

# Attachment A: Consorting Statistics

9 April 2012 – 15 September 2015

## Introduction:

The recording of information on consorting warnings has evolved since the new consorting legislation commenced on 9 April 2012. Between then and now (15 September 2015), there have been three distinct periods of recording within COPS, making reporting and comparisons across this time period difficult<sup>i</sup>. The explanatory notes contained in the footnotes at the end of this report document these. In short, consorting information recorded prior amendments made to the NSWPF Computerised Operational Policing System (COPS), on 24 June 2013, is subject to a high degree of under reporting.

Additional, yet much smaller, discrepancies may occur in the data across the entire reference period, where information recorded through event narratives in COPS has not been accurately replicated into the COPS predefined fields. Only information that is recorded in the predefined fields in COPS can be extracted by PIPC using the NSWPF data warehouse (EDW).

It is important to consider the above and the explanatory notes at the end of this document when comparing figures compiled by the NSWPF, to other published figures. This includes the soon to be finalised two year consorting review conducted by the NSW Ombudsman, and figures previously provided by the NSWPF to Parliament.

Analysis in the soon to be finalised Ombudsman's report, will have been informed by both quantitative data extracted through EDW, and qualitative information extracted directly from COPS. The Ombudsman followed a process of manually reading all relevant event narratives involving a consorting warning. It is not possible for the NSWPF to replicate such analysis due to the time and resources required in such a project.

The data in this report will also vary slightly from previous responses provided by the NSWPF to Parliament. This is due to a change in the method for compiling statistics which has been made to refine the accuracy of figures<sup>ii</sup>. (See the explanatory notes at the end of this document for further detail).

### Question 1: Consorting warnings under s93X

The below table shows the number of warnings issued by police since the introduction of the new legislation on 9 April 2012 until 15 September 2015. Figures for 2012 and 2013 calendar years are likely grossly understated – see the explanatory notes for further information.

From 9 April 2012 – 23 June 2013, warnings have been calculated based on the number of involvements listed as a Person of Interest (POI) with a status of Suspect. From 24 June onwards, warnings have been calculated based on the number of Person Named involvements.

Table 1 Number of consorting warnings issued from 9 April 2012 to 15 September 2015 (inclusive), by event reported year

Event Reported Year	Warnings issued
2012 (9 April onwards)^	403
2013^	1,893
2014	2,902
2015 (up to 15 September)	3,358
<b>Grand Total</b>	<b>8,556</b>

^ Warnings recorded for 2012 and the first half of 2013 are understated. See explanatory note (i)

Data source: COPS via EDW, current at 26 September 2015

### Question 2: Persons warned under s93X

As noted in the answer for Question 1 above, and further explained in the explanatory notes, there is a likely undercount for Persons Warned in the below table between 9 April 2012 and 23 June 2013 for all incidents recorded prior the COPS changes.

From 9 April 2012 – 23 June 2013, persons warned have been calculated based on the number of unique persons listed as a POI with a status of Suspect. From 24 June onwards, persons warned have been calculated based on the number of unique persons listed as a POI.

Table 2 Number of persons warned for consorting from 9 April 2012 to 15 September 2015 (inclusive), by event reported year

Event Reported Year*	Persons Warned (Unique by year)
2012 (9 April onwards)^	280
2013^	650
2014	843
2015 (up to 15 September)	842
<b>Total unique persons warned</b>	<b>2,412</b>

^ Persons warned recorded for 2012 and the first half of 2013 are understated. See explanatory note (i)

Data source: COPS via EDW, current at 26 September 2015

See explanatory note (ii) for an explanation of the differences between this answer and previous responses provided to Parliament.



### Question 3 & 4: data note

The data for Question 3 and 4 has been compiled with the assistance of data holdings maintained by the Gangs Squad. Due to system limitations and flags used in the flow through the justice system, the records of charges within COPS are not necessarily definitive and could not be solely relied upon.

### Question 3 Persons charged under s93X

Between 9 April 2012 and 15 September 2015, 48 people have been charged – issued with a Court Attendance Notice (CAN) - for consorting under s93X of the *Crimes Act 1900*.

