



LEGISLATIVE ASSEMBLY
FOR THE AUSTRALIAN CAPITAL TERRITORY

STANDING COMMITTEE ON JUSTICE AND COMMUNITY SAFETY

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Submission Cover Sheet

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ACT LEGISLATIVE ASSEMBLY- JUSTICE AND COMMUNITY SAFETY
COMMITTEE

JASON TAYLOR- FORMER DETECTIVE SERGEANT OF THE AUSTRALIAN FEDERAL POLICE

My name is Jason Scott Taylor. I am a father, a husband, a son, a brother, an uncle, a son in law, a brother in law, a cousin. I grew up in Melbourne and I have spent most of my adult life here in Canberra. Amongst many things, I enjoy good coffee, a chat and a laugh, playing golf, gardening, watching my beloved Giants in the footy, and most of all, watching my son grow and learn.

In other words I am an ordinary person.

I used to be an Australian Federal Police Officer. An ACT Policing Officer.

One of my earliest memories was when I was about eight years old when two male police officers came to our primary school. For the life of me I can't remember what they looked like or even why they were there, but I do remember the uniforms and brown handles of their firearms. From that moment, I knew that was the job for me.

Through hard work and determination I graduated from the AFP College in 2007 and commenced with ACT Policing, where I have spent my entire nearly 14 year career serving the Canberra community in several roles, including General Duties, Criminal Investigations and the Family Violence Coordination Unit. Whilst a difficult job at times, I loved what I did, I was a good cop. I worked alongside some of the most amazing people on Earth, in some of the most traumatic and trying of circumstances.

I've been lucky to have had an amazing career as a police officer. I was a designated Detective, and I was a Sergeant.

Given the nature of police work and the roles I performed in my career, I have crossed paths with a huge number of victims of crime. Whilst I can't provide precise figures, I would estimate the number to be easily in the high hundreds and probably thousands. Whilst the offences vary in what would be classed as seriousness, the one thing they all had in common is the trauma experienced by the victim.

The effect of this trauma is not and should not be commiserate with the "seriousness" of a crime, this "seriousness" often determined by legislation. Yes, I have been involved in a number of matters that have brought me into contact with a victims of serious physical and sexual assaults, family violence etc. However, in my experience as a police officer, I have also found that what I would consider a routine matter can quite deeply affect an individual. I vividly recall investigating a burglary at the home of an 80 year old lady early in my career. Whilst a fairly routine matter for a police officer, I recall how upsetting this incident was to the victim, it was the worst thing that had ever happened to her in her life- I know this because she told me so. I can tell you from experience that this is a common theme for most victims of crime- it is the worst thing that has ever happened to them. Something that I firmly believe the current sentencing regime in the ACT is failing to recognise.

During my career, I had the privilege of putting a number of offenders before the Courts. I say privilege not in a punitive sense of seeing an individual punished, this is not the function of Police. I mean in the sense that I was able to be a conduit for a victim obtaining some form of justice for what had happened to them. Unfortunately, on all too many occasions I've had to look at the devastation on the face of a victim as I attempted to explain the outcome of a Court sentence, particularly in matters that quite frankly warranted a custodial sentence. Perhaps if judges and magistrates were required to deliver a Court outcome to a victim, they might give more consideration to the impact the offending has had on them.

As well as a former Police Officer, I am also a victim of crime. A crime that occurred to me in the workplace whilst I was doing my job protecting the community.

I was a patrol Sergeant at Gungahlin Police Station. It was a job I wanted since I joined the AFP and I worked my arse off to achieve it. I enjoyed it, and I was bloody good at it.

My life changed on Friday 31 January 2020, when I was cowardly and viciously assaulted whilst on duty. I remember the incident vividly. Unfortunately, it's been a regular feature in my thoughts and nightmares over the last 14 months and it's had quite an impact on my life - far more than I wish it did.

I won't go into the minute details of the incident here. In short, I was attacked from behind and choked by a male whose son I was arresting. A son who only moments before had threatened to violently assault him, and who I believe already had assaulted him. He pinned me to the ground, cut off my airway, and would not let go.

I was unable to breath, unable to free myself, and I was certain I was going to die. It is something every police officer knows, vaguely, in the back of their mind might happen one day if they are very, very unlucky. However, no amount of training or experience could have prepared me for what it would feel like. I have relived the incident, and that terrifying moment when I *knew* I wasn't going to get up off the ground again, over and over again for the past 20 months. It won't leave me. It hurt then – physically – but it hurts now so much more psychologically.

Thankfully my colleagues acted swiftly and with courage. They did what they needed to do to get the offender off me and save my life. This community is better for having them serve it.

The offender was charged and ultimately pled guilty to an 'act endangering health' under ACT law, an offence that carries a maximum 5 year term of imprisonment. He should also have been charged with assaulting a Police Officer, but unfortunately he couldn't be as this offence didn't exist in the ACT at the time this assault took place.

Since 31 January 2020 my life has been horrendous at times.

I am no longer a Police Officer and I never will be again. This is a loss to the Canberra community. I was a bloody good Sergeant, and I was doing a lot of good work.

I mentioned that I have nightmares. They are vivid flashbacks to the event and cause me a great deal of distress. I've had times when I have been afraid to go to sleep. After I have one of these nightmares I am effectively no good to anybody. I hate that feeling.

