# Western Australia Police Property Management Practices

# REPORT OF A JOINT INQUIRY BY WESTERN AUSTRALIA POLICE AND THE CORRUPTION AND CRIME COMMISSION

December 2005





Hon Nicholas Griffiths MLC President Legislative Council Parliament House PERTH WA 6000 Hon Fred Riebeling MLA Speaker Legislative Assembly Parliament House PERTH WA 6000

Dear Mr President Dear Mr Speaker

In accordance with section 88 of the *Corruption and Crime Commission Act 2003*, I am pleased to present the Report of the Corruption and Crime Commission and the Western Australia Police Joint Inquiry into *'Western Australia Police Property Management Practices'*.

The opinion and recommendations contained in this report are those of the Corruption and Crime Commission and the Western Australia Police.

I recommend that the report be laid before each House of Parliament forthwith pursuant to section 93 of the *Corruption and Crime Commission Act 2003*.

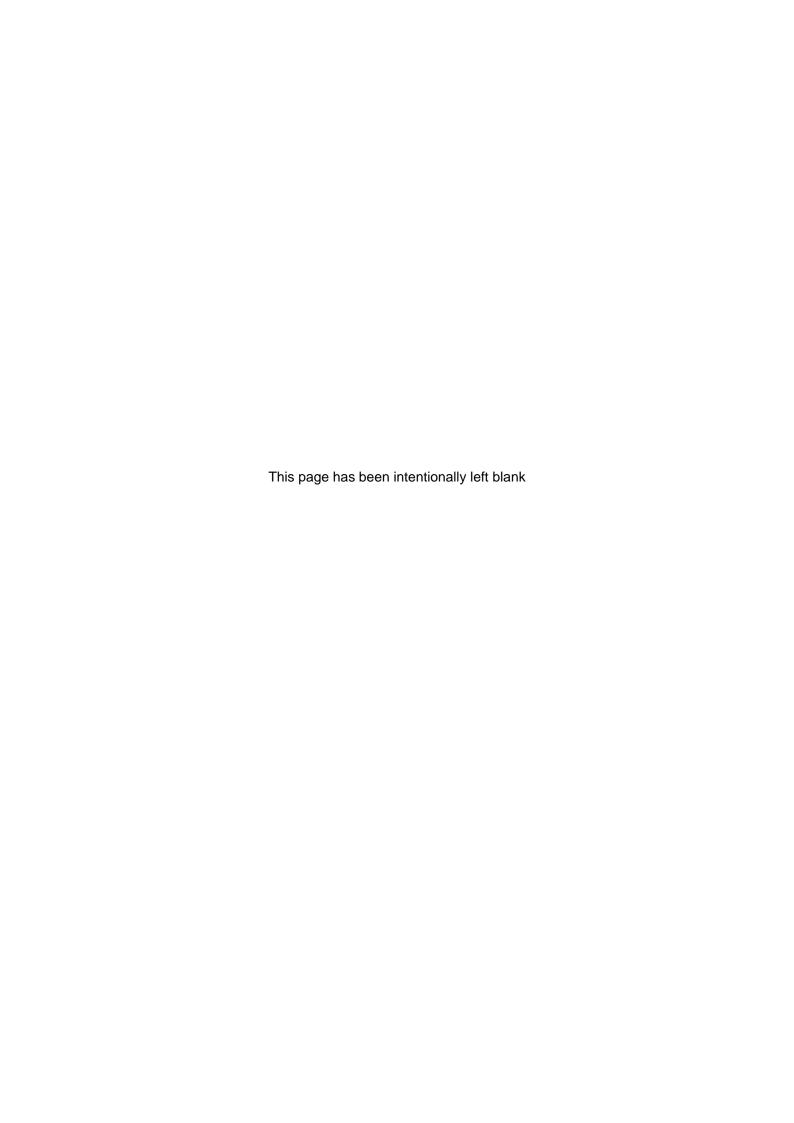
The Commissioner of Police agrees that the Commission present this report to Parliament under section 88 of the *Corruption and Crime Commission Act 2003*. The enclosed letter from the Commissioner of Police comprises his endorsement of this report.

Yours sincerely

Chris Shanahan SC

**ACTING COMMISSIONER** 

19 December 2005



Hon Nicholas Griffiths MLC President Legislative Council Parliament House PERTH WA 6000 Hon Fred Riebeling MLA Speaker Legislative Assembly Parliament House PERTH WA 6000

Dear Mr President Dear Mr Speaker

# Western Australia Police Property Management Practices: Report of a Joint Inquiry by Western Australia Police and the Corruption and Crime Commission

I am pleased to endorse the above Inquiry's report into Western Australia Police property management practices.

The report challenges the agency's property management practices and makes a number of recommendations aimed at achieving improvement in existing practices.

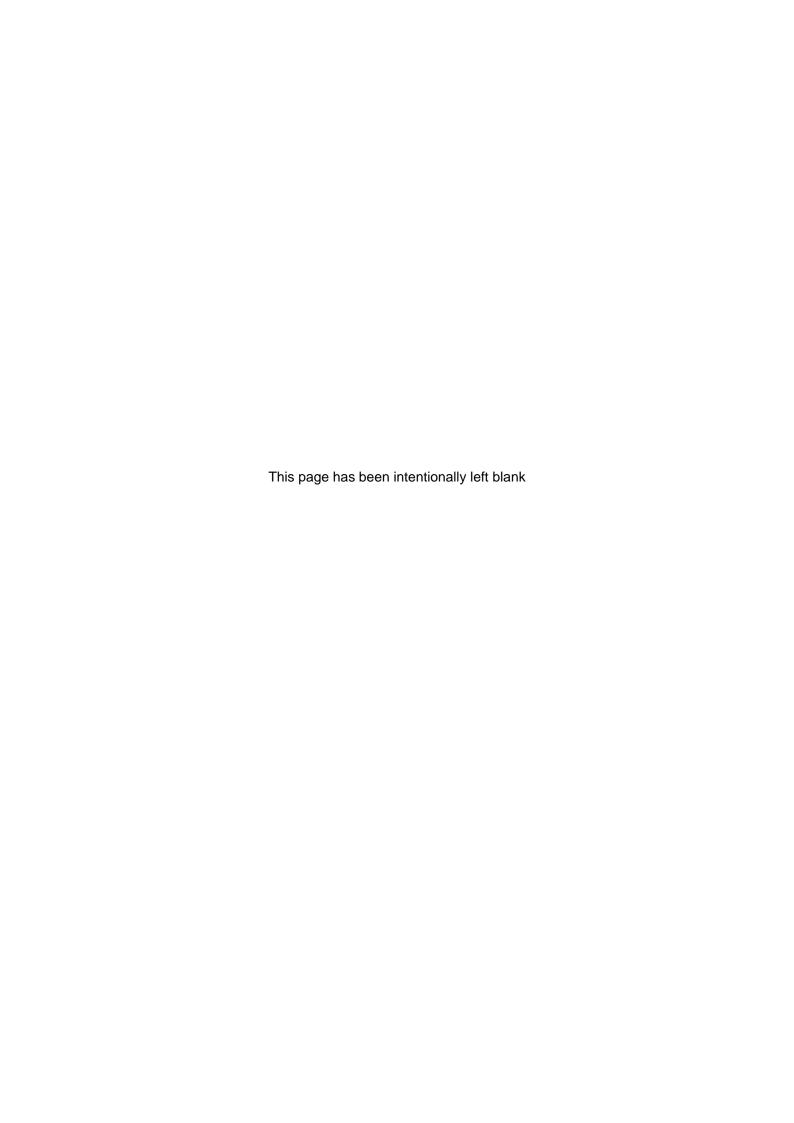
I embrace the report, the recommendations contained therein, and I am pleased to work towards achieving reform in the way police deal with property, as a means of furthering the *Frontline First* philosophy.

I acknowledge that whilst many of the recommendations can be worked through and implemented in the short-term, some resourcing will be necessary to ensure changes have the desired long-term effect.

Yours sincerely

KARL J O'CALLAGHAN APM COMMISSIONER OF POLICE

8 December 2005



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# **Acknowledgements**

The Inquiry Team wishes to acknowledge the assistance provided by police personnel from the various specialist areas referred to within the body of this report, who gave their time and provided invaluable assistance to members of the Inquiry Team.

Also, the many survey respondents who, collectively, assisted the Inquiry Team to identify many of the challenging issues associated with the management of property across Western Australia Police.

Finally, gratitude is extended to the interstate and international policing bodies, and their staff, who openly shared their property management experiences and knowledge, or otherwise contributed to the outcomes this Inquiry.

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## **Executive Summary**

This Inquiry was established following investigations into the theft of two sums of money from a safe at a suburban police station, the disappearance of cannabis from another police station and a police officer failing a property-related integrity test in another case. In each instance the Corruption and Crime Commission identified serious deficiencies in the general handling and management of property in Western Australia Police (WA Police). Subsequently, it was agreed that the WA Police and the Corruption and Crime Commission would undertake a joint inquiry into all aspects of the handling of property across WA Police.

The terms of reference for the Inquiry were to:

- assess the adequacy of police procedures and processes for managing property against recognised standards of good property practice; and
- make recommendations for improving the procedures and processes in place to prevent corruption and other misconduct related to property managed by police.

The methodology of the Inquiry included; literature reviews, interviews with WA Police personnel, meetings with external law enforcement agencies, examination of documentation, records, orders and procedures, site inspections, review of existing systems and databases, and referencing the results of previous audits. A rich source of data was the survey responses from 667 police personnel.

The Inquiry found that there are no recognised national standards for police property management, which contrasts with the many legislative requirements impacting on the subject. However, there are still gaps in legislative coverage, many of which appear to be addressed by a proposed Criminal and Found Property Disposal Bill.

The sheer volume of property seized by Police has exacerbated the problems of storage, disposal, workload and security. In turn, this has increased the strain on current systems, resources and morale. The soon to be decommissioned Property Tracing System reported approximately 116,000 items still active. Nearly 21,000 property items were recorded against WA Police business areas that no longer exist and about 55,000 items have not received any follow-up action after transfer from one business area to another.

Another inefficiency is the operation of two separate property management systems, which, although intended to be for a transitional period, is still occurring 18 months on. The replacement system is overwhelmingly claimed by users to be cumbersome, time consuming and not user friendly.

As well as procedural concerns, such as impractical and incomplete receipting processes, the Inquiry noted insufficient capacity to store property at business areas and outdated storage equipment. Physical security at the Property Receival and Exhibits Storage Section does not adequately restrict access to unauthorised personnel, and large items such as boats, trucks and cars are stored in highly visible and vulnerable open compounds. In some business areas, seized vehicles, including those subject to forensic analysis, were insecure because of a lack of deterrents such as perimeter alarms or video surveillance.

Access to drugs in the central drug repository is not adequately controlled, while some local drug storage facilities do not comply with the Police Building Code. Drugs cannot be disposed of while they are subject to court proceedings, one reason being that there is no 'finding of fact' provision in WA legislation, allowing for a qualified expert to certify that the substance/s are, in fact, banned substances. Similarly, other types of property used as evidence is being retained for long periods where there is scope for police to provide secondary evidence, such as photos and film, in lieu of the actual property.

Moveable property, such as electronic equipment and vehicles, is subject to substantial loss of value if retained until dealt with under the *Criminal Property Confiscation Act 2000*. The Inquiry urges the Director of Public Prosecutions to instigate action to dispose of property under that Act.

Although WA Police has a manual of orders and procedures, it is deficient in procedural detail. Moreover, its instructions relating to property audits are not being complied with. Management audits regularly find that both annual and local audits are frequently not completed, highlighting the lack of commitment to property management, especially at operational levels.

The physical, financial and human resources needed to properly manage property across WA Police are considerable and lacking. The Inquiry found the condition of central property storage areas to be substandard and not able to adequately protect

and maintain stored property. Photographs in this report graphically illustrate this point. Of particular concern was the lack of covered storage for large items such as cars, boats and caravans. There is an urgent need to upgrade the central Maylands storage facility or to relocate to a purpose-built facility.

Available funding for appropriate storage is insufficient. In terms of seized property, it is suggested that funding could be provided from the Confiscations Proceeds Account as provided by the *Criminal Property Confiscation Act 2000*.

The 'civilianisation' of the property management function is a core recommendation of the Inquiry, and indeed, in a small way the process has commenced. There are no valid reasons why much of the property management function should continue to be carried out by police officers. Increased use of police staff will significantly alleviate the frustration of many police officers and be a more efficient use of resources. Additionally, this separation of duties would provide an important corruption prevention measure. The Inquiry determined that property officers and, indeed, their supervisors, generally did not fully understand their responsibilities for the function. Better supervision, more thorough and accredited training in property management and the establishment of local property officer positions with a career structure is recommended. Other major changes recommended by the Inquiry are for police to use external providers to perform property collection services, and the removal of legislative impediments restricting police staff from handling certain items.

Placement of the property management function as a division within the WA Police would be an appropriate and decisive structural response to the issue. Also, appointing a member of the WA Police executive as a project sponsor to implement the recommendations would indicate the agency's willingness to embrace much-needed change.

