

QUEENSLAND CHILD PROTECTION
COMMISSION OF INQUIRYDate: 3.10.2012STATEMENT OF PETER DAVID WAUGH Exhibit number: 73

I, **Peter David Waugh**, of c/- Logan District Police Headquarters, 11 Civic Parade, Logan Central in the State of Queensland, Officer in Charge, Logan District Child Protection and Investigation Unit, solemnly and sincerely affirm and declare:

1. I am a Detective Senior Sergeant, Officer in Charge of the Logan District Child Protection and Investigation Unit, Queensland Police Service.
2. I have been appointed to this position since 30th April 2006. Prior to my appointment I relieved in this position for approximately 12 months.
3. When planning and reviewing my work and seeking approval for decisions, when required, I report to Detective Inspector Christopher Jory who is based at Logan District Police Headquarters. My position forms part of the Crime Services portfolio within the Logan Police District. Detective Inspector Jory reports to the Logan District Officer, Superintendent Noel Powers.
4. Prior to this appointment I was a Detective Sergeant within the Logan District Child Protection and Investigation Unit (CPIU) formerly known as the Juvenile Aid Bureau (JAB), for a period of approximately 14 years. Prior to that appointment I had been an investigator in the Logan District JAB for a period of 18 months. Prior to that appointment I performed general duties policing in a number of locations including Slacks Creek, Nambour and Fortitude Valley.
5. I have 28 years policing experience with 22 of those years as an investigator within Logan District CPIU.

DEMOGRAPHICS

6. The current population of Logan City is approximately 300,000. The Logan Police District crosses over the Logan City/Gold Coast City boundaries. The Logan Police District covers an area of 3,435 square kilometres.

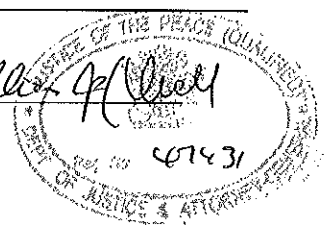
ROLE

7. The purpose of my role, as the Officer in Charge (OIC), Logan District CPIU is to assume

Signature of officer

Page 1 of 13

Witness Signature

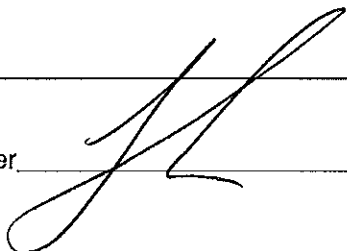


responsibility for investigative functions as assigned, especially as it relates to child abuse, child exploitation and juvenile justice. I am also responsible for the daily management and control of associated human resources under my control.

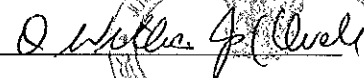
8. Logan District CPIU is headquartered at Logan District Police Headquarters and has 'satellite' offices at a number of divisional stations within the Logan Police District. The office of the Logan District Suspected Child Abuse and Neglect (SCAN) unit is situated within the office of the Logan District CPIU. The OIC (Detective Senior Sergeant) and two Detective Sergeants comprise this unit.
9. Logan District CPIU has an approved strength of 32 investigators, 4 School Based Police Officers and 2.2 Administrative Officers. The Logan CPIU is a District resource with staff allocated to various stations, but who respond district-wide to investigations currently underway and new calls for service..
10. Logan District CPIU has a dedicated Child Abuse Investigation Unit (CAIU) whose investigative focus is directed to the investigation of allegations of intra-familial child abuse. This office is situated within Logan District Police Headquarters and is staffed by 2 Detective Sergeants and 8 Investigators. Due to workload, the CAIU is regularly assisted by staff drawn from the satellite stations.
11. To provide an investigative response to extra-familial child abuse and crimes committed by or upon youths, Logan District CPIU has satellite offices at the following stations:
 - Logan Central Station – 1 Detective Sergeant and 4 investigators.
 - Crestmead Station – 1 Detective Sergeant and 3 investigators.
 - Beenleigh Station – 1 Detective Sergeant and 2 investigators.
 - Jimboomba Station - 1 Detective Sergeant and 1 investigator.
 - Loganholme - 1 Detective Sergeant and 1 investigator.
12. Logan District CPIU has a dedicated Australian National Child Offender Registry (ANCOR) office which is situated at the Logan Police District Headquarters. The placement of this office at the headquarters station is in accordance with the *Child Protection (Offender Reporting) Act 2004* (CPOR Act). This office is staffed by 1 Detective Sergeant and 2 investigators who are also supported by an administrative officer.