I've been in mental health facilities. I've contemplated suicide. I've actually planned out a strategy as to how I'll do it if things ever get to that point. They nearly have, twice.

During my worst of these crises I was admitted to Canberra's public system, where I had no choice but to receive care in the same facility as at least three people I recognised as people I dealt with regularly in my capacity as a Police Officer. You can't imagine the fear I felt about being recognised as a police officer. When I was at my most vulnerable, I found myself sleeping a few doors away from people who I had every reason to believe would become hostile if they recognised me. At a time when I was doing everything I could just to hold myself together, I was surrounded by people who I had regularly dealt with under the worst circumstance. It's the lowest I've ever felt in my life. How on earth was I supposed to get treatment in those circumstances?

Had I been forced to remain in that hospital I don't know that I would have recovered. I got lucky, and was able to move to an interstate mental health facility where up until three days before the scheduled start of the hearing for this incident.

Despite moving to another facility the stress of the matter and the offenders continued plea of not guilty for nearly a year took an ultimately unmanageable toll on me. I am currently unemployed, a situation that I'm embarrassed about, and some days getting out of bed is an achievement. Very few days go by that I don't look in the mirror and look at myself and hate what I see.

On Friday 26 March 2021, I stood in Court 1 of the ACT Magistrates Court before Magistrate [REDACTED] and delivered my victim impact statement outlining how this incident has impacted me. Notwithstanding the Court ordered I was not allowed to read parts of my Victim Impact Statement, which is outrageous, I stood in front of Magistrate [REDACTED] and asked him to show me that he gives a [REDACTED] about me and my fellow officers. The sentence handed down was nothing short of embarrassing and disgraceful: a 20 month term of imprisonment to be served by way of an Intensive Corrections Order. So in other words, nothing. A man who tried to choke the life out of a uniformed police officer did not spend one day in prison. After nearly 14 years serving my community, I deserved better than this sentence. Much better.

I was assaulted for doing my job. A job I swore on oath to uphold. This job involves dealing with the worst humanity has to offer without letting it harden us too much, so we can continue to care for and empathise with those who need us, who we are trying to help and protect. What sort of message do you think this sends to my former colleagues? They do not deserve to be treated as punching bags for members of the public who don't like it when they do their jobs. If you assault a Police Officer doing their job you deserve to go to prison. You SHOULD go to prison. I have been, and will continue to advocate publicly for the protection of my former colleagues.

My life has changed as a result of this incident. I won't lay all the blame at the feet of the offender. 14 years of operational policing and dealing with people's worst day, day in and day out, and the worst humanity will inflict upon each other takes its toll. What I will say is that I was denied any opportunity to deal with the issues created by a career in law enforcement on my terms due to the actions of one man. Instead he burst the dam wall with so bringing my life crashing down around me. I deserved better than this, and where I am in life at this current point in time.

It is an unfortunate state of affairs that my story is not one in isolation and is not unique to just police officers- mine is a story that occurs to so many victims of crime from all walks of life, I've seen it, and unfortunately experienced it.

I'm not sure how many victims of crime will make submissions to this committee, however, I believe that I can speak for many when I say that the sentence imposed by the Court in relation to my matter has left me with the feeling that the only person that has been punished is me. This is not justice.

As I've previously stated, I am a former Police Officer and I am a victim of crime- I provide a unique perspective into the matters that this committee is reviewing.

It may surprise you that as a former Police Officer, I am more than supportive of rehabilitative programs, alternatives to the Criminal Justice system and non-custodial community based orders- the subject of this inquiry. They make sense. It is my view however, that there is a lack of clarity and consistency as to how non-custodial community based orders are applied by the Courts. This is something that warrants further exploration.

You only need to view the commentary from members of the community regarding a lot of the sentencing outcomes to get a sense that the perception in the community is that the ACT Court system is “weak”. I’ve had members of the public remark as much to me in both a professional capacity whilst I was uniform and private settings. It is incumbent upon this committee to remember that these are members of the community whom you are elected to serve.

I believe that the *Crimes (Sentencing) Act 2005*, needs to be reviewed, and a clearer sentencing regime for the ACT is adopted. This regime must take into account a wide range of factors however, specific attention to the impact that the crime has had on the victim *must* be taken into account.

This regime also must recognise that there are offences and offenders that quite simply deserve being in prison, that is the reality of living in a society where the rule of law applies. This is a simple fact that I believe that this jurisdiction has forgotten. People can be sentenced to a fulltime custodial sentence *without* having their human rights breached.

The scales of justice in the ACT are balanced far too far in favour of an offender. It is time for them to be rebalanced. The primary objective of the law should be to protect the community, it’s the very reason why we have laws. I have seen enough over the previous 14 years to convince me that this is not occurring.

I’m not writing this to apportion blame or unnecessarily criticise our institutions, in particular the ACT Courts and the ACT Parliament. However, when there is an issue with the law and its interpretation by the Courts, as is the case here; than it is incumbent upon parliamentarians to act.

There is much more to be done in the justice reform space in the ACT, this is however, a good start.

Jason Taylor

Former Detective Sergeant of the Australian Federal Police