Deficiencies in legislation, policy, processes, procedures and attitude have been identified. A comprehensive and concerted approach is now required. The 42 recommendations made in this report are far-reaching for WA Police.

#### List of Recommendations

These recommendations are grouped by broad subject area. The recommendation numbers reflect the order in which they appear in the body of the report.

#### **Organisational**

#### Recommendation 33 (Page 80)

Western Australia Police should approach the Director of Public Prosecutions to redetermine which body is the most appropriate to manage property seized by Police under the provisions of the *Criminal Property Confiscation Act 2000*.

#### Recommendation 40 (Page 98)

Western Australia Police should establish a single Property Management Division, with corporate responsibility for the management of all property holdings within the agency. A direct reporting relationship to Assistant Commissioner or Director level would be appropriate.

#### Recommendation 41 (Page 98)

Subject to the establishment of a single consolidated Property Management Division, Western Australia Police should consider relocating that function to its Operational Support Facility, situated at Midland.

#### Recommendation 42 (Page 99)

Western Australia Police should appoint a project sponsor at executive level to implement the recommendations of this Inquiry.

#### **People**

#### Recommendation 17.2 (Page 47)

Western Australia Police should provide refresher training to Inspectors and Officers in Charge on their managerial accountabilities relating to property.

#### Recommendation 17.3 (Page 47)

Western Australia Police should link the application of the Business Area Management Review Program to individual performance management.

#### Recommendation 17.4 (Page 47)

Western Australia Police should initiate disciplinary action and/or appropriate management remediation where regular mismanagement of property is detected.

#### Recommendation 24 (Page 61)

Western Australia Police should develop and deliver Incident Management System training which provides for learning at various levels, such as introductory, intermediate and advanced levels.

#### Recommendation 34 (Page 87)

Western Australia Police should civilianise positions that undertake property management duties as a primary job function and do not require police powers.

#### Recommendation 38 (Page 89)

Western Australia Police should build a career path within the proposed property management structure for personnel undertaking property management duties.

#### Recommendation 39 (Page 93)

Western Australia Police should provide accredited training to appropriate personnel in all facets of property management.

#### Resourcing

#### Recommendation 10.3 (Page 37)

Western Australia Police should identify funding to redress deficiencies.

#### Recommendation 30 (Page 77)

Western Australia Police should provide business areas with adequate funding for storing and maintaining property.

#### Recommendation 31 (Page 80)

Western Australia Police should approach the Attorney General to allocate funding from the Confiscation Proceeds Account to meet the costs incurred in managing, storing and maintaining property seized under the provisions of the *Criminal Property Confiscation Act 2000*.

#### Recommendation 35 (Page 87)

Western Australia Police should introduce a property collection service, undertaken by police staff or external contractors, to collect and transport property and exhibits from metropolitan business areas to central property storage facilities.

#### Recommendation 36 (Page 87)

Western Australia Police should contract auctioneers to collect property that is to be auctioned.

#### **Practices**

#### Recommendation 3 (Page 21)

Western Australia Police should improve the existing property receipting process by:

- 3.1 Revising the design of the Interim Receipt Book to ensure adequate accountability; and
- 3.2 Amending procedures within the Commissioner's Orders and Procedures Manual to require adequate cross-referencing of the Incident Management System number on respective interim receipts.

#### Recommendation 4 (Page 22)

Western Australia Police should improve property receipting processes on the Incident Management System to ensure input time is reduced.

#### Recommendation 5 (Page 23)

Western Australia Police should reiterate to police officers the requirements of the Commissioner's Orders and Procedures Manual, specifically instruction AD-49.5 which provides that police shall issue an interim receipt where property is taken in the field, to record the details of the incident and all items received or seized.

#### Recommendation 6 (Page 24)

Western Australia Police should amend the current format of the Interim Receipt (form P293a) to include a statement informing property finders of their rights and obligations in relation to found property.

#### Recommendation 11 (Page 39)

Western Australia Police should, as a matter of urgency, meet with the Director of Public Prosecutions, to instigate action to dispose of property under the provisions of section 94 of the *Criminal Property Confiscation Act 2000*.

#### Recommendation 14 (Page 42)

Western Australia Police should instigate follow-up action in relation to long-held property and exhibits, and action should be taken to purge items, where appropriate.

#### Recommendation 17.1 (Page 47)

Western Australia Police should continue performing random unannounced property audits.

#### Recommendation 19 (Page 53)

Western Australia Police should vigorously pursue outstanding active property items recorded in the Property Tracing System and ensure they are captured in the Incident Management System if they remain active when the police mainframe is decommissioned.

#### Recommendation 20 (Page 54)

As a matter of urgency, Western Australia Police should identify, locate and transfer 'unattached' property items to appropriate business areas.

#### Recommendation 22 (Page 56)

Western Australia Police should monitor the level of property recorded on the Property Tracing System that is listed as 'on transfer' to ensure the amount of outstanding property is reduced through follow-up action.

#### **Storage**

#### Recommendation 7 (Page 26)

Western Australia Police should complete its review of local property storage requirements to identify solutions that will alleviate the existing shortage of suitable property storage facilities.

#### Recommendation 8 (Page 28)

Western Australia Police should evaluate commercially available property storage methods and systems, and develop an acquisition program that will meet the current and future storage needs of the agency.

#### Recommendation 9 (Page 34)

As part of the planned relocation of the Drug Receival Unit, Western Australia Police should implement a security system that restricts independent access to drug storage facilities, together with video surveillance to monitor personnel within the drug storage facility.

#### Recommendation 10.1 (Page 37)

Western Australia Police should confirm the currency of the *Police Building Code* to ensure the security standards articulated in the Code reflect best practice.

#### Recommendation 10.2 (Page 37)

Western Australia Police should review the security arrangements for all property and drug storage facilities in light of the revised *Police Building Code*.

#### Recommendation 27 (Page 75)

Western Australia Police should evaluate its property storage requirements and develop a strategy to meet the current and future centralised property storage requirements.

#### Recommendation 28 (Page 75)

As a part of the proposed evaluation of property storage requirements, Western Australia Police should consolidate its centralised property storage function within a single facility.

#### Recommendation 29 (Page 75)

Subject to the feasibility of relocating all centralised property storage functions to the Operational Support Facility, situated at Midland, the Commissioner of Police should seek supplementary capital works funding to meet the cost of constructing a suitable purpose-built property storage facility.

#### **Systems**

#### Recommendation 23 (Page 61)

Western Australia Police should instigate a review of 'user feedback' regarding the Incident Management System to enhance the property input, processing and monitoring functions, and implement system enhancements accordingly.

#### Recommendation 25 (Page 63)

Western Australia Police should undertake a critical review of the Incident Management System property search facilities and implement improvements accordingly.

#### Recommendation 26 (Page 64)

Western Australia Police should introduce agency-wide barcoding for property recorded on the Incident Management System.

#### **Policy**

#### Recommendation 1 (Page 12)

Western Australia Police should submit a project proposal to the next meeting of the Board of Control of the Australasian Centre for Policing Research to establish National Guidelines/Specifications for the management of property/exhibits by policing jurisdictions.

#### Recommendation 2 (Page 13)

Western Australia Police should ensure that business practices of the proposed Property Management Division satisfy the required levels of performance outlined in Australian Standards relating to Quality Management Systems (AS/NZS ISO 9001:2000).

#### Recommendation 13 (Page 42)

Western Australia Police should develop criteria for the long-term retention of property as exhibits. The agency's central property management units, together with local supervisors, need to rigorously monitor property and exhibit holdings in accordance with the criteria.

#### Recommendation 15 (Page 44)

Western Australia Police should provide consolidated and clear policies and procedures in relation to property management.

#### Recommendation 16 (Page 44)

Western Australia Police should update and regularly review orders and procedures in relation to property management requirements.

#### Recommendation 18 (Page 49)

Western Australia Police should amend the Commissioner's Orders and Procedures Manual to clearly articulate the procedures for performing property checks.

#### Recommendation 21 (Page 54)

Western Australia Police should develop and implement procedures relating to property in the event of a business area becoming defunct.

#### Legislation

#### Recommendation 12 (Page 40)

Western Australia Police should seek amendment to the *Misuse of Drugs Act 1981* to provide for the court to make a finding of fact and order the destruction of the whole or part of a seized substance before trial.

#### Recommendation 32 (Page 80)

Section 131(2)(f) of the *Criminal Property Confiscation Act 2000* should be amended to provide that:

'Money shall be paid out of the Confiscation Proceeds Account... to cover any costs of storing, seizing or managing frozen or confiscated property that are incurred by the Police Force, the DPP or a person appointed... to manage the property'.

#### Recommendation 37 (Page 87)

Western Australia Police should seek to remove any statutory impediments that restrict or prevent police staff from handling and managing property, including drugs.

## **Chapter 1 – Introduction**

#### Catalyst for the Inquiry

During July 2003, two sums of money, \$5,800 and \$8,850 seized by the North Perth Tactical Investigation Group (TIG) disappeared from the safe at the North Perth Police Station. It was not possible for Western Australia Police (WA Police) internal investigators or investigators from the Corruption and Crime Commission (the Commission) to ascertain who had stolen this money due to the number of persons having had access to the safe and the lax procedures that operated within the TIG.

In August 2004, 2 kg of cannabis disappeared from the Fremantle Police Station. Again, it was not possible for police to identify the perpetrator of this offence or the exact circumstances of the disappearance. In February 2005, the Commission advised WA Police that it had completed its review of the investigation of the cannabis disappearance and determined that the internal investigation carried out by WA Police was adequate in terms of the specifics of the incident, but raised concerns about the adequacy of property management practices at the Fremantle Police Station.

Similar concerns were again raised in relation to the management of property following an integrity testing program conducted at the Fremantle Police Station in early 2005. The target of the integrity test, a police officer working in the property room, failed the test and was subsequently the subject of action that resulted in the termination of her employment. The integrity test identified a number of deficiencies in the general handling and management of property and reinforced the views expressed subsequent to the August 2004 investigation.

These incidents were sufficiently frequent and of such high profile as to raise the concern of both the WA Police executive and the Commission. From these and other examples, it was felt likely that there were such inadequacies in the current policies, procedures and practices involving property management across WA Police, that a wider inquiry into all aspects of the handling of property was warranted to address these deficiencies.

Following discussions between the WA Police and the Commission, it was agreed that a joint inquiry would be undertaken involving staff from both agencies. For this purpose, on 6 April 2005, the Commissioner of the Corruption and Crime Commission

established an Inquiry under s. 17 of the *Corruption and Crime Commission Act 2003* in pursuance of the Commission's prevention and education function (refer Appendix 1). Simultaneously, the Commissioner of Police commenced a project within the agency's internal audit framework.

#### **Conduct of the Inquiry**

Staff from the Management Audit Unit of WA Police together with staff from the Corruption Prevention, Education and Research Directorate of the Commission were tasked with conducting this Inquiry into property management. This was the first joint inquiry between the two agencies. The Inquiry was given the operational name of 'Project Terminus', and was conducted under the joint project sponsorship of Mr Graeme Lienert, Assistant Commissioner – Corruption Prevention and Investigation, and Dr Irene Froyland, Director – Corruption Prevention, Education and Research. Members of the Inquiry Team were:

| Western Australia Police      | Corruption and Crime Commission     |
|-------------------------------|-------------------------------------|
| Mr James Alex                 | Ms Kelly Cunningham (to June)       |
| Mr Chris Burton (from May)    | Mr Charles Thursby-Pelham (to June) |
| Mr Jim Sinclair               | Mr Glenn Ross (from July)           |
| Senior Sergeant Stuart Fozard | Mr David Solosy (from August)       |
| (to June)                     |                                     |

It is acknowledged that in addition to the usual matters that need to be worked through with a complex inquiry of this type, there were additional issues associated with having two separate agencies jointly involved, where one is coming from an internal audit perspective and the other taking the view of external oversight.

#### **Terms of Reference**

The purposes of the Inquiry were to:

- assess the adequacy of the WA Police's procedures and processes for managing property against recognised standards of good practice; and
- make recommendations for improvements in procedures and processes to prevent corruption and other misconduct in relation to property managed by WA Police.

The complete project proposal is contained at Appendix 2.

#### **Definition of Property**

For the purpose of this Inquiry 'property' included but was not limited to items of personal property, vehicles, drugs, firearms and cash held in the custody of the WA Police for or on behalf of another person or entity. This includes property:

- handed to or coming into the possession of police that is not subject to a
  warrant and no person has been charged in connection with it being stolen or
  otherwise unlawfully obtained (e.g. found or unclaimed property);
- coming into the possession of police that is linked to a person having been charged in connection with it being stolen or otherwise unlawfully obtained;
- · seized in connection with an offence; or
- suspected of having been unlawfully obtained, including property seized under the provisions of the Criminal Property Confiscation Act 2000 (e.g. stolen or seized property).

The Inquiry did not seek to examine the management of public property held for or on behalf of the State that is vested with the WA Police (e.g. assets such as police vehicles and premises).

#### **Current Environment**

The potential for mismanagement of property across WA Police is a significant risk for the agency. The agency has received negative publicity in relation to employee transgressions involving property, and this has the potential to damage the public's perception of WA Police. During the period of the Inquiry, adverse media comment was received by WA Police in *The West Australian* of 6 July 2005 and references were made in subsequent media reports regarding the unsatisfactory nature of property management (refer Appendices 3 and 4).