Signature of officer _____

Page 2 of 13



Witness Signature _____



13. As part of a District response to property crime the Logan District CPIU provides 2 investigators on a rotational basis to a dedicated Property Investigation Team. This team is also staffed by Detectives from the Logan District Criminal Investigation Branch (CIB) and General Duties officers who also rotate through the unit.
14. Logan District CPIU comprises a part of the crime services portfolio. As such Logan District CPIU provides two investigators for one week per month who provide an investigative first response to serious crimes which occur within the Logan District between the hours of 10pm and 6am.
15. Recently, due to operational activities and demands I have temporarily relocated staff from Jimboomba and Loganholme CPIU's to provide assistance to investigators at Crestmead, ANCOR and the Logan District SCAN unit.

TRAINING

16. I am aware that the Commission has been provided with evidence from Detective Senior Sergeant Glen Horan, OIC of Cairns District CPIU with respect to training and education of CPIU officers. In particular I note the evidence provided by Detective Senior Sergeant Glen Horan, at paragraph 10 and 35-38 of his statement dated 5 September 2012 and concur that this is the same level of training and education provided and undertaken by Logan District CPIU investigators.
17. As part of training provided within the Logan District, plain clothes officers from the Logan CIB rotate through the CAIU where they are exposed to and receive training from senior investigators in respect to child protection investigations.

CPIU DUTIES

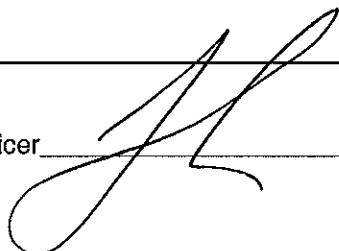
18. Similarly, the evidence provided by Detective Senior Sergeant Glen Horan at paragraph 11 of his statement dated 5 September 2012 with respect to duties undertaken by CPIU is similar in all material aspects as those undertaken by Logan District investigators. I will provide a more detailed account of specific challenges associated with CPIU duties within Logan District.

ANCOR

19. On 1 January 2005, the CPOR Act was proclaimed. The purpose of the Act is to require particular offenders who commit sexual offences or particular other serious offences

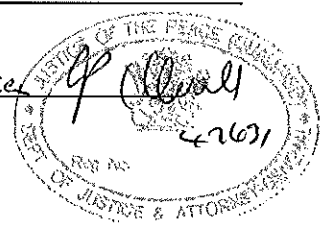
Signature of officer

Page 3 of 13



Witness Signature

D. Wallis



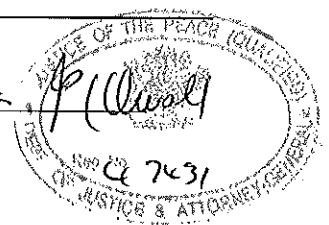
against children to keep police informed of their whereabouts and other personal details for a period of time after their release into the community, to reduce the likelihood that they will re-offend and to facilitate the investigation and prosecution of any future offences they may commit. Legislation determines that the majority of offenders are subject to police monitoring for a period of 15 years to life.

20. The responsibility for the management of reportable offenders was then placed on the OIC of the CPIU in which the offender resides.
21. Since the commencement of the CPOR Act the Logan District has responsibility for managing and monitoring Reportable Offenders. Although there are no legislative requirements the Logan District CPIU also proactively monitors 'persons of interest' believed to pose a possible risk to children.
22. On 1 July 2011, the *Child Protection (Offender Reporting) and Other Legislation Amendment Act 2011* was proclaimed. This Act introduced additional and more stringent reporting obligations on reportable offenders. The most significant changes include a reduction in time limitations to report certain particulars such as residing with or having unsupervised contact with children; a requirement to supply a DNA sample; the production of documentation and passports upon returning from international travel; and additional obligations to report telephone numbers, email addresses and online internet identities. These amendments have also placed additional requirements on police to arrange a support person or interpreter to be present to assist a 'special needs' reportable offender during all reports made in person.
23. In addition to quarterly 'face to face visits', some reportable offenders serviced by the Logan District CPIU make in excess of 30 changes through a year requiring police attention.
24. The administrative functions associated with these processes have placed a significant demand on the unit and has directly impacted on its ability to respond to core child protection service delivery and juvenile justice investigations. Since the commencement of the Act the number of reportable offenders monitored by the Logan District and throughout the State has continued to increase. This has seen a need for the reallocation of staff from the CPIU who would normally have been assigned to child protection investigations, in addition to dedicated ANCOR management officers. It is

Signature of officer _____

Page 4 of 13

Witness Signature _____



expected that the number of reportable offenders will continue to increase, and the consequent resource impacts on the CPIU will also increase, leading to a diluted focus on child protection investigations.