Table 3 Number of persons charged for consorting from 9 April 2012 to 15 September 2015 (inclusive), by event reported year

Legal Action Year	Persons charged
2012 (9 April onwards)	9
2013	6
2014	2
2015 (up to 15 September)	32
<b>Total persons charged*</b>	<b>48</b>

Data source: COPS via EDW, current at 15 September 2015 and Gangs Squad data holdings

\* The above table sums to 49, not 48, as indicated in the total. This is because one person was charged separately in different years. Where a person has been charged more than once in the same year, they have only been counted once for that year. In total the 48 people charged had 55 CANs issued against them for consorting.

#### Question 4: Persons convicted under s93X

Of the 48 people charged, 33 so far have received a finalised court result.

Of these, 23 had a conviction recorded, including 2 that are now appealing. The court result by month is listed below.

Table 4 Number of persons with a finalised court result for consorting from 9 April 2012 to 15 September 2015 (inclusive), by event reported month and court result

Court Result (finalised, including those under appeal)	2012	2013					2014		2015							
	Nov	Feb	Mar	Apr	May	Jul	Mar	Dec	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep
Conviction Proved	1			1				1	2	2	1		4	2	5	2
Conviction proved - appealing severity													1			
Conviction proved - now appealing															1	
Non Conviction Proved											1	1	1	1	1	
Non Conviction Not Proved		1	1		1	1	1					1	1		1	
<b>Total persons charged*</b>	<b>1</b>	<b>1</b>	<b>1</b>	<b>1</b>	<b>1</b>	<b>1</b>	<b>1</b>	<b>1</b>	<b>2</b>	<b>2</b>	<b>2</b>	<b>2</b>	<b>7</b>	<b>3</b>	<b>8</b>	<b>2</b>

Data source: COPS via EDW, current at 15 September 2015 and Gangs Squad data holdings

\*The above table sums to 36 as 3 people each received 2 different court results in different months.

#### Question 5: Previous convictions for strictly indictable offences

This cannot be completed with readily extracted data through EDW from COPS.

## Question 6 & 7: Warnings by submitting Command

Table 5 Number of consorting warnings issued from 9 April 2012 to 15 September 2015 (inclusive), by Incident Submitting Region and Command

Incident Submitting Region/Command	Number of Warnings
<b>Central Metro</b>	<b>994</b>
Botany Bay	21
Cm Operations	61
Eastern Beaches	561
Eastern Suburbs	35
Kings Cross	42
Leichhardt	35
Miranda	8
Newtown	22
Redfern	2
Rose Bay	10
St George Lac	4
Surry Hills	97
Sutherland	83
Sydney City Lac	13
<b>Major Events And Incidents Group</b>	<b>13</b>
Major Events And Incidents Group	9
Public Order & Riot Squad	4
<b>North West Metro</b>	<b>595</b>
Blacktown	24
Blue Mountains	3
Hawkesbury	2
Holroyd	2
Kuring Gai	26
Mt Druitt	1
North Shore	1
North West Metro	24
Northern Beaches Lac	423
Nw Operations	16
Parramatta	17
Penrith	8
Quakers Hill Lac	10
Ryde Lac	12
St Marys	22
The Hills	4
<b>Northern</b>	<b>793</b>
Brisbane Water	1
Central Hunter	2
Coffs/Clarence	16
Hunter Valley	10
Lake Macquarie	46
Manning/Great Lakes	7
Mid North Coast	13



Newcastle City	149
Port Stephens	221
Richmond Lac	234
Tuggerah Lakes	8
Tweed/Byron	86
<b>Police Transport Command</b>	<b>134</b>
Transport North / Central	44
Transport North West	46
Transport South / South West	44
<b>South West Metro</b>	<b>219</b>
Ashfield	11
Bankstown	12
Burwood	31
Cabramatta	2
Camden Lac	3
Campbelltown	5
Fairfield	38
Flemington	24
Green Valley	7
Liverpool	2
Macquarie Fields	1
Marrickville	14
Rosehill	10
Swm Operations	59
<b>Southern</b>	<b>194</b>
Albury	8
Deniliquin	11
Far South Coast	3
Griffith Lac	41
Lake Illawarra	16
Monaro	2
Shoalhaven	5
The Hume Lac	47
Wagga Wagga	34
Wollongong	27
<b>State Crime Command</b>	<b>5,137</b>
Scc Gangs Squad	5,062
Scc Middle Eastern Organised Crime	71
Scc Organised Crime Directorate	4
<b>Traffic &amp; Highway Patrol Command</b>	<b>41</b>
Hwp Central Metro	1
Hwp North West Metro	1
Hwp Northern	24
Hwp Southern	7
Hwp Western	7
Thpc Operations	1
<b>Western</b>	<b>436</b>
Barrier	2
Barwon	198