Indeed, the mismanagement of property can have dire consequences for the reputation of police agencies. An example the Inquiry noted occurred in the Memphis Police Department in Tennessee, USA, where 16 people (including three property room employees) were indicted in 2003 over missing cocaine worth US\$2.3 million; marijuana worth US\$447,000; cash items worth US\$147,000, as well as 66 firearms.

WA Police have recently been subjected to the scrutiny of a Royal Commission, which signalled a renewed period of enhanced accountability for the agency. Despite this, internal audits by WA Police during 2004/05 have noted that 'business area managers

and inspecting officers give insufficient attention to the administration and management of property.<sup>1</sup>

A number of past reviews by WA Police have also highlighted many issues in relation to property management and while these reviews genuinely attempted to address the situation, it is clear that a comprehensive, consolidated approach to enhancing property management practices across the agency was required.

The implementation of the Commissioner of Police's *Frontline First* strategy, together with Government's commitment to employing additional administrative and expert civilian staff, provide this Inquiry with an opportunity to focus on the subject of support to frontline police to more effectively, efficiently and in a corruption-resistant way, manage property within the agency.

#### Methodology

The *Effectiveness Reporting Framework* developed by the Canadian Comprehensive Auditing Foundation was used as a reference for the Inquiry's assessment and evaluation of property management practices, procedures, policies, legislation and systems. In the collection, synthesis and evaluation of information the following methodology was applied:

- Literature reviews to establish global legislative and policy frameworks for law enforcement agencies;
- Interviews with WA Police personnel involved with property management, including Officers in Charge, property officers and other personnel where appropriate;
- Meetings and liaison with external law enforcement agencies, interstate and overseas;
- Collating documentation, records and other substantive evidence, including WA Police policies, procedures and relevant legislation;
- · Site inspections;

- Review of existing systems and the interrogation of databases; and
- Referencing the results of past Business Area Management Review (BAMR) audits.

Western Australia Police, Management Audit Unit, 2005, Business Area Management Review Program Annual Report 2004/05

The Inquiry surveyed personnel within WA Police seeking views on a range of issues involving property management. Survey recipients were asked to complete an electronic intranet-based questionnaire (refer Appendix 5) during the period 1 June 2005 to 10 June 2005 and indicate what priority they gave property management and its related tasks amongst other operational duties. The survey also made provision for respondents to make general comments about property management.

Of the 3,267 police personnel who read the electronic survey request, 667 (20 per cent) submitted a response to the survey. The results provided an excellent source of information for the Inquiry and a reasonable basis for identifying issues and validating information gathered through other means.

Site inspections undertaken by the Inquiry were selected based on information received from the WA Police's BAMR Program and complaints intelligence received from the Police Complaints Administration Centre (PCAC). Additionally, some sites were selected at random. Property management practices, procedures and facilities at locations within the South Metropolitan, South-East Metropolitan, West Metropolitan, North-West Metropolitan, Kimberley and South West Police Districts were scrutinised and interviews with staff were conducted within those locations. Consideration was also given to the environmental, geographic and demographic factors affecting property management in both regional and metropolitan areas.

#### The Report

The assessment of property management within the WA Police is the focus of the report that follows. In this regard:

- Chapter 2 establishes the legal and policy environment that regulates how property is required to be managed. It examines both global requirements as provided in the *Financial Administration and Audit Act 1985* and the more specific requirements under the Commissioner's Orders and Procedures (COPs) Manual. The chapter comments on international property management standards and provides an overview of the increasing volume of property received and how it should be managed by WA Police.
- Chapter 3 describes and analyses the current practices and procedures in property management. It illustrates the limitations of storage equipment and

physical security of property. Issues of access to drugs and their storage are highlighted.

- Chapter 4 looks at the two electronic property management systems, the Property Tracing System and the Incident Management System (IMS). This chapter notes areas of duplication between the two systems and critical inefficiencies in both their capabilities and usage. The IMS system is criticised as being resource-intensive, unreliable and not user-friendly, while comment is made about it also being under-utilised in terms of its capabilities.
- Chapter 5 looks at physical and financial resourcing implications. Storage issues are highlighted, as is the difficulty experienced in meeting legislative responsibilities in relation to property storage. Recommendations are made to promote better use of these resources.
- Chapter 6 is concerned with human resource implications, paying particular
  attention to the attitudes of staff towards the property management function and
  the apparent lack of job satisfaction currently associated with property
  management. Recommendations are made about supervision and training of
  staff and the potential for civilianisation of the property management function.
- Chapter 7 assesses the positioning and status of the property management function within WA Police and argues for consolidation of the function into one discrete unit.
- Chapter 8 addresses the way forward in the implementation of the Inquiry's recommendations.

# Chapter 2 - Law and Good Practice

#### Why Police Handle Property

#### **Found Property**

It is a common expectation that when a person finds property, for example a camera, they can hand it to the police. That person becomes the immediate claimant to that property unless the true owner comes forward. In this situation the finder acquires the title to the lost or abandoned property by taking it into his or her possession. This is known as the principle of 'finders keepers'.<sup>2</sup>

By handing the found property to the police, the finder is taking reasonable steps to find the owner. Where the police cannot find the owner, the property is available for return to the finder, as other than the true owner, that person has the best title to the property.

#### **Seized Property**

Property is seized by police for a number of reasons, including the:

- · possession of that property is illegal;
- property was gained as the proceeds of a crime;
- property was used or intended to be used in the commission of an offence;
- property provides evidence of the commission of an offence;
- property has been abandoned;
- · seizure of the property is a result of a court process;
- result of police investigations; and
- · result of the execution of a search warrant.

After the initial seizure, the receipting, labelling, packaging, storage and security of the property can be undertaken by either a police officer or police staff, with some legislative and policy restrictions in relation to drugs and firearms.

<sup>&</sup>lt;sup>2</sup> ABC Radio National, *Finders Keepers*, The Law Report (transcript), broadcast 6 February 1996, Web: http://www.abc.net.au/rn/talks/8.30/lawrpt/lstories/lr060202.htm
Butterworth's concise Australian legal dictionary, 2nd ed., general editors, Peter E. Nygh, Peter Butt. Sydney: Butterworths, 1998

#### **How property Enters the Agency**

Property comes into the possession of police by being:

- found by any person and being handed to a police officer;
- found by any person and being handed in at a police office;
- found by any person and its location reported to police, who then seize the property;
- found by a police officer;
- seized by a police officer as a result of a search without a warrant (ss. 49 and 68 of the *Police Act 1892*);
- · seized by police as the result of a court order;
- seized under the Criminal Property Confiscation Act 2000; and
- seized under a warrant issued by a Justice of the Peace under various Acts such as the Police Act 1892, The Criminal Code, Misuse of Drugs Act 1981 and others.

A police officer may be handed found property at any time, whether on or off duty. Where property is received at a police station, it may be handled by a police officer or police staff. Some larger police stations may have two full-time property officers (either police officers or police staff), while smaller business areas may have either a full-time or part-time property officer.

#### Property and the Law

Legislative coverage of property related matters is broad, as is the definition of property. *The Criminal Code* defines 'property' (in relation to stealing) at s. 371 as including:

'...any description of real and personal property, money, debts, bank credits, and legacies and all deeds and instruments relating to or evidencing the title or right to any property or giving right to recover or receive any money or goods and also includes not only such property as has been originally in the possession or in the control of any person but also includes any property in which or for which it has been converted or exchanged and anything acquired by the conversion or exchange, whether immediately or otherwise'.

While there are commonly held perceptions about why property is handed to, or seized by police, and what police might do with that property, most people would be unaware of the variety of legislation that governs this issue. Acts known to govern Police handling of property in Western Australia include the following:

#### The Criminal Code

Under s. 371 of *The Criminal Code* a person who takes another person's property is guilty of stealing, but in the case of lost property, the person who finds and takes the property does not commit the offence of stealing if they do not know who the owner is and believe on reasonable grounds that the owner cannot be found. *The Criminal Code* at s. 714, requires reasonable care to be taken for the preservation of seized property in police custody and that it be returned to its owner, disposed of, or given to some other person as the law allows or requires.

#### Financial Administration and Audit Act 1985

The Commissioner of Police, in accordance with s. 53 of the *Financial Administration and Audit Act 1985*, has specific responsibilities as an accountable officer. Sub-section (d) of this section, makes specific reference to responsibilities relating to property: 'the custody, control, management and accounting of all public property and other property of or under the control of the accountable officer's department.'

#### Criminal Property Confiscation Act 2000

Section 92 of the *Criminal Property Confiscation Act 2000* (CPCA) requires that a person who has the control or management of property seized under the Act take reasonable steps to ensure that the property is appropriately stored, managed and maintained.

This Act also provides that a person with responsibility for the control or management of seized, frozen or confiscated property may apply to the court for an order to destroy it, if it would not be in the public interest to preserve it [refer s. 93(2)].

Section 94 deals with the sale of deteriorating property. In summary, this section provides for the person who has responsibility for the property to apply to the court to sell that property, where it is likely that the property will be subject to substantial waste or where the cost of managing and protecting it will exceed the value of the property, if it is retained until it is dealt with under another provision of the Act.

#### Police Act 1892

Currently the *Police Act 1892* prescribes how unclaimed stolen or unlawfully obtained property and other unclaimed property is to be dealt with by police. Section 75 provides for the sale and disposal of unclaimed stolen or unlawfully obtained property. Section 76 provides for disposal of other unclaimed goods and allows the Commissioner to deal with 'valueless' items as he thinks fit.

#### Other Legislation

Additionally, other legislation that impacts on police handling of property includes, but is not limited to, the following Acts:

- Disposal of Uncollected Goods Act 1970
- Environmental Protection Act 1986
- Explosives and Dangerous Goods Act 1961
- Misuse of Drugs Act 1981
- Occupational Safety and Health Act 1984
- Poisons Act 1964
- Unclaimed Money Act 1990
- Weapons Act 1999

Some legislation also has relevant attendant regulations, such as the Misuse of Drugs Regulations and the Explosives and Dangerous Goods (Explosives) Regulations, which also influence police handling of property.

#### **Criminal and Found Property Disposal Bill 2005**

A Bill, titled the Criminal and Found Property Disposal Bill 2005, has been drafted which provides for a more contemporary approach to the disposal of property:

- · seized in the course of criminal investigations; and
- that has been found and is in the possession of WA Police.

This Bill and the subsequent legislation will assist in enhancing the management of property by WA Police.

#### **Good Practice**

#### **International Standards**

The Interpol Group of Experts on Corruption has published *Global Standards to Combat Corruption in Police Forces/Services*.<sup>3</sup> Standard 4.12 refers to systems and states:

'...having and maintaining systems of revenue collection, money and property handling and for the control and preservation of evidence that ensure that those collecting or handling money, dealing with evidence or handling property are accountable and that the systems are such as to deter corruption.'

While this standard is broad, it clearly expresses the principles of police property management, without regard for efficiency and economy. Its intention is well complemented by the Property and Evidence Management Standards of the International Association for Property and Evidence<sup>4</sup> (IAPE), which deal with sound and effective process and procedures. The 23 IAPE standards include:

| Organisational Placement | 13 Narcotics Handling |
|--------------------------|-----------------------|

2 Staffing, Scheduling & Responsibilities 14 Evidence and other Special Handling

3 Written Policies and Procedures 15 Disposition and Purging

4 Temporary Storage of Evidence 16 Found Property

5 Long Term Storage of Evidence 17 Property for Safekeeping

6 Property Room Construction 18 Auctions

7 Layout Issues 19 Diversion of Property

8 Security and Alarms 20 Training
9 Documentation 21 Audits

10 Packaging, Handling and Storage 22 Inventories

11 Currency and Valuables 23 Automation

12 Firearms Handling

Most of these standards were developed in 2002 or later. Although the standards appear to be written for conditions in the United States of America, they were nevertheless useful to this Inquiry as they provide an extensive checklist of issues to consider in the Western Australian context. As is typical with standards generally, they articulate what *should* happen and make little allowance for local conditions.

<sup>&</sup>lt;sup>3</sup> International Criminal Police Organization Interpol General Secretariat, *Global Standards to Combat Corruption in Police Forces/Services*, December 2002, p. XII.

<sup>&</sup>lt;sup>4</sup> International Association for Property and Evidence, *Property Room Standards*, [Online], Available: <a href="http://www.iape.org/">http://www.iape.org/</a> [6 October 2005].

The United Kingdom's Home Office report on Property Management<sup>5</sup> notes that the 'topic is a vast and multi-faceted one'. Property management activities, the report comments, cause 'time abstraction for patrolling officers'. While the report does not go into any detail about processes and procedures, it does propose that legislative amendment, civilianisation of the function and [police] force level interventions in current practices are reforms that would be cost neutral or incur minimal cost.

#### **Australian Standards**

No national standards exist for management of police property. The Australasian Centre for Policing Research (ACPR) produces National Guidelines and National Specifications on various subjects common to policing. At the time of this Inquiry, the ACPR had published nothing on property management, or related sub-topics such as storage facilities, property disposal and the like.