25. The large volume of information obtained during the registration, management and continued monitoring of reportable offenders who have access to children is shared with DOCS, in accordance with s159 of the *Child Protection Act 1999* and where relevant with Probation and Parole with a view of assisting in decisions made relating to the protection of children residing or in contact with reportable offenders.

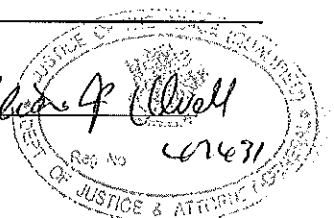
RESIDENTIAL CARE FACILITIES

26. Within the Logan District there are numerous (in excess of 14) residential care facilities. The children placed in these care facilities are most often subject to an order issued under the provisions of the *Child Protection Act 1999*. Often children at these establishments exhibit difficult to extreme behaviours and many abscond from their placement facility.
27. A check of Queensland Police Service (QPS) indices for a six month period ending on 30 August 2012 reveals numerous examples of repeat calls for service to these facilities. One particular facility has had 149 calls for service in this period. This facility is responsible for housing a maximum of 4 children at any one time.
28. Many repeat calls relate to children absconding from these facilities. When the child absconds in many instances this necessitates the carer to make contact with police and provide information for a missing persons report. This is a time consuming process and there are instances where the child either returns to the facility or makes contact with carers negating the need for the report in the first place. There are other examples where children have 'self placed' or attended a not approved function (i.e. parties, meet up with friends or associates etc), and again are reported missing. This is often times despite the child having made some contact with their carer expressing their intentions. It is my view that these children are not 'missing' and are at no specific risk of harm, however for reasons of risk aversion, the police are contacted by the carers in accordance with their policy, without, it would appear, any specific effort being made on behalf of the carers or the Department of Child Safety (DOCS) to locate the child. A missing persons report is subsequently made.

Signature of officer _____

Page 5 of 13

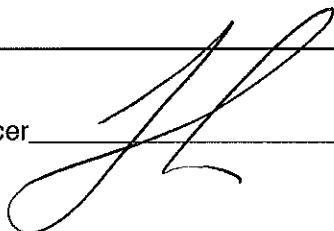
Witness Signature _____



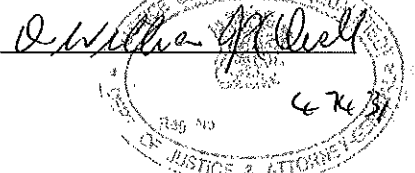
29. There are examples of children subject of child protection orders who are placed at residential care facilities within the Logan District as having been reported missing numerous times. A check of QPS indices has been conducted and has shown that of the top 10 missing persons reported within the Logan District, 9 reside in residential care facilities within the Logan Police District. Records indicate that these persons were the subject of 49 missing persons reports all requiring police attention. The remaining missing person did not reside in a facility however records show the missing person was the subject of discussions within SCAN. It is also noted that in every case these young persons are recorded as having been involved in the Youth Justice system.
30. Upon location of the child, further difficulties arise. Provisions within the *Police Powers and Responsibilities Act 2000* and *Child Protection Act 1999* do provide authority in prescribed circumstances to deal with missing persons under the age of 12yrs and children generally as suspects / offenders, however there is no specific power to remove a 'child' 12 and over to a place of safety, i.e. return them to their placement.
31. Many repeat calls relate to children causing damage to property within the facility, or assaulting their carers or other children, or being offended against. In many instances the effective management of the facility relies heavily on the cooperation of the child in abiding by the rules of the facility. It is apparent that there exists very few options for carers or DOCS staff to address and deter any breaches of the facilities' rules. As a result police are called often times to establish control that would under normal circumstances be undertaken by a parent. On many occasions no matters of criminality are identified or in instances where an offence is identified there is a reticence on behalf of carers to make a formal complaint.
32. Over the years I have met with care facility operators and DOCS management in an effort to prevent offences generally and address the repeat calls for service to these facilities. I have entered into discussion with respect to the provisions in legislation that may afford assistance in the management of children, protection for carers and protection of property. This however has had little influence to management practises or calls for service.
33. In my view the current legislation and policy model relating to care facilities is not adequate for the proper supervision, safety and welfare of children who are exhibiting extreme and/or unmanageable behaviours. Careful consideration of a 'containment'