Canobolas	141
Castlereagh	2
Darling River	2
Lachlan	25
Mudgee Lac	13
New England	26
Orana	9
Oxley	18
<b>Grand Total</b>	<b>8,556</b>

## Question 8: Charges by submitting Command

Table 6 Number of consorting charges from 9 April 2012 to 15 September 2015 (inclusive), by Legal Action Submitting Region and Command

Legal Action Submitting Region/Command	Charges	Persons charged
<b>Central Metro</b>	<b>1</b>	<b>1</b>
Sutherland	1	1
<b>North West Metro</b>	<b>9</b>	<b>9</b>
Northern Beaches Lac	7	7
Parramatta	2	2
<b>State Crime Command</b>	<b>41</b>	<b>34</b>
Scc Gangs Squad	41	34
<b>Western</b>	<b>4</b>	<b>4</b>
Canobolas	3	3
New England	1	1
<b>Total</b>	<b>55</b>	<b>48</b>

## Question 9: Average time to charge

This cannot be completed with readily extracted data through EDW from COPS.

## Question 10: Demographics of persons warned

Table 7 Number of persons warned from 9 April 2012 to 15 September 2015 (inclusive), by gender

Person Gender	Persons warned
Female	205
Male	2,205
Unknown	2
<b>Total Persons</b>	<b>2,412</b>

Table 8 Number of persons warned from 9 April 2012 to 15 September 2015 (inclusive), by age

Age	Persons warned
Unknown	1
17 years or under	97
18 - 24 years	812
25 to 54 years	1,612
55 years or older	59
<b>Total Persons (unique)*</b>	<b>2,412</b>

\* The sum of the cells by age group is greater than the total unique number of persons warned. This is because a person may have been warned more than once and was a different age at the time of each warning

Table 9 Number of persons warned from 9 April 2012 to 15 September 2015 (inclusive), by Nationality

Nationality	Persons warned
Afghan	4
American	1
Argentine	1
Australian	1,440
Austrian	1
Bosnian	1
Canadian	1
Cook Islands	1
East Timor	1
Egyptian	1
English	1
Fijian	5
Ghanian	1
Greek	2
Indian	1
Iran	3
Iraq	5
Laotian	1
Lebanese	19
Malaysian	1
Malta	1
New Zealander	28
Not Recorded	861



Other	3
Papua New Guinea	1
Peruvian	1
Samoa - American	1
Samoa - Western	3
Scottish	1
Slav-Macedonian	1
South African	1
South American	1
Sudanese	4
Thai	2
Tonga	8
Turkish	1
Vietnamese	2
Yugoslavia	1
<b>Total Persons</b>	<b>2,412</b>

## Question 11: Demographics of persons charged

Table 10 Number of persons charged from 9 April 2012 to 15 September 2015 (inclusive), by gender

Person Gender	Persons charged
MALE	48
<b>Total Persons</b>	<b>48</b>

Table 11 Number of persons charged from 9 April 2012 to 15 September 2015 (inclusive), by age

Age	Persons charged
17 years or under	1
18 - 24 years	9
25 to 54 years	40
55 years or older	2
<b>Total Persons (unique)</b>	<b>48</b>

\* The sum of the cells by age group is greater than the total unique number of persons charged. This is because a person may have been charged for more than one incident, and the age group in the table reflects their age at the time of each incident.

Table 12 Number of persons charged from 9 April 2012 to 15 September 2015 (inclusive), by nationality

Nationality	Persons warned
Australian	27
Lebanese	1
New Zealander	1
Not Recorded	18
Tonga	1
<b>Total Persons</b>	<b>48</b>

## Question 12: Electronic Consorting

Less than 1% of all consorting records indicate the Modus Operandi (MO) used. As such, it is not possible to compile any quantitative statistics from COPS on the method of consorting.

Anecdotal information from the Gangs Squad indicates electronic consorting likely occurs quite frequently due to the nature of communication that is the current norm, however specific occurrences may not be witnessed and/or recorded within COPS.