#### Recommendation 1

Western Australia Police should submit a project proposal to the next meeting of the Board of Control of the Australasian Centre for Policing Research to establish National Guidelines/Specifications for the management of property/exhibits by policing jurisdictions.

#### **Western Australian Standards**

In the WA Police, there is heavy reliance on the Commissioner's Orders and Procedures (COPs) Manual to provide guidance and instruction on property handling and management. As its title suggests, the COPs Manual focuses on orders and procedures, which may be taken as policy. It does not enunciate standards *per se,* and critically, it is silent on many aspects of property management.

The Inquiry was unable to identify any recognised or generally accepted standards that specifically relate to the management of property by police and it appears that no official standards, as such, exist in federal, state or territory police jurisdictions.

United Kingdom Home Office, Policing Bureaucracy Taskforce, Property Management Report, [2002], [Online], Available:

http://www.policereform.gov.uk/bureaucracy/change\_proposal\_reports/Incident\_Response/Property\_Management/in\_dex.html [6 October 2005]

The Inquiry makes a number of recommendations in this report relating to the establishment of a single consolidated Property Management Division (refer Chapter 7). It is the view of the Inquiry that the management of the proposed single entity should be aligned to established standards.

The joint Standards Australia/Standards New Zealand Committee has developed an International Standard relating to Quality Management Systems (AS/NZS ISO 9001:2000) to:

"...assess the organisation's ability to meet customer, regulatory and the organisation's own requirements."

The application of this Standard would provide a sound foundation and strategic approach should a Property Management Division be established within Western Australia Police.

#### Recommendation 2

Western Australia Police should ensure that business practices of the proposed Property Management Division satisfy the required levels of performance outlined in Australian Standards relating to Quality Management Systems (AS/NZS ISO 9001:2000).

#### **Good Practice Principles**

This section provides an overview of the current property management environment including aspects of policy and practice.

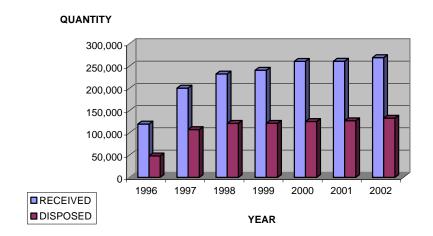
WA Police have a legislative responsibility to take reasonable steps to ensure that property is appropriately stored, managed and maintained. Property is housed at police stations, business areas and at a number of central facilities to meet the storage requirements for specific items of property.

#### **Volume of Property Received by WA Police**

Over the past five years, the volume of property seized by Police has been steadily increasing. This can be attributed to:

- the Criminal Property Confiscation Act 2000, providing for the confiscation of property acquired as a result of criminal activity;
- the widespread use of mobile telephones, which account for a large part of found property;
- an emphasis on increased accountability that has resulted in police officers entering every item seized in the Incident Management System (IMS), rather than a previous practice of entering 'a bag and contents'; and
- a gradual increase in the population of the State.

The graph below shows the increase in property recorded on the previous Property Tracing System. In contrast, the current IMS could not readily report the number of items taken over a given period or how many items the agency as a whole has on hand.



Graph 1 - Receipt and disposal of property by year (1996 - 2002)

The above graph clearly indicates that WA Police is not disposing of property at a rate proportional to which it is being received, which will impact on future property storage requirements.

#### **Long-Term Storage of Exhibits**

Exhibits/evidence are held for long-term storage where:

- no person has been charged with the offence/s committed;
- the offender/s have been charged and convicted and the exhibits are required in case of appeal/retrial; and
- the offender/s have been charged but absconded while on bail and a bench warrant is in existence.

Currently exhibits may be stored at the Property Receival and Exhibits Storage Section, the DNA and Exhibits Coordination Unit, Ballistics Section, on case files, at police stations or detectives' offices. Exhibits/evidence seized at the scene of a crime are often required to be stored for many years while the matters are under investigation. When the court and appeal processes have been finalised the property is returned to the police for disposal.

#### Labelling/Tagging

All property is required to be clearly labelled with both the IMS and individual property item number using a tag or such material that cannot easily fall off, fade or wash away.

#### **Packaging for Storage**

Appropriate safe packaging and clear labelling should be applied to all items with particular consideration being given to high value, sharp or dangerous objects (e.g. jewellery, metallic tools/weapons and firearms).

Standard operating procedures are required to be in place for the handling, packaging and storage of hazardous and dangerous goods such as chemicals and explosives.

#### Storage

Firearms which are seized or handed in to Police are generally stored in firearms cabinets in the armoury. When there is insufficient space in these cabinets, firearms are stored loose in the armoury.

In country areas, drugs are usually stored in lockable four-drawer filing cabinets within the armoury. Some business areas have been quite innovative in obtaining post box-type storage, where the drugs can only be accessed by the Property Officer or Officer in Charge.

#### **Security**

The property storage area is required to have restricted access available to property officers and the supervisor/manager of the business area. The most secure form of access to the area is by proximity cards that record when the area was accessed and by whom. Where keys are used, access to the keys should be restricted. The property storage area should be alarmed.

The Officer in Charge is responsible for determining access restrictions to property storage areas. The design of a building's property storage areas and the number of staff are factors that influence the decision to restrict access to property.

#### Supervision

Supervisors should be checking the process and property at all stages to ensure compliance with procedures and that the property is correctly described, packaged and stored. Records of the checks should be noted.

#### Disposal

In general, seized property is disposed of by:

- returning it to the owner when no longer required by Police;
- returning it to the owner as a result of a court order;
- destroying it as a result of a court ordered forfeiture; and
- selling it by auction as a result of a court ordered forfeiture

When found property is received at a business area, inquiries to find the owner of the property should be commenced as soon as practicable. When property is returned to the owner, the appropriate receipt should be signed and filed with the depositor's receipt at the business area.

When found property is handed to police (not at a business area) advice in writing should be obtained from the finder as to whether they want the property returned to them.

If after one month the owner is not found, the property may be returned to the finder with the receipt being appropriately signed and filed. Where the owner cannot be found and the finder does not want the property, the property should be auctioned or destroyed as soon as practicable.

## **Audit**

The Officer in Charge or manager of the business area should ensure that a complete (100%) audit of the property is conducted once a year.

The audit is conducted by obtaining a print out of the IMS property on-hand and property in-transit lists and checking each item of property against the lists to ensure it is accounted for. The hard copy of the property on-hand list should be signed by the persons conducting the audit and filed at the business area for checking by independent auditors.

The District/Divisional Inspecting officers should ensure that the annual audit has been done and conduct their own partial audit of the property.

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# Chapter 3 – Property Management Practices and Procedures

The Inquiry set out to assess the adequacy of police procedures and processes for managing property against recognised standards of good practice and to make recommendations for improvements in current procedures and processes. While the Inquiry assessed many performance-related property practices, and indeed witnessed many positive practices, a number of deficiencies were identified, and reported on. The issues in this chapter are based on substantive evidence collected and validated during the course of the Inquiry.

The issues identified in this report are not intended as a critique of the current police executive or personnel involved in property management functions (either within central property management facilities or operational sections of the agency). Indeed a number of the deficiencies reported upon have evolved over a long period and will take some time to redress. In some cases, Western Australia Police (WA Police) is in the process of addressing the issues identified, while in other cases external influences are affecting the agency's ability to effectively manage property; legislative impediments are a prime example in this regard.

The issues identified should not be regarded as solely within the domain of WA Police to rectify. Some matters will require collaborative support from Government, the judiciary, the WA Police and other government agencies who must share some responsibility to resolve the conditions presented.

## **Property Receipting**

This aspect of the Inquiry examined the controls in place that govern the receipt of property by WA Police. In this regard, the Inquiry took note of general instructions in relation to the recording of property and the use of interim receipts, as delineated in the Commissioner's Orders and Procedures (COPs) Manual under instructions AD-49.4 and AD-49.5. The instructions in AD-49.4 require all seized/exhibit or found property coming into the possession of Police to be recorded in the Incident Management System (IMS) within specified timeframes, while AD-49.5 provides that Police shall issue an interim receipt where property is taken in the field, to record the details of the incident and all items received or seized, together with an Incident Number, as created and issued by the officer.

During the course of the Inquiry, operational police officers and police staff responsible for the issue of manual/interim receipts identified a number of issues in relation to the smaller, pocket sized, Interim Receipt (form P293a). The issues raised were best summed up by one officer who commented:

'[Police] find the interim receipts an accountability nightmare, flimsy, too small – just not worth using.'

More specifically, the following receipting issues were identified by the Inquiry:

# The design of the Interim Receipt Form (form P293a) lacks accountability.

The design of the P293a form is such that each receipt is uniquely numbered, duplicated and perforated. Instructions provide for the original receipt to be provided to property owners, with the station copy to remain within the interim receipt book until such time as an IMS receipt has been created, after which it must be immediately handed in to the station Officer in Charge. When all receipts within an Interim Receipt Book have been used, all that remains of the book is the front and rear cardboard covers. Inconsistencies in the recording of interim receipt numbers in IMS and varying practices in the treatment of station copy receipts compromise the audit trail when attempting to trace items of property from an original interim receipt issued to a property finder. For example, some police stations attach station copy receipts to the IMS receipt held with the property, some police stations leave station copy receipts within the Interim Receipt Book while others maintain a separate file for station copy receipts.

The level of accountability in the Interim Receipt process is also compromised as:

- There is no provision on the Interim Receipt to record the time and date that property is receipted (although these details, together with a police officer's regimental number, form the Incident Number on the Interim Receipt/Exhibits Log);
- There is no provision on the interim receipt to record/cross-reference the IMS reference number; and
- The specific procedures governing the use of interim receipt books are not sufficiently formalised within the COPs Manual.

All property accepted or taken into the possession of police should be recorded at the earliest opportunity to ensure an appropriate level of accountability over the item/s of property received and to minimise any opportunity for misappropriation.

Ideally, all property received should be recorded as a computer entry on an appropriate system or by the issue of pre-numbered receipts that form part of an accountable book. Each individual receipt should be identified and controlled by a unique transaction number, such as a receipt number, to provide traceability and accountability over all items received.

When any property is received by the police away from a business area, whether found or seized, a hard copy interim property receipt (in book format) should be given to the person from whom the property is seized. The property should then be conveyed to a police business area as soon as practicable.

When property is received directly at the business area, it is required to be immediately entered on the IMS and a receipt printed and handed to the person from whom the property is received.

As a minimum requirement, each Interim Receipt Book should be uniquely numbered and accounted for as an accountable form, an additional book copy of each receipt should remain within the book and provision should be made on each book copy to record the relevant IMS reference number.

### Recommendation 3

Western Australia Police should improve the existing property receipting process by:

- 3.1 Revising the design of the Interim Receipt Book to ensure adequate accountability; and
- 3.2 Amending procedures within the Commissioner's Orders and Procedures Manual to require adequate cross-referencing of the Incident Management System number on respective interim receipts.

## IMS receipting procedures are being circumvented in favour of the manual interim receipting process

The Inquiry noted that interim property receipts were being issued over the counter at police stations, contrary to policy, which only provides for the issue of an interim receipt where property is seized or comes into police possession in the field or, if due to system downtime, a computerised receipt cannot be issued.

Interim receipts are being issued over the counter as a means of quickening service delivery by overcoming the cumbersome and time-consuming process of entering details directly in the IMS. The practice results in unnecessary duplication and when coupled with the lack of accountability over the interim receipting process, gives rise to a greater risk of corruption. Effort needs to be applied to improving the property receipting/processing time on the IMS through system enhancements and training.

#### Recommendation 4

Western Australia Police should improve property receipting processes on the Incident Management System to ensure input time is reduced.

### Physical size of the Interim Receipt (form P293a) is impractical.

While the interim receipt book is designed to fit within an officer's pocket, its physical size limits the ability to record specific details of property seizures (e.g. serial/model numbers and or descriptions of any identifying marks). The limited space available on the interim receipt to record the time and date that property is receipted and to cross-reference the IMS number is inadequate and does not allow these material facts to be recorded.

The Inquiry noted that because of its impractical size and perceived inadequacies, some police stations/business areas did not issue interim receipts for property received in the field. In some cases, members of the public were asked to attend a police station at a later time if they required a receipt. This practice circumvents entirely the procedural controls in place that protect both the property and the integrity of police involved, and

provides an unnecessary risk that the chain of evidence could be broken or property could be misappropriated.

Interview and survey feedback suggested a larger book would be more user friendly and could be stored in vehicles along with other operational books. In this regard, and pending the implementation of a technological (mobile IT) solution, redesign of the P293a form or procedural changes in favour of utilising the Interim Receipt/Exhibits Log should be adopted to overcome this issue.

#### Recommendation 5

Western Australia Police should reiterate to police officers the requirements of the Commissioner's Orders and Procedures Manual, specifically instruction AD-49.5 which provides that police shall issue an interim receipt where property is taken in the field, to record the details of the incident and all items received or seized.

 The Interim Receipt (form P293a) and Interim Receipt/Exhibits Log, does not contain a statement that ensures finders are informed of their rights in relation to found property.