Signature of officer

Page 6 of 13



Witness Signature



model for extreme cases should be undertaken. Such a model would not rely on the voluntariness of a child. It would be utilised where deemed appropriate for the immediate and long term safety, welfare, rehabilitation and education of the child. Such a model would require staffing by appropriately trained professionals who could provide a stable environment to allow interventions, treatment or supports to occur.

34. In light of present investigations I am aware of the risks and the possible negative public opinion associated with the establishment of such facilities. However I believe this should be balanced and measured against the present and future risks to children and the community of not providing such a model.

CHILD ABUSE NOTIFICATIONS

35. The Logan District CPIU predominantly interacts with 6 Child Safety Service Centres, namely:

- Beaudesert
- Beenleigh
- Browns Plains
- Logan Central
- Loganlea; and
- Woodridge.

36. Logan District CPIU also interacts with the South East Regional Intake Service Centre (SERIS). SERIS is physically located at Beenleigh.

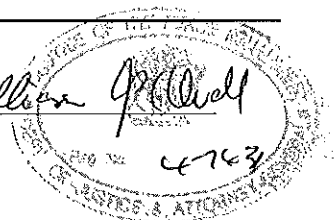
37. The Logan District CPIU receives advice or notifications of suspected child abuse predominantly from SERIS and Department of Education, Training and Employment (DETE). Notifications are also received from other sources that include members of the public, persons attending the police station and other agencies involved in the child protection system. As at 21 September 2012 Logan District CPIU has received 748 child protection notifications of harm in 2012. For the twelve months of 2011, Logan District CPIU received 1,337 notifications.

38. As mentioned, the main body of notifications are received from DOCS or DETE. The notifications are forwarded by those departments to a designated business email account or the central facsimile machine within Logan District CPIU. In most instances the Detective Sergeant CAIU or in that person's place a senior member of CAIU reviews this

Signature of officer _____

Page 7 of 13

Witness Signature _____



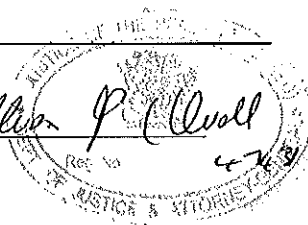
information and a decision is made to determine an appropriate response. Junior members of CAIU consult with more senior persons to determine an appropriate response.

39. In cases of intra-familial abuse coordination of a joint investigation with DOCS is attempted however this is often not achieved. Predominant causes for this are:
- the delay caused by the screening processes adopted at SERIS, i.e. the information is screened at SERIS, if a statutory investigation is required SERIS forward the information to the relevant Child Safety Service Centre for investigation. This delay often results in police attending to the matter without DOCS presence.
 - competing investigation priorities. For example the matter may 'screen in' by DOCS as a notification requiring an investigation and assessment within a 5 day time frame, however there is an immediate need for police to respond to preserve evidence or conversely a matter may screen in requiring an investigation and assessment by DOCS with a time line of 24 hours and upon review by CPIU there is little likelihood of a criminal offence having been committed; and
 - availability of police or DOCS staff.
40. On most occasions joint investigations occur during the investigation of serious allegations of child abuse. In instances where a joint investigation is not achieved then relevant information is shared between DOCS and QPS.
41. It is my observation that Child Safety Officers (CSO's) conduct their investigations and assessments of children with little training in the fundamentals of investigative practices. In the past where more joint investigations were conducted, an added benefit was that the CSO learnt investigative practices by working with police investigators. Skills learnt were identifying communicating and interrogating witnesses; identifying, locating and recording of evidence and the recording of case notes that may later be relied upon as evidence in a court.
42. I am aware that in 2011, 29% of child protection notifications received at the Logan CPIU required further investigation by Police. The projected number for 2012 is 30%. I am aware that in many instances if the person who received the information made some basic inquires or investigations, it would be evident that there would be no need for Police involvement. I have continually raised these concerns in meetings with the relevant agencies, however the issue remains unresolved.

