicles 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 relevant issues, such as homophobic assaults, the Senior Programs Officer (Sexuality, Gender Diversity and Intersex), Operational Programs, is available to provide advice and can be contacted on [REDACTED]

In response to all offences officers must be advised, either verbally or through operational orders, of the following:

- they are not to incite or encourage unlawful conduct or behaviours
- due to the sensitive nature of policing beats the integrity of officers' conduct is paramount
- homophobic language or behaviour will not be tolerated under any circumstances.

Increased reporting of crimes

Professional effective policing of beats may lead to an increase in reporting of crimes including violent crimes in these locations and the subsequent apprehension of otherwise undetected assailants.

Partnership approach

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.

GLLOs (Gay and Lesbian or LGBTI Liaison Officers)

Where available, GLLOs should be consulted in the planning and implementation of strategies to manage beats, especially where relevant issues are involved such as homophobic assaults and/or a partnership approach is being considered. The Senior Programs Officer (Sexuality, Gender Diversity and Intersex), Operational Programs, is also available to provide advice and suggest examples of good practice.

The Sexuality, Gender Diversity and Intersex intranet site (http://intranet.police.nsw.gov.au/strategy_and_knowledge_maps/gay_lesbian_bisexual_transgender_intersex_issues) should also be consulted.

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