The COPs Manual, under AD-49.3, provides for found property to be returned to the finder if the owner cannot be identified and a period of one month has elapsed. The provisions of the COPs Manual also require police to establish whether the finder will be exercising any rights that they may have to the property in the event that the owner cannot be identified.

Aside from the provisions of AD-49, which rely on police to ascertain and consequently inform finders in relation to their rights, there is no means to ensure finders of property are formally notified of their rights in relation to the property that is receipted on an Interim Receipt (form P293a) or an A4-sized Interim Receipt/Exhibits Log.

The potential for property finders to unwittingly relinquish any further connection to found property, together with the identified lack of accountability over the design of the Interim Receipt (form P293a), leaves

scope for potential misappropriation of the property. A statement similar to the following – which is printed in IMS receipts – would minimise such risks:

Note: If the owner of this property is not found (WITH EXCEPTIONS) the finder may claim it by producing this receipt after a period of one month. If a claim is not made, property will be auctioned and the proceeds applied to state revenue.

#### Recommendation 6

Western Australia Police should amend the current format of the Interim Receipt (form P293a) to include a statement informing property finders of their rights and obligations in relation to found property.

## **Property Storage**

This section of the report deals with local property storage practices, including an assessment of the availability and suitability of labelling and packaging to appropriately store, protect and identify property. Aspects of property storage relating to central accommodation issues have been addressed separately within the physical resources component of the report (refer Chapter 5).

Among other matters, this component of the Inquiry sought to ascertain whether WA Police:

- limited the opportunity for interference, including use of security seals for high-risk items like drugs;
- utilise appropriate shelving and other contemporary storage systems and devices;
- appropriately seal property, where there is a risk of contamination or other and associated paraphernalia;
- have available suitable packaging for items receipted in the field; and
- label property appropriately, to make known any potential hazards (e.g. biohazards).

The following issues were identified:

## There is insufficient capacity to appropriately store property at local police facilities.

During the course of site visits, the Inquiry noted many police facilities had insufficient capacity to appropriately store property and exhibits. Some examples noted by the Inquiry include:

- Cells being utilised for property and drugs storage. Problems include inadequate ventilation, particularly with seizures of marijuana, affecting air quality for police officers, police staff and prisoners. In some cases, cell contents are in full view of prisoners, potentially compromising security;
- Impounded vehicles stored in insecure and unsheltered compounds. This
  issue can be particularly problematic where a vehicle is the subject of
  forensic analysis. In this regard, the Inquiry heard advice from another
  jurisdiction where vehicles had been tampered with, to remove evidence,
  following seizure by police;
- Drugs and property insecurely stored in rooms where operational equipment, such as police radios and other accoutrements, are held and subject to frequent access;
- Lack of separate property storage facilities for high-risk and dangerous/hazardous items. The Inquiry noted that at some police stations drugs, firearms and general property were stored within the same holding room. It would be more appropriate to restrict access to such items; and
- Insufficient storage at some locations for larger items (e.g. televisions), impact on available storage.

As a result of insufficient capacity within designated areas, police have had to employ a 'band-aid' approach to store property and exhibits, with some business areas using up to seven different areas to store property.

The Inquiry heard that property was being stored in cupboards, outside areas/yards, sea containers, garages and other such areas not originally intended or designed for the safe storage of property and exhibits. The lack of available storage at business areas is compounded in the metropolitan area by

a lack of capacity at central property stores to accept additional property for long-term storage, and within regional areas, by the costs and resources required to transport property to central property stores.

The current arrangements compromise security, hamper efficient access, and make difficult the general management and audit tasks associated with property and exhibits.

The Inquiry is aware that WA Police instigated a review of local storage requirements at business areas across the agency in March 2005, during which time many of the agency's business areas were surveyed in relation to their property storage requirements. However, as a consequence of other priorities, the results from that survey are yet to be collated, analysed and reported upon. Moreover, no timeframe had been established to finalise that review.

While the Inquiry understands there are no simple answers to storage problems encountered by police, more needs to be done to identify potential solutions that will alleviate the existing shortage of suitable property storage facilities at the business area level.

#### Recommendation 7

Western Australia Police should complete its review of local property storage requirements to identify solutions that will alleviate the existing shortage of suitable property storage facilities.

 WA Police have outdated storage equipment and require contemporary storage systems to improve property storage capacity and efficiency.

The Inquiry noted that property held at various business areas and within each of the buildings at the Property Receival and Exhibits Storage Section (PRESS) is stored in an array of different types of shelving, in metal, wood, or plastic crates, or in secure cupboards, which have accumulated over a period of time. The following photographs illustrate the inconsistent nature of storage equipment utilised at PRESS.

Photograph 1 - Shelving and bin storage.



Photograph 3 - Shelving storage.



Photograph 5 - Shelving storage.



Photograph 2 - Cage and bin storage.



Photograph 4 - Shelving/cage storage.



Photograph 6 - Shelving storage.



As can be seen, the equipment available to store property is outdated and does not facilitate an efficient and effective professional property storage function. In some cases, property was found to be inadequately packaged and without effective protection from other items. The Inquiry considers WA Police are not benefiting from the availability of commercial storage systems designed to provide storage efficiencies, in terms of both space requirements and the time taken to store and retrieve goods.

<sup>&</sup>lt;sup>6</sup> Property and exhibits held by the DNA and Exhibits Coordination Unit were found to be individually packaged and sealed.

In addition to an array of modern static apparatus that would be suitable to provide storage solutions for the agency, the Inquiry also noted the availability of automated storage systems that incorporate inventory control software. One such system, the *Prevon Vertical Carousel*, was sighted by the Inquiry during its visit to Victoria Police. That jurisdiction advised of a number of benefits in terms of space usage and property retrieval times, particularly for smaller items. The system can be configured dependent upon individual requirements, is capable of interfacing with other computer systems, and can be integrated with climate control systems.

### Photographs 7 and 8 - Prevon Vertical Carousel





In another jurisdiction, property was packaged in a range of cardboard boxes, purchased specifically for property storage purposes, which were designed to fit neatly in shelving units within the property storage facility. Overall, the facility had the appearance of a well-organised and professional property storage establishment.

The Inquiry believes the use of systems (as pictured above), in conjunction with modern static storage devices and facilities would greatly enhance the level of protection afforded to property holdings and improve efficiency of property management by WA Police.

#### Recommendation 8

Western Australia Police should evaluate commercially available property storage methods and systems, and develop an acquisition program that will meet the current and future storage needs of the agency.

## **Property Security**

This component of the Inquiry sought to assess whether WA Police take appropriate precautions to safeguard property from risks such as theft or malicious damage, including minimising any opportunity for theft related corruption. It examined whether WA Police have in place appropriate measures to minimise the occurrence of such offences and whether the agency was in a position to detect and respond should such an incident occur. In order to determine if property was adequately secured and protected while in the custody of WA Police, the following elements were examined and measured against good property practices; physical security, electronic security, video surveillance and physical accessibility.

The Inquiry identified a number of issues in relation to property security, which are detailed as follows:

### The physical security of property in the possession of police is deficient.

Physical security provides the barriers necessary to isolate property, thereby obstructing or hindering any potential theft or damage. It includes the availability of such things as perimeter fencing and walls, securable and lockable property rooms and storage facilities, and effective access control systems that restrict entry to property facilities to appropriately authorised personnel.

The Inquiry noted a lack of physical security over property and exhibits held in the possession of Police, which was demonstrated in a number of ways:

# - Physical security at the Property Receival and Exhibits Storage Section does not adequately restrict access to unauthorised personnel.

Because of the lack of suitable storage facilities at PRESS, large property items such as vehicles, including trucks, cars and boats, are stored in open compounds that are visible from adjoining areas of public open space of the Swan River foreshore. The following photographs illustrate the vulnerability of some property stored within the outdoor compounds at PRESS:

Photograph 9 – View to river foreshore.



Photograph 10 -Perimeter fence.



Photograph 11 – Damage to perimeter fence. Photograph 12 – External compound.





Photograph 13 - External compound.



Photograph 14 - External compound.



The physical barrier that separates property from public access comprises wire-mesh-style fencing. The Inquiry heard advice that the fence had previously been penetrated and property was stolen by intruders, who accessed the facility through the boundary fence. Indeed, Inquiry Team members sighted evidence of recent damage to the fence, possibly an attempt at accessing the compound.

The Inquiry notes that contracted security officers are engaged to watch over the Maylands complex at various times, and that some vehicles are being positioned to restrict public viewing. However, given the location of the compound in relation to the public open space, the lack of barrier fencing to obscure property from public view, or other deterrents such as perimeter alarms, video surveillance or guard dogs, physical security over property at PRESS was deemed unsatisfactory.

Inadequate physical security at the main entrance to the Maylands complex (in which PRESS is located) was noted. The entrance, which remains open during business hours, bears signage that directs visitors to a security office that no longer exists (refer photographs below). Under current arrangements, there is no means of restricting access within the complex, other than if staff come across site visitors during the course of their normal duties. The Inquiry heard anecdotal evidence that a prominent motorcycle gang member, wearing gang attire, had been seen to enter the premises via the entry, view seized property and exit before anyone was able to question him in relation to his business within the facility. Similarly, the Inquiry heard that threats had been made to destroy seized property held by WA Police.

While electronic security devices are utilised, the current security arrangements are ineffective and require enhancement if security risks are to be mitigated. This is particularly so given that some property compounds within the complex are constructed of temporary-style fencing which could be penetrated with relative ease.

Photograph 15 - Entrance to Complex.



Photograph 16 - Signage at Entrance.



Photograph 17 - Temporary fencing to vehicle compound



It is the Inquiry's view that, as a minimum standard, WA Police require a facility where property items can be stored away from public view and provided with an adequate level of protection against theft or damage.

# - Physical security over seized vehicles at local business areas is inadequate.

During site visits, the Inquiry noted the physical security of vehicles seized by WA Police was inadequate. Apart from the metropolitan area, where vehicles seized under the impounding and confiscation provisions of the *Road Traffic Act 1974* are stored by contractors, and some vehicles that are subject to forensic analysis, vehicles seized or taken into the possession of police are generally stored within compounds that adjoin police stations.

In some cases, these compounds accommodate both police and private vehicles and as such, are subject to frequent access that requires the compound to be left unlocked during normal business hours or longer. Additionally, there is a general lack of other deterrents, such as perimeter alarms or video surveillance that would minimise the risks of theft or damage to vehicles, held in the possession of Police.

While some police stations had securable garage facilities on site, they were generally being utilised to accommodate general station equipment and other items of property, making them unavailable or an otherwise inconvenient vehicle storage option.

Apart from simple fencing, the holding facilities generally lack basic security. The matter is problematic, particularly where seized vehicles are held for extended periods or where vehicles are held for forensic analysis and security needs to be maintained for evidentiary and other reasons.

## Access to drugs within the agency's central drug repository is not adequately controlled.

The Inquiry assessed the security arrangements in place at the agency's Drug Receival Unit (DRU), and noted that improvements could be made to minimise the opportunity for theft and corruption.

In the Perth metropolitan area, all drugs seized by police are forwarded to the DRU for storage, pending analysis and eventual destruction. At any one time, the DRU has some 30,000 drug items on hand which pose a considerable risk to the agency in the event of damage to the evidentiary value of the items or loss of the items.

To mitigate the risk, WA Police have in place a process whereby all drugs and associated implements are individually sealed in tamper-proof packaging that is individually numbered and recorded in the agency's IMS. There is a segregation of duty between the police officer seizing the drugs, officers responsible for storing drugs and the eventual destruction of drugs, which are required to be destroyed in the presence of three witnesses including a commissioned police officer and a justice of the peace or clerk of petty sessions (who is not also a police officer) in accordance with the provisions of the *Misuse of Drugs Act 1981*.

Notwithstanding the existing controls, the Inquiry noted all staff of the DRU have access to drugs independently of one another, which could provide opportunity for items to be misappropriated.

It was noted that at drug storage facilities visited by the Inquiry in three other jurisdictions, electronic security controls required at least two authorised officers to be present to gain access to the vaults containing drugs. In one of those jurisdictions entry to the drug storage vault was via a double combination lock (with no single person having knowledge of both combinations) and twin swipe card access, which records details of officers entering the vault and ensures two people are present at any one time. Initial

entry is into an anteroom wherein entry logs are completed after which access cards must be swiped again to enter the actual drug storage facility. The drug storage facility is fitted with surveillance cameras that are activated when it is accessed.

Another jurisdiction had in place a low-security/high-security arrangement where two drug vaults were used. Access to the low-security drug vault is via a fingerprint and PIN code module that activates surveillance cameras when the vault is accessed. Access to the high-security drug vault is as above but subject to additional access restrictions including time-lock mechanisms, a combination lock and dual access requirements (which requires both the property room officer and an authorised Commissioned Officer to enter PIN details and undergo a fingerprint scan before entry is permitted). Photographs of those items follow.

Photograph 18 – Entry to vault. Note concrete walls, Fingerprint scanner and PIN keypad



Photograph 19 – Fingerprint scanner and PIN keypad.



By comparison, the system in Western Australia, which allows drug/property room officers independent access to drugs, without deterrents such as video surveillance, is below the standard in other jurisdictions and leaves the agency open to unnecessary risk.

