

## Ex-officer jailed for molesting teen girls

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September 14, 2007

IN SENTENCING a sacked NSW police officer to jail for molesting teenage girls, a District Court judge noted several times that an unusual delay had occurred at important stages of the case.

Luke Andrew Tink, now 24, will serve the majority of his two year, two month prison sentence in protective custody and will be placed on the child protection register. He will be eligible for parole in January 2009.

As he was led out of the courtroom at the Downing Centre yesterday, his sobbing mother cried out: "Don't let him go! It's wrong. It's wrong."

Comforted in the corridor outside by other emotional family members, she shouted: "He's told the truth - and he's going to jail."

Tink was given a 16-month non-parole-period after pleading guilty in February this year to seven charges involving assault and acts of indecency on or in the presence of five girls he barely knew aged between 14 and 19 at Corlette, Salamander Bay and Nelson Bay in the Port Stephens area.

Judge Deborah Payne said Tink had tried to coerce the five teenagers - four of them aged under 16 at the time of the offences - to engage in sexual contact, kissing them while he sometimes exposed himself or touched them.

While the age difference was minimal in several instances, Tink was more than four years older than the youngest 14-year-old complainant who had never before seen an adult penis.

The judge described Tink's behaviour as a "course of conduct" between February 2001 and November 2003.

Tink did not give sworn evidence himself and despite 17 character references and testimony from his brother and cousin on his remorse, there was ``not one precise reference to his being sorry" or concerned about the impact on his victims, the judge said.

"I am far from convinced," she continued, that the one reference in a recent psychological report to "regret" was for anything but personal repercussions, including the end of his dream of being a NSW police officer.

However, his guilty pleas in themselves were expressions of remorse, Judge Payne accepted. The complainants did not have to give evidence and the pleas finalised the long-running matter.

"It must have been a frightening experience" for each girl, the judge said. The offences took place variously late at night, on a dirt track, at a deserted beach car park, on a bush track and in a car over two years and nine months - "a significant period of time".

Two of the charges related to incidents in early 2003, just seven months after Tink had graduated from the Goulburn Police Academy, while still a probationary constable.

After the girl complained to police, Tink had denied the allegation saying he and the 19-year-old had engaged in consensual conduct, the judge said.

And despite a reprimand by a senior officer, "it's worth noting" the judge said, that he "offended again".

The last offence, involving a 15-year-old girl he specifically knew was underage, was committed in November the same year - within three months of Tink becoming a sworn constable. He had initially approached the girl while wearing his police uniform.

Judge Payne said that being more than five years older and at the time holding the powers of a police constable, "he must have had a clear understanding that the complainant had no [legal] ability to consent".

In any case, the judge said each girl had "made it clear" they did not consent to the sexual behaviour admitted and Tink had also asked three of them not to tell anyone what had happened.

Judge Payne said Tink had been initially charged in January 2004 and was suspended. Other charges were laid afterwards.

Dismissed from the Police Force in April 2004, it was reported in September that year that he faced 38 charges including kidnapping, rape and aggravated indecent assault as well as those to which he was convicted.

Noting the most "unusual" delay in the progression of the case, Judge Payne said Tink had initially denied the charges. Due to "a 12-month long police investigation" he was finally committed for trial in November 2005. After another 13 months an indictment was filed with the court and Tink pleaded guilty in February this year.

"It must be said the gross delay in this case after committal is, in my experience, unusual," the judge commented.

"The issue is a troubling one, it seems," she said with no clear explanation forthcoming apart from the delay being neither Tink's nor the Crown's fault.

The judge also criticised the Crown in relation to two offences committed with the 19-year-old girl when Tink was a probationary constable.

While the last offence noted that it was committed while Tink was a police officer, "in my view it was most generous and ill-conceived for the Crown not to rely on this" in relation to the two offences committed earlier in 2003.

She said Tink has a real and genuine family support "which bodes well for his future".