## Question 13: Range of penalties for persons convicted

Of the 23 people with a conviction recorded (see question 3 answer), the range of penalties is summarised in the below, including the number of people receiving each penalty.

Table 13 Sentences and fines for persons convicted of consorting from 9 April 2012 to 15 September 2015

Sentence	Sentence Subclass	Sentence Length	Amount	Individuals charged
Bond	Bond S9	12 Months	0	4
		15 Months	0	1
		18 Months	0	1
		2 Years	0	1
		3 Years	0	1
	Suspended On Enter Bond S12	7 Months	0	1
Bond With Conditions	Bond S9	12 Months	0	4
		18 Months	0	2
		2 Years	0	1
Community Service Order	Not Applicable	100 Hours	0	1
Custodial	Imprisonment	12 Months	0	1
		3 Months	0	1
		4 Months	0	1
		7 Months	0	1
	Non Parole Period With Conditions	9 Months	0	1
Monetary	Costs - Court	0	83	1
	Fine		100	1
			500	2
			1000	1
			2000	1
			2200	2
			2500	1
			0	1
Non-Association/Place Restriction	Non-Association (Limited)	12 Months	0	11
	Non-Association (Unlimited)		0	1
	Place Restriction		0	1
Sentence Appeal Dismissed	Order Confirmed	0	0	1
	Order Varied		0	1
Sentence Appeal Upheld			0	1
Total persons charged				23

\* The sum of the cells by sentence is greater than the total unique number of persons charged. This is because a person may have received more than one sentence for the one conviction.



#### Question 14: Status of POIs at time of warning

This cannot be completed with readily extracted data through EDW from COPS.

## **Explanatory Notes**

### **(i) Explanatory note - background on administrative data records held by NSW Police**

From 9 April 2012 to 15 September 2015, there have been three different ways in which police officers have been able to record instances of consorting warnings through the Computerised Operational Policing System (COPS). Due to this, and limitations in how COPS data can be extracted from the NSW Police Force data warehouse (EDW), the quantitative figures produced in this report are subject to a degree of error.

#### *Recording period one: April 2012 to October 2012*

In the first few months following the law change, most consorting warnings were recorded via Intelligence Reports under the category "Consorting". However, this category also captures general intelligence about the fact that various people have been seen associating. Without reading each narrative in detail – not possible due to the volume of these – it is not possible to discern which of these reports are for information and which are records of warnings.

Additionally, those consorting incidents that were captured in COPS events, are also subject to the same recording issue as detailed below for recording period two.

As a result the number of consorting warnings included for this period in the report is likely grossly understated.

#### *Recording period two: October 2012 to June 2013*

Between October 2012 and June 2013, all consorting warnings were captured through COPS events only, with the ability to record them as an Information Report ceasing. The person being warned should be given an involvement type of "POI" and involvement status of "suspect". However, investigations have shown that a number of consorting COPS events do not include any people categorised as POI/Suspect. Without reading each narrative in detail – not possible due to the volume of these – it is not possible to discern how many warnings were actually given in these events where POI/Suspect was not recorded.

#### *Recording period three: June 2013 to now*

Since June 2013, amendments were made to COPS to increase the accuracy of consorting recording. The changes required that each incident may only contain one POI (that is, the person warned), however each incident may have multiple Persons Named recorded (the persons POI has been warned about). There are also several validation processes embedded in the COPS workflow to calculate the number of warnings a person has received and provide information on whether the persons they are consorting with have previous indictable convictions.

### **(ii) Explanatory note – answers provided in previous parliamentary questions**

Consorting statistics have been provided to Parliament on a regular basis since shortly after s93X of the Crimes Act was enacted on 9 April 2012.

Over that time, the method of recording consorting warnings in COPS has changed three times. Because of these changes, regular updates have involved a two step process: 1. Taking the number of people advised as being warned in the previous advice to parliament; and 2. Adding to this the number of people warned subsequently.

This process has resulted in the double counting of a small number of individuals who have been warned in both the old and most recent time periods. In the preparation of the response to this question, the counting process has commenced from scratch, which eliminates this double counting.

As an indication of double counting, the response to QLA 0946 on 21 August 2015 recorded 2,511 people warned. 99 (4.1%) of those people (that is, the difference between 2,412 and 2,511) were double-counted.