The Inquiry understands the DRU is scheduled to be relocated to new premises in mid-2006, and that enhanced security arrangements are included in the plan for the new facility. It would be timely to review the security in line with contemporary standards.

### Recommendation 9

As part of the planned relocation of the Drug Receival Unit, Western Australia Police should implement a security system that restricts independent access to drug storage facilities, together with video surveillance to monitor personnel within the drug storage facility.

# - Security over some local drug storage facilities is inadequate and does not comply with the *Police Building Code*.

As a minimum standard, the provision of separate and secure storage facilities for high-risk items like drugs should be available to police officers responsible for the seizure of drugs. Such facilities should be independently alarmed and designed so that single person access is not permitted. Where such is not practical due to the volume of drugs received, the provision of a suitable safe, located within a secure area of the business areas would provide an adequate level of security over seized drugs and other high-risk items.

The Inquiry noted there are inconsistencies in relation to the storage arrangements at business areas for drugs and other high-risk items, particularly in regional areas where the services of the DRU are not utilised and there is a greater propensity for high-risk items to remain on hand for longer periods.

Some business areas have advanced post-box type facilities to lodge seized drugs, that allow them to be securely lodged or 'posted' within a drug holding facility, without providing access to other drug holdings (albeit authorised officers were able to access the drug storage facility/post-box independently of other officers).

Conversely, at other police stations, the Inquiry noted drugs were stored by less secure means, including within:

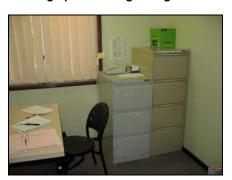
- rooms that hold operational equipment, such as police radios and other accoutrements. These rooms are unlocked and subject to frequent access:
- general property rooms, where drugs, firearms and general property are stored in the same holding room, which fails to restrict access to high-risk items; and
- filing cabinets, which, while lockable, have questionable security.

The following photographs depict some of the less secure methods of storage sighted by the Inquiry:

Photograph 20 - Drug storage cabinet.



Photograph 21 - Drug storage cabinets.



Photograph 22 – Drug and property storage cabinets



The Inquiry noted that the inadequacies identified in relation to drug storage facilities at business areas were not restricted to older police stations, but included some of the more recently built police facilities, where enhanced security would have been expected. For example, it is suggested video surveillance of drug storage facilities could be employed, particularly at regional centres where surveillance equipment and infrastructure is already in place to monitor prisoners.

The Inquiry noted one police station in particular, which was undergoing building extensions to provide enhanced property storage facilities, among other improvements. The building improvements did not include plans for separate drug or firearms storage due to a lack of funding.

The Inquiry also noted inconsistencies in the provision of separate security alarms to drug and general property rooms. While some facilities had security alarms installed, others did not. In some instances, it was noted that alarms to local police facilities were not being monitored after hours.

The Inquiry notes that the *Police Building Code* provides minimum standards for property offices, property stores, secure rooms and drug stores. Despite the Code's implementation in 1990, many police facilities are yet to achieve the minimum standard of security prescribed.

#### Recommendation 10

#### Western Australia Police should:

- 10.1 confirm the currency of the *Police Building Code* to ensure the security standards articulated in the Code reflect best practice.
- 10.2 review the security arrangements for all property and drug storage facilities in light of the revised *Police Building Code*.
- 10.3 identify funding to redress deficiencies.

## **Property Disposal and Destruction**

 Property is not being disposed in accordance with s. 94 of the Criminal Property Confiscation Act 2000.

Section 94 of the *Criminal Property Confiscation Act 2000* provides for the sale of property that may be subject to substantial waste or loss of value if it is retained until it is dealt with under the provisions of the Act. Specifically, s. 94 provides:

#### 94. Sale of deteriorating property

- (1) A person who has responsibility for the control or management of frozen property may apply to the court for an order under subsection (2).
- (2) The court may order that the property is to be sold if it is more likely than not that
  - a) the property is or will be subject to substantial waste or loss of value if it is retained until it is dealt with under another provision of this Act; or
  - the cost of managing or protecting the property will exceed the value of the property if it is retained until it is dealt with under another provision of this Act.

The Inquiry noted WA Police had substantial moveable property holdings that are subject to accelerated depreciation because of the period of time property is retained and the lack of suitable holding facilities, some of which was the subject of recent media interest.

While it is understood the provisions of s. 94 were included for items of perishable property, such as a wheat crop or items that would not be able to be stored for an extended period, the Inquiry noted the provisions of s. 94 have been used to progress the sale of real estate.

The Inquiry considers much of the moveable property held by police, particularly vehicles and electronic equipment (such as computers and plasma/LCD televisions), is subject to substantial loss of value if retained until dealt with under the provisions of the Act. Accordingly, the Inquiry is of the view that enactment of the provisions of s. 94 may preserve the current fiscal value of the property.

One example noted by the Inquiry relates to the seizure of a 1999 Porsche Boxster motor vehicle (PTS receipt 2001 559295) which has been held by police for more than four years. The recommended retail price for this vehicle in new condition was \$109,000. When seized in August 2001 the estimated value of the vehicle was \$85,000 and the current value (private sale) is in the range of \$45,500 – \$52,600<sup>7</sup> depending upon the condition of the vehicle.

Photograph 23 - Seized Porsche.



Photograph 24 - Seized Porsche.

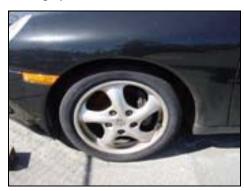


<sup>&</sup>lt;sup>7</sup> Valuations obtained from the Red Book.

Photograph 25 - Seized Porsche.



Photograph 26 - Seized Porsche.



The application of s. 94 would also alleviate many of the storage issues previously identified in relation to property seized under the provisions of the *Criminal Property Confiscation Act 2000*.

The Inquiry noted evidence that suggested assurances had been provided by the Office of the Director of Public Prosecutions to progress a test case in relation to the disposal of vehicles, however to date no such court order has transpired.

## Recommendation 11

Western Australia Police should, as a matter of urgency, meet with the Director of Public Prosecutions, to instigate action to dispose of property under the provisions of section 94 of the *Criminal Property Confiscation Act 2000*.

## Drugs cannot be disposed of while they are subject to court proceedings.

The *Misuse of Drugs Act 1981* does not provide for the timely destruction of all prohibited drugs or substances and associated implements before trial. Section 26A confers power on an approved analyst or botanist to take samples of or analyse anything seized under the Act, and under s. 527(2) the Commissioner of Police may order the destruction of all but a sample of the prohibited substances. The Act stops short of providing for a 'finding of fact' and the destruction of all of the substance before trial.

In Victoria, s. 83 of the *Drugs, Poisons and Controlled Substances Act 1981*, allows the court to make a finding of fact that plants or substances seized are, in fact, banned substances on the certification of a botanist or a similar expert. The courts can also make a finding of fact about the quantity of the substance produced to the court and can order that all or part of the substance be destroyed.

The impact of a finding of fact amendment to WA legislation would be significant. Firstly, it would greatly reduce the need for specialised storage space for banned substances. Secondly, the consequent decreased opportunities for handling of substances would greatly mitigate the risk of misconduct.

#### Recommendation 12

Western Australia Police should seek amendment to the *Misuse of Drugs*Act 1981 to provide for the court to make a finding of fact and order the destruction of the whole or part of a seized substance before trial.

#### Some exhibits are being held indefinitely, affecting available storage.

The efficient purging of property is reliant on case officers instigating the disposal process, which is sometimes impeded because of a number of issues, including the:

- considerable period taken to investigate and prosecute some offences;
- transfer of property and exhibits from case officers to central property storage facilities (out of sight – out of mind);
- failure by prosecutors to seek an order by the court for exhibits to be returned, forfeited to the Crown or destroyed; and
- transfer and resignation of case officers.

The Inquiry also noted property was retained for prolonged periods (sometimes indefinitely) to facilitate its production in court as primary evidence, or held pending possible appeals. Additionally, a number of court hearings are deferred due to the non-appearance of accused persons, resulting in the issue of bench warrants and the subsequent deferral of hearings until accused persons are brought before the court.

Because of the above issues, disposal action is often deferred indefinitely or overlooked altogether. The Inquiry noted some property on-hand dated back to the 1980s, without any clear indication as to how long it would continue to be retained.

The Inquiry was advised of a propensity by police officers to retain and submit 'best evidence', without consideration given to the resource implications associated with holding the property.

While the presentation of primary evidence in court fulfils the requirements of the 'best evidence' rule, which requires the production of original documentation in legal proceedings, the Inquiry noted legal advice advocating the view that this rule no longer rigidly requires the retention of all seized property for evidentiary purposes. In this regard, Lord Denning in Garton v Hunter 1969 1 All ER 451 at 453 stated:

Nowadays we do not confine ourselves to the best evidence. We admit all relevant evidence. The goodness or badness of it goes only to weight and not to admissibility.

This view has been followed in Australia in Semple v Noble (unreported, SASC 3/8/88) where King CJ stated:

There is no general rule of law that only the 'best evidence' of a fact is admissible. It is not necessary therefore as a matter of law that property which is alleged to have been stolen or obtained by false pretences to be produced to the Court.

It may often be inconvenient and even oppressive to an owner of property to be deprived of that property pending trial and the storage and care may place a burden on police resources. It is understandable that the authorities should be desirous of being able to leave the property with the owner to be disposed of by him as he wishes. In many cases that course should produce no difficulties of proof. Care should be taken, however, by those responsible for such a decision to satisfy themselves that the appearance or condition of the property will not be relevant to the resolution or any dispute as to the truth of the charge...

The above case law provides adequate scope for police to provide secondary evidence (e.g. photographs, film and video tape) in lieu of the actual property.

The Inquiry considered legal opinion that such secondary evidence could be admitted, if supported by appropriate testimony of the:

- property's relevance to the material facts of the case;
- · circumstances in which the recording was made;
- · nature and reliability of the recording device; and
- correct use of the device used.

Accordingly, the practice of retaining property as exhibits for extended periods needs to be reviewed in light of the above. The evidential value of property should be assessed to determine the necessity to retain the items for presentation to court or an appropriate form of secondary evidence should be established.

The agency's central property management units, together with local supervisors, need to take a more active role in managing the agency's current long-term property and exhibit holdings.

#### Recommendation 13

Western Australia Police should develop criteria for the long-term retention of property as exhibits. The agency's central property management units, together with local supervisors, need to rigorously monitor property and exhibit holdings in accordance with the criteria.

## Recommendation 14

Western Australia Police should instigate follow-up action in relation to long-held property and exhibits, and action should be taken to purge items, where appropriate.

## **Property Practices and Operating Procedures**

This component of the Inquiry sought to establish whether property related processes, policies and procedures were appropriately documented and whether personnel understand what they are meant to be doing in relation to the management of property.

## The application of property management policy and procedures is inconsistent.

Throughout site visits and interviews, it became apparent to the Inquiry Team that there was an inconsistent application of the policy and procedures relating to property. Different stations, business areas and Districts were involved in completely different practices. The inconsistent application was attributed to a lack of awareness of COPs Manual policies and procedures and the development of local policies and procedures. Survey results also indicated that almost a quarter of respondents did not know where to access policies and procedures on property management.

Latta (2004)<sup>8</sup> commented that it is critical for the property control function of a law enforcement agency to have strict measures for the receipt, handling, security and disposal of property. Some police officers stated that from one police station to the next they were finding different ways of managing property, with varying degrees of success.

While the COPs Manual outlines some policies and procedures to follow, the Inquiry found that it does not stipulate in sufficient detail many aspects of property management, including how to properly handle, package, store, dispose and destroy property, nor does it address any of the safety issues.

Comments from the survey and site visits included:

'The standards across WAPS vary.'

'I presume that the policies and procedures relating to property management are contained within the COPs manual...'

"...now that I know one (document of policy and procedures) exists, I will take the time to search for it and read it."

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<sup>&</sup>lt;sup>8</sup> Latta, J, 2004, Property and Evidence, By the Book, 2004

During site visits, it was evident to the Inquiry Team that policies and procedures were not always being followed or complied with. The reasons given for non-compliance included:

- No time (commented when filling out interim receipt, instead of IMS at the station for found property);
- No need, don't want to double-handle (commented when not filling out any interim receipt for property in the field, rather asking 'owner' to come to the station if they want a receipt); and
- Don't know/have time to find proper classification (commented when filling out property under 'other' in IMS – this was also a comment made when listing some items for destruction as 'other')<sup>9.</sup>

In addition, the Inquiry was referred to incidences noted by the Corruption and Crime Commission, where property deemed as valueless and authorised for destruction had been taken into the personal possession of some police officers. Whilst this practice may appear harmless, it can lead to personnel making no effort to identify an owner in the knowledge that the property may be available to them.

To ensure a uniform approach to property management and make sure personnel understand what they are meant to be doing in relation to the management of property, it is necessary that appropriately documented policies and procedures be established and be readily available to personnel dealing with property. It is the Inquiry's view that the medium of distributing policy and procedures electronically on the COPs Manual is satisfactory, however the current policies and procedures need to be expanded upon to assist operational officers understand their responsibilities in relation to property management.