Signature of officer

Page 8 of 13

Witness Signature



YOUTH JUSTICE / BAIL / YOUTH JUSTICE CONFERENCING

43. Many children subject to child protection orders are also subject to the juvenile justice system.
44. Logan District statistics for 2011 reveal that:
- Approximately 48% of all property offences are being committed by juveniles
 - High risk offending behaviour that is placing the children and the public at significant risk of harm
 - The significant cost of the offending behaviour. For example, the estimates of in excess of \$1M property being stolen or damaged by one offender between November 2011 and September 2012 whilst on bail
 - From my perspective, there are inconsistencies between courts, and a reluctance of some courts to place these children in custody, leading to further offending
 - The inability of carers to provide supervision or assist in the compliance with bail conditions or conditional bail programs
 - The unavailability of conditional bail programs that are suitable for these recidivist offenders
 - The length of time that some children are subject to bail. In some cases this can be up to 2 years or more before they are dealt with by the courts
 - The effectiveness of youth justice conferencing, particularly for volume crimes, and
 - The significant impost on police for youth justice conferences. In an effort to address the impost created through an increasing number of young offenders who are committing a greater number of offences but who remain eligible for youth justice conferencing, a 'roster system' was introduced within the Logan District. A consistent weekly conferencing day was identified which allows for forward planning and the better allocation of staff by all parties. Police from all general duties stations, plain clothes and specialist sections within the District participate on a rotational basis. The Officer in Charge of that station / section is responsible for the rostering of a single officer from their respective sections to attend on that day to represent the conference. Coordinators from Youth Justice Services are able to schedule, coordinate and then attend conferences involving several offenders all on the one day whilst still fulfilling statutory requirements.

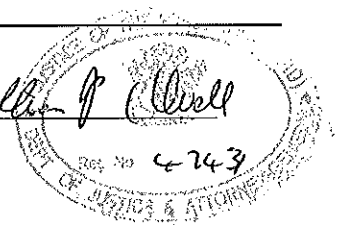
CHILD SAFETY AFTER HOURS SERVICE CENTRE (CSAHSC)

45. The lack of capacity for DOCS to physically respond to their core duties after hours

Signature of officer _____

Page 9 of 13

Witness Signature _____



significantly impacts on both CPIU and General Duties police who are required to attend to matters such as removing children under orders, transporting / returning children to care facilities, welfare checks and checks to monitor safety plans.

46. It has been my observation that in recent years more children are being removed and this often necessitates QPS accompanying DOCS to keep the peace or to provide physical protection whilst this function is carried out.
47. I am of the belief that there exists an urgent need for DOCS to have a capacity to meaningfully respond to incidents of child protection outside of business hours. This may be achieved by intelligence based (i.e. the most likely time DOCS required to investigate report of harm) 'staffing model' for DOCS to maximise a first response attendance at statutory notifications of harm. If this was not feasible then as a minimum a regional 24/7 capacity, which would provide QPS officers with access to authoritative consultation, decision making and coordination of statutory notification of harm investigation and assessment.

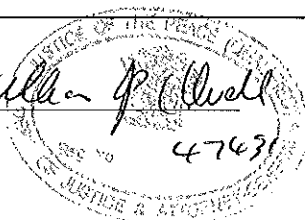
SUSPECTED CHILD ABUSE AND NEGLECT (SCAN)

48. The Logan District SCAN unit is situated within the same office as Logan District CAIU. Logan District SCAN is staffed by a Detective Senior Sergeant OIC and 2 Detective Sergeants.
49. Logan District SCAN members attend SCAN meetings held at Logan, Browns Plains and Gold Coast North (Beenleigh).
50. By local arrangement, Logan District SCAN completes all reviews of emotional abuse (children involved in domestic violence) crime reports which by policy are shared with DOCS in instances where children 'usually reside' with an aggrieved or respondent. On average Logan SCAN deals with 40 such crime reports per week with each report taking on average 45 minutes to review and complete. This is an onerous task and one that Logan District CPIU has no capacity to fulfil.
51. Logan District SCAN unit also complete all necessary SCAN correspondence on behalf of investigators after direct liaison and consultation occurs. This relieves the investigator of this task and provides any investigating Child Safety Officer (CSO) another (and often times more accessible) QPS member who has intimate knowledge of the investigation.