#### Recommendation 15

Western Australia Police should provide consolidated and clear policies and procedures in relation to property management.

#### Recommendation 16

Western Australia Police should update and regularly review orders and procedures in relation to property management requirements.

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<sup>9</sup> Site Visits

## **Property Audits**

Property audits provide an independent assessment of property related practices, procedures and processes, and provide management with assurances that recognised standards are being met and internal policies are being complied with. This section of the Inquiry sought to assess the adequacy of the audit and risk management functions associated with the management of property by WA Police.

Within WA Police, the COPs Manual and the Business Area Management Review (BAMR) Program stipulate the requirements in relation to property audits.

The agency's Management Audit Unit (MAU) also conducts random audits of business areas throughout the State to ensure that the BAMR Program is being carried out and the COPs Manual is being complied with. In assessing the application of the BAMR Program, MAU auditors conduct their own audits of business areas to assess the:

- accuracy of the BAMR audits;
- appropriateness of working papers;
- · extent of the sampling/testing undertaken; and
- follow-up of identified anomalies.

The findings of MAU audits are reported to the Commissioner, Deputy or Assistant Commissioners, or police staff equivalents, for their information, and for identified anomalies to be rectified by the relevant District or Divisional Superintendent, or police staff equivalents.

While the Inquiry was satisfied with the processes surrounding the audit and checking functions, it noted the following matters:

Instructions in relation to property audits, as stipulated in the COPs
 Manual and the BAMR Program are not being complied with.

The COPs Manual requires all business area managers to audit 100 per cent of property annually or at the time of any hand over. As a checking mechanism, and as a means to provide assurance that property is being managed correctly, the BAMR Program requires independent Inspecting Officers to (re)check ten per cent of property on hand at each business area annually.

The Inquiry noted that audits undertaken by the MAU regularly find that annual checks of property on hand are not being undertaken to the level stipulated in the COPs Manual. The MAU conducted 52 audits of business areas between 1 April 2004 and 31 March 2005 to assess the application of the BAMR Program. The MAU found that of the business areas audited, 39 did not adequately apply the BAMR Program.

Various MAU audit reports were examined by the Inquiry. The following findings made by the MAU in relation to property management were noted:

- · Property missing;
- Property recorded as destroyed but still on hand;
- Property recorded as transferred but still on hand;
- · Property recorded as returned to owner but still on hand;
- Property on hand not tagged or otherwise identified;
- · Inadequate identification of property;
- Property on hand not entered in the PTS or IMS;
- Property on transfer not received by the destination area;
- Little evidence of any inquiry to find the owner of found property;
- Found property not disposed in a timely manner;
- Cash not banked within five days;
- Banking details not recorded in IMS;
- Inadequate security or unrestricted access to property/keys;
- Valuable property in storeroom/poor security;
- Annual 100 per cent audits not completed;
- Local audits not completed;
- Ten per cent audit of property classified as returned to owner/finder was not being undertaken;
- District Inspections not completed;
- District Inspections not completed adequately:
- Inadequate inquiry/missing property;
- Lack of follow-up with drugs/implements to ensure they are disposed in a timely manner; and
- · Firearms and ammunition stored together.

These findings have been consistent since 1998.

The Inquiry has serious concerns that the Commissioner's orders in relation to property checks are regarded as a low priority. The application of the review process that is supposed to provide assurance over the level of compliance is not being carried out adequately by Inspecting Officers as highlighted by the MAU.

The lack of attention by Inspecting Officers to account for property is regularly monitored by the MAU who, on a quarterly basis, report their findings to the Audit and Risk Management Committee (chaired by the Commissioner of Police). Notwithstanding the reporting arrangement, the level of commitment to property management needs to be raised to a level commensurate with the risks of loss and malpractice as a matter of priority. This attention would serve as part of a universal corruption strategy to bolster the corruption resistance of property management practices. The prevailing situation provides opportunity for property-related corruption to occur, and risks a loss of public confidence, potential failed prosecutions, and financial losses should property go astray.

It should be noted that the agency has recently implemented Corruption Prevention Plans, incorporating risk management, to target potential areas of corruption and risk. Target hardening in relation to accountable documents, cash and valuables handling and other property of value, now forms part of business area corruption prevention plans, which together with other recommended actions, should improve good practice accountability measures.

#### Recommendation 17

## Western Australia Police should:

- 17.1 Continue performing random unannounced property audits;
- 17.2 Provide refresher training to Inspectors and Officers in Charge on their managerial accountabilities relating to property;
- 17.3 Link the application of the Business Area Management Review Program to individual performance management; and
- 17.4 Initiate disciplinary action and/or appropriate management remediation where regular mismanagement of property is detected.

Instructions in relation to property audits, as stipulated in the Commissioner's Orders and Procedures Manual, are deficient in procedural detail.

As noted previously, the COPs Manual requires that 100 per cent of property on hand be checked annually. Specifically, AD-49.17 of the COPs Manual states:

#### Officers-in-Charge shall:

... Conduct an annual check, and checks at the time of any handover, of property on hand equal to 100 per cent of the property items on hand.

It is the view of the Inquiry that the above order is deficient in that it does not specify:

- How or when the audit/check should be done;
- The number of personnel required to perform the check; and
- Whether working papers attesting to the accuracy of the audit/check should be maintained.

In support of this view, the Inquiry observed the provisions of the *Financial Administration and Audit Act 1985* (FAAA), which requires a stocktake of all public property to be undertaken each year. The FAAA stipulates that the stocktake be conducted by two people, who must sign relevant working papers and have them certified by an Officer in Charge.

The requirements of the FAAA are reaffirmed in instruction AD-47 of the COPs Manual, which states:

...stocktake of physical property is to be undertaken and completed directly on the Equipment Register of the Resource Management Information System (RMIS) and are certified by the Officer-in-Charge of the section no later than 31st March of that financial year.

The Inquiry is of the opinion that parallels can be drawn between the potential loss and theft of police property, against the potential loss of private property held in the possession of police. Indeed, the ramifications associated with the loss of private property by police could be far greater.

On this basis, the Inquiry believes that instructions in relation to property audits contained within the COPs Manual require strengthening.

## Recommendation 18

Western Australia Police should amend the Commissioner's Orders and Procedures Manual to clearly articulate the procedures for performing property checks.

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# **Chapter 4 – Property Management Systems**

Western Australia Police (WA Police) utilise two electronic systems supported by a paper-based receipting system to record, account and facilitate the management of property across the agency.

The electronic systems comprise the Property Tracing System (PTS) and the Incident Management System (IMS). The PTS is a dedicated mainframe-based system, which was specifically designed to manage the receipting, transfer and disposal of property across the agency. PTS was introduced in 1994 and is currently being phased out in favour of the IMS, a network-based system with broader capabilities in terms of managing the wider range of incidents reported to police, including property matters.

Both electronic systems are supported by a manual paper-based receipting process which comes in two forms, an A4-sized Interim Receipt/Exhibits Log, and a smaller, pocket-sized, Interim Receipt (form P293a). Police are required to issue receipts manually in all situations where property is seized, or comes into their possession in the field and where electronic systems are inoperative and a computerised receipt cannot be issued. Instructions also provide for the transfer of details from manual receipts to the IMS within specified timeframes (e.g. after police officers return to their business area or when systems become available). The issues associated with the use of these forms have been addressed in Chapter 3 of this report.

#### **Property Tracing System**

The ability to add new property to the PTS has been progressively withdrawn since February 2003 for metropolitan business areas and from August 2003 for country business areas, as training in IMS was phased in. Though the ability to add property to the PTS was removed, officers are still able to update, manage and report on active items of property and interrogate missing property reports that are recorded in the PTS.

Despite being a relatively old system, the Inquiry generally received favourable comment in relation to the PTS. Indeed, the PTS was perceived by many to be an effective system, as it had been developed over a number of years to meet the operational requirements of WA Police. However, despite this favourable comment, the Inquiry identified the following current issues in relation to the PTS.

# There is an excessive number of property receipts outstanding in the PTS that require immediate management attention.

As a result of the proposed decommissioning of the agency's mainframe computer system in December 2006, data from the PTS, along with data from other mainframe based systems, is scheduled to be warehoused into a read only format in what will be known as the Archive Data Store (ADS). The Inquiry took advice that access to the ADS will be limited to 'owner areas' and will not be provided across the agency.

Despite the introduction of the IMS during 2003 and 2004, and the development of plans to manage redundant PTS data within the ADS, the agency has only recently tackled the issues surrounding the management of *active* PTS data, which, as at June 2005 comprised more than 116,000 items of property.<sup>10</sup>

Report extracted from the Property Tracing System

The amount of property still active in the PTS has emerged because no single business area has had corporate responsibility for pursuing the management and follow-up of those items of property that are still active and registered in the PTS. As such, there has been no impetus or direction for individual business areas to actively reduce their outstanding PTS property items.

As a result of the impending mainframe decommissioning, the matter has now gained a sense of urgency. The Deputy Commissioner (Operations) issued an agency-wide instruction on 10 June 2005 requiring all business areas to:

<sup>10 116,000</sup> items of property is calculated by deducting 394,000 lost property reports from a total of 510,000 property receipts not yet disposed in the Property Tracing System.

- progress and finalise the disposal, return or destruction of relevant PTS property items wherever appropriate;
- audit property items listed against their particular organisational unit on PTS (excluding Exhibits and Forensic Exhibits) to confirm that the items are physically held by that unit, and dealing with any anomalies/write-offs etc as required;
- confirm that any property items recorded as being transferred to another organisational unit on PTS have been updated accordingly (reversing any unconfirmed transactions as necessary); and
- ensure that all PTS records are updated to reflect changes to the status of property items resulting from the above.

This exercise was required to be completed by 30 September 2005 after which it was proposed that property still active on the PTS would be transferred to the IMS and managed from that application. While there is no current proposal to warehouse active PTS data, the Inquiry would have serious concerns should that be considered without such property having undergone the appropriate acquittal process.

It is understood there are technical issues hindering the automated uptake of data from the PTS to the IMS. There will be significant resource implications should a manual data uptake be necessary. Frontline operations will be adversely affected should each business area be required to manually upload the details of their outstanding property items.

The Inquiry noted the experience of another jurisdiction that had a number of outstanding property items following the implementation of a new system. In that jurisdiction a specific allocation of resources was necessary to follow-up the management of the outstanding property. Feedback received indicated that the follow-up process would have been more effective had it occurred in a more timely manner.

# Recommendation 19

Western Australia Police should vigorously pursue outstanding active property items recorded in the Property Tracing System and ensure they are captured in the Incident Management System if they remain active when the police mainframe is decommissioned.

# There is a lack of accountability over property attached to obsolete business areas.

Over the past decade WA Police has undergone a significant change process that included many transformations to the structure of the agency. The change process has resulted in the creation of many new business areas and the closure of others. Indeed, it is acknowledged that the change process is ongoing and fundamental to the agency's provision of contemporary and effective policing.

The Inquiry noted that as at May 2005, some 20,805 active items of property were recorded in the PTS against business areas within WA Police that no longer existed. The location of these items could not be readily identified and effectively, nobody within the agency had taken or been allocated responsibility for the management of those items of property. Because it is attached to obsolete business areas, such property falls outside the normal management processes and is not subject to supervisory or local audit checks.

Since the commencement of this Inquiry, two First Class Sergeants, with extensive expertise and experience with the PTS, have been appointed to oversee and conduct inquiries into property that is recorded against abolished organisational units.

The issue had been highlighted as a result of the impending mainframe decommissioning, and appears to be caused by procedural deficiencies when business areas are shut down. The number of property items 'unattached' to operational business areas is not insignificant and gives rise to a substantial risk of misappropriation and therefore of misconduct.

## Recommendation 20

As a matter of urgency, Western Australia Police should identify, locate and transfer 'unattached' property items to appropriate business areas.

#### Recommendation 21

Western Australia Police should develop and implement procedures relating to property in the event of a business area becoming defunct.

# The parallel operation of two property systems (PTS and IMS) has compromised the effective management of property.

During the course of the Inquiry, feedback from interviewees indicated that the dual operation of both the PTS and the IMS was inefficient and impeded the effective management of property.

The Inquiry took advice that where reports of lost/stolen property were made, investigating officers did not always check both systems in an effort to locate that property. Similarly, officers were not checking the Offence Information System to identify the owners of recovered items. The manual searches involved in interrogating the two independent systems were said to be laborious and the prospect of identifying the property was not considered worthy of the effort involved, particularly in view of other operational priorities.

The Inquiry has concerns that the strategy employed by WA Police to operate two property management systems simultaneously has compromised the agency's ability to effectively identify and locate property that was the subject of missing (lost or stolen) property reports, where that property had been recovered or handed to police.

The Inquiry acknowledges that the dual operation of two systems was for a transitional period. However, that period has now exceeded 18 months and some 116,000 items of property remain active on the PTS (as at June 2005).

# Lack of follow-up action in relation to PTS property transfers.

The Inquiry noted that 54,474 of active PTS property items were recorded as being transferred from one business area to another, without having been electronically receipted by the receiving business area.

While transferred property remains on the PTS *Property On Hand Report* for the sending business area until an electronic receipt is processed by the receiving business area, there are limited management controls over the property during the transfer period.