Signature of officer _____

Page 10 of 13

Witness Signature _____



52. The members of Logan District SCAN are an integral part of Logan District CPIU. They are senior child protection investigators who have developed and maintained key contacts with other government and non government agencies through the SCAN forum and by daily information sharing and child protection case discussions.
53. The benefits of having access to this network of senior child protection practitioners are evident in the day to day functioning of the Logan District CPIU. These benefits are seen, not only for multi-agency discussion of complex child protection matters at a formally convened SCAN meeting but also for day to day child protection investigations where the prompt and effective sharing of relevant information is vital to guide an investigation.
54. The sharing provisions of the *Child Protection Act 1999* provide for multi-agency discussion and information sharing to occur outside of the SCAN forum and it is my view that the relationships formed through SCAN maximise the benefits of these sharing provisions.

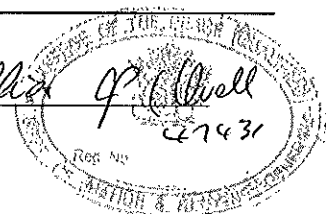
INFORMATION SHARING

55. The sharing provisions under s.159M *Child Protection Act 1999* and the Police Commissioner's delegation make it possible for all police to share relevant child protection information with DOCS. In Logan District, members of the Logan District SCAN unit attend to any information sharing requests made by DOCS for such relevant information. The benefits of this arrangement are that it negates the need for CPIU detectives to attend to this often times laborious and time consuming task, it ensures accuracy of information, provides an authoritative child protection focus and a consistency of approach. If a member of the SCAN unit is not available and the matter is urgent then a CPIU detective will attend to this. This approach does create work for SCAN members however has developed and maintains strong working relationships and ultimately better outcomes for children and families.
56. The sharing of relevant information is very necessary however if an IT solution could be found that would allow other core member agencies to 'tap into' other agencies' relevant information holdings this would be an exceptional resource across all core member agencies. The information in many instances may still require informed interpretation, however the initial savings in time and the operational ability for investigators to make informed decisions at any time of day or night would be highly desirable and would equate

Signature of officer

Page 11 of 13

Witness Signature



to better outcomes for children and families.

OTHER ISSUES

Cultures

57. Multiculturalism continues to act as one of the most significant challenges in terms of the provision of policing services. With approximately 185 ethnic cultures Logan is recognised as the most culturally diverse city within Australia.
58. Some of the more than 185 Ethnic Cultures residing in the Logan District include:
- 72.8% population born in Australia
 - 10.2% of Oceanic origin
 - 7.8% of North-West European origin
 - 3.9% of Asian origin
 - 1.3% of Sub Sahara African origin.
59. The Department of Immigration and Citizenship expects the number of people migrating to Australia and coming into the Logan District to increase over the next 20 years.
60. The aspect of the cultural mix within the District is now rated as a significant priority in terms of the Logan District Operational Performance Review future challenges. The Logan District Officer is now a Committee member of the Police and African Community Council.
61. Logan was selected as a location for the arrival of children from African, Middle Eastern and Central and Middle Eastern Asia as part of the Unaccompanied Humanitarian Minors Programme. This programme has brought with it a series of issues. These include examples of possible marginalisation, radicalisation, exploitation and perceptions of abandonment.
62. The issue of the availability of Interpreters for police and other agencies to conduct the day to day client services is also problematic.
63. There is also an issue of QPS current experience with other cultural groups in that there is often little understanding of legal issues in Australia particularly in the area of the treatment of women, children, and domestic and family violence situations.
64. As part of my role I have contact with:

Signature of officer _____

Page 12 of 13

Witness Signature _____



- Centre against Sexual Violence
- Probation and Parole
- Brave Hearts
- Support Link
- Police Citizens Youth Club
- The Logan City Council
- Kalwun Development Corporation (Recognised Entity for Logan).

65. The turnover of experienced staff within government and non-government organisations is a common experience in the Logan District. In some cases this has resulted in the closure of a service or a reduction of its capacity or functions previously provided. This has resulted in reduced availability of support services or programs for vulnerable persons in the Logan District.

Signed
Peter David Waugh

Declared before me at Logan this 26th day of September 2012.

Witness. *D. William McQuill*
4743
DEPT OF JUSTICE & ATTORNEY GENERAL

Signature of officer
Page 13 of 13

Witness Signature *D. William McQuill*
4743
DEPT OF JUSTICE & ATTORNEY GENERAL