The Inquiry noted that of 5,313 items transferred in the PTS between 1 January 2005 and 31 May 2005, 805 items (15 per cent) had yet to be receipted on the

system by the end of June 2005. In some cases, considerable time had elapsed since property was transferred, and in other cases, high-risk items were involved. Some examples include:

- ninety two items classified as jewellery/watches, including rings, pendants, watches and neck chains, were transferred during January 2005, but not receipted as at the end of June 2005;
- fifty four items classified as digital video discs, titles unknown, were transferred during March 2005, but not receipted as at the end of June 2005;
- eight items classified as mobile telephones, were transferred between January 2005 and March 2005, but not receipted as at the end of June 2005;
- two items classified as cameras, were transferred during January 2005 and May 2005, but not receipted as at the end of June 2005; and
- one item classified as sunglasses, was transferred during January 2005, but not receipted as at the end of June 2005.

The Inquiry noted Commissioner's Orders and Procedures (COPs) Manual instruction AD-49.17.2, which requires that:

...the PTS property management report facilities of outstanding transferred property and incomplete receipts is regularly used to ensure station and system property controls are effectively maintained.

It was apparent to the Inquiry that this instruction was not being carried out. Furthermore, aside from annual Business Area Management Review (BAMR) stocktakes, the Inquiry found no system prompts in place within the PTS that initiated follow-up action on non-receipted property on transfer.

The delays in receipting, and lack of follow-up during the ensuing period, of property transfers, leaves that property at considerable risk of misappropriation.

## Recommendation 22

Western Australia Police should monitor the level of property recorded on the Property Tracing System that is listed as 'on transfer' to ensure the amount of outstanding property is reduced through follow-up action.

# **Incident Management System**

As stated previously, the IMS is a network based system with broader capabilities in terms of managing the wider range of incidents reported to police, including property matters. The IMS provides an agency-wide system for the reporting and recording of incident, property and intelligence information.

The Inquiry received advice that WA Police purchased IMS as 'it represented the best integrated Entities of Interest policing system available at the time within Asia, Europe and the United States'. The property component was provided as part of the whole IMS package.

The IMS offered WA Police key advantages associated with crime prevention and resolution (through its intelligence and incident management components) and its integration of property functions was said to have completed the picture in terms of linked entity information. The property management functions of IMS also offered scope for improving business efficiency and effectiveness.

The system was rolled out in February 2003 for metropolitan business areas and in August 2003 for country police stations, following a phased implementation that involved the delivery of introductory training across the State.

While it is acknowledged that the IMS is a relatively new system that is subject to ongoing development and improvement, the Inquiry noted widespread discontent amongst operational police officers and police staff in relation to the property management functionality available on the system. Many police personnel suggested there was scope to simplify processes, reduce duplication and improve the speed of the system. Indeed, the IMS was said to be excessively complicated to use and many respondents even suggested the agency revert to the PTS. Seventy-five per cent of respondents to the Inquiry's survey indicated improvements could be made to the property management functions of the IMS. Similarly, 63 per cent of respondents indicated that the property management functions of IMS were 'Not very user friendly', or 'No not at all user friendly'. Only four per cent of respondents found IMS property management functions to be user friendly.

Specifically, the Inquiry noted the following issues in relation to the IMS:

 IMS property management functions are cumbersome, time consuming and not user friendly.

An overwhelming criticism heard by the Inquiry was that the property management functions of the IMS were cumbersome, time consuming and not sufficiently intuitive to assist users to navigate the system. Examples of the comments received by the Inquiry through interviews and survey responses include:

'The time input is greatly increased over what PTS entailed.'

'Officers spend too much time entering property into IMS. It takes them away from the frontline.'

'Frontline police spend too much time processing property.'

'Too much time is spent processing and accounting for property.'

'[lt] takes too much time and effort [to enter] something like a wallet handed in.'

'Our core function is to get out on the road, be seen and police, not spend hours behind a computer logging exhibits after a job.'

'[A] search warrant job would take one to two staff a whole day to deal with (after we got back to the office) due to the length of time on IMS. Much of the problem was typing in an item with no result. You then try another name for it with no result. You then go up to the Category and select for example 'Household Electrical', then scroll down the list looking for an item that is closest to what you have to put on.'

A number of common suggestions to improve the 'user friendliness' of the system were received. These included:

- Data fields should be self explanatory and intuitive (particularly for irregular users);
- All property-related functions should be available on one screen;
- The ability to copy and paste from IMS should be available;
- A simple user interface should be developed for the entry of propertyrelated matters; and
- · More training.

The Inquiry heard advice that there have been occasions where officers have spent several days entering property details into the IMS. There was much feedback indicating the system is slow and time consuming, particularly when compared to the former PTS, and some (unspecified) changes to the IMS were said to have increased substantially the time taken to perform simple tasks.

As a result of the time taken to enter property details in the IMS, officers were circumventing the system by either failing to record some property types (e.g. found passports) or proposing that separate, discrete databases be established for other property types (e.g. vehicles seized under the impounding and confiscation provisions of the *Road Traffic Act 1974*). In addition to potentially compromising the property in question, such actions fail to note information that could contribute to the intelligence-gathering attributes of the IMS.

Some of the common issues brought to the attention of the Inquiry include:

- Where multiple items of property are recorded in relation to a single incident, owner details need to be entered/duplicated for each item of property entered. A system prompt or check, asking if the owner is the same as the person of interest/complainant/witness/or any other person already entered onto the Incident Report, would alleviate the duplication involved in entering owner details;
- Entering individual property items requires users to access several panels, or windows, in order to accurately record property details. The Inquiry noted that a single item of property may require details to be entered in up to 17 panels to complete a transaction. There is a need to simplify information requirements in a single panel, and in this regard the use of a scrolling page may assist;
- There is duplication when entering the details of recovered/seized property, where that property has already been reported as lost. Where a person reports an item as lost and within a short time that property is located, IMS requires police personnel to re-enter the property details, causing duplicated work. There is no provision to update the original lost report and as such recovered/seized property details must be re-entered even though the property is already recorded within the IMS. The recording of recovered lost property should be able to be easily and directly integrated with the original incident report;
- There is duplication when entering disposal details where property is returned to owners. When completing disposal details, police personnel

are required to enter both owner and recipient details in separate fields, even though the details entered in each field are the same. A system prompt or check, asking if the recipient is the same as the owner, would alleviate this duplication; and

 There is duplication in entering vehicle details. Details such as the make, model, body type and registration number are required to be manually entered in both the 'Details' field and 'Description' tabs, despite such information already being recorded in other police systems.

There is also scope to streamline other data entry aspects of the property management functions in IMS; including:

- Provision of a batch entry facility to enter items of the same or similar description. This would be particularly beneficial where large amounts of property are being entered; and
- Provision of a facility to undo batch transfers. Currently, it takes up to two
  minutes to undo an individual transfer, and where multiple items have
  been the subject of an erroneous batch transfer, the time taken to rectify
  the error is excessive.

Discussions with personnel from the agency's Program Delivery area, who are responsible for the ongoing development and maintenance of the IMS, brought to the attention of the Inquiry various system functions and 'shortcuts' available to assist officers to enter property details. These included:

- A 'duplicate' button, which can be used to create a duplicate record of an item of property. Property details for the duplicate can then be amended to properly describe subsequent property items without having to re-enter other common details; and
- The ability to tag multiple property items and 'add/update' owner and other details for multiple selections.

However, it was acknowledged many officers would be unaware of some system functionality due to a lack of current or ongoing system training. Indeed, the Inquiry heard that since introductory system training had been provided, there had been no follow-up training to enhance the competencies of staff utilising the system. Periodic email advice regarding system enhancements,

and some 'prompter' sheets had been issued to assist officers navigate the system, but no formal follow-up training had been made available.

The Inquiry acknowledges that while enhancements to the IMS system are a high priority within the Information Technology and Information Management Strategic Plan, due to a greater priority given to the decommissioning of the agency's mainframe computer system, a number of those enhancements are yet to be progressed.

Because of the time taken to register property on the system, IMS was seen to contribute to the reluctance of police officers to deal with property. To overcome this reluctance, it is the view of the Inquiry that the process of entering property details in the IMS needs to be faster, and as such the following recommendations are made:

#### Recommendation 23

Western Australia Police should instigate a review of 'user feedback' regarding the Incident Management System to enhance the property input, processing and monitoring functions, and implement system enhancements accordingly.

## Recommendation 24

Western Australia Police should develop and deliver Incident Management System training which provides for learning at various levels, such as introductory, intermediate and advanced levels.

 IMS property search facilities are resource intensive, unreliable and require enhancement.

Advice obtained through interviews with police personnel, together with feedback received through the survey, drew attention to the resource intensive and unreliable nature of the search functions in the IMS, which were widely considered to be problematic and difficult to use. Police personnel commented that searches often resulted in negative results or 'no hits'.

The following comments received by the Inquiry give an indication of the frustration experienced by personnel in relation to the inadequacy of current IMS search facilities:

'[Property Management] is an (unfortunate) sideline to our core functions. We are required to seize property as exhibits etc but it takes a lot of time (particularly with IMS) to deal with. For example, a search warrant with about 30 items located could [previously] be done in one day (including processing the offender). Now we often spend a whole day just on the property and trying to find matches to owners – which IMS is notoriously bad at'.

'There was a lot of money spent on this system to make our job easier and it clearly doesn't and nor does it serve the public by making it easy to locate their property and have it returned to them or offenders charged.'

'After putting the gear on [IMS], it would take literally days to find stolen property matches... [Similarly] inquiry work as above is very difficult when trying to match stolen gear that is seized to who it belongs to.'

The Inquiry established that property descriptors and categories are not well understood by police personnel. The fields for describing property were found to be too numerous, vague or ambiguous. The Inquiry received advice that officers often had to make a choice between two or three different, yet similar, items resulting in difficulties locating these items when property searches were undertaken at a later date. For example, what one officer might describe as a 'household appliance' another may call an 'electrical item'.

'There is many items I've come across that don't fit any item listed, and they go on as "Tool Items: Other" or "Household Appliances: Other" for example. One that springs to mind is there is no [category for] portable CD players (discman). Any search results in all the CD players (big ones) as well as portables. Another example: nothing for wind surfing or kite surfing gear (sails, masts, kites, boards or fins etc). Some of this is worth megabucks but it goes down as "Sport/Recreation: Other" with no chance of a match due to the amount of reported stolen stuff that goes on as "Other".'

The following common themes in relation to IMS search capabilities were also noted:

 IMS contains no functionality to print property search lists, which would assist police personnel to identify and classify property in accordance with the approved glossary of property descriptors – officers can only view search lists on screen, or 'screen dump' the information to produce a hard copy;

- Search response times were considered to be too slow; and
- The property search parameters in IMS are limited and provision of more flexible parameters – like region or location – may assist in the property search and identification process.

Again, system administrators responsible for the management of the IMS identified alternative methods that overcome some of the problems identified, including the provision of property search lists within another of the agency's business applications. Enhanced training for operational personnel, together with a critical review of property search facilities, would improve end-user competencies.

#### Recommendation 25

Western Australia Police should undertake a critical review of the Incident Management System property search facilities and implement improvements accordingly.

 WA Police have yet to capitalise on a number of property-related business efficiency and effectiveness improvements offered by the IMS.

In selecting IMS as the preferred agency-wide system for the reporting and recording of incident, property and intelligence information, WA Police took into account the best practice capabilities that IMS offered in relation to property management, in addition to the intelligence and incident management components offered by the system.

The Inquiry took advice that during the implementation of the IMS, capabilities such as barcoding, printing and scanning were not implemented when IMS was delivered because the agency did not have the necessary level of financial resources to fund them.

It was noted that the agency is currently testing the use of barcode/receipt labels at the DNA Exhibits Coordination Unit. However, funding was again cited as the reason for not rolling out the barcoding hardware across the agency.

It is acknowledged that funding constraints are a hard reality faced by the policing profession internationally, as well as government-funded bodies generally. The Inquiry considers the provision of barcoding and scanning capabilities to be a minimum standard in the logistics management environment today, particularly where high levels of control and enhanced levels of business efficiency and effectiveness are expected.

It is understood the current printing equipment available at business areas throughout the agency is capable of printing IMS barcodes and that the only additional hardware required is barcode scanning equipment.

The Inquiry is of the view that there are obvious efficiencies to be gained, particularly in relation to local level property audits, which would support the acquisition of barcode scanning equipment across the agency. Costs could be offset by providing equipment at larger centres and/or making it available to BAMR inspecting officers for the conduct of property audits. Such efficiencies would directly support the Commissioner of Police's *Frontline First* philosophy, and reduce the red tape and associated manual processes performed by operational police officers.

# **Recommendation 26**

Western Australia Police should introduce agency-wide barcoding for property recorded on the Incident Management System.

# **Chapter 5 – Physical and Financial Resources**

The availability of appropriate resources, together with the effective management of those resources, is fundamental to the achievement of effective, efficient and corruption-resistant property management by Western Australia Police (WA Police). Accordingly, the Inquiry considered the physical, financial and human resource requirements necessary to properly manage property across the agency.

# **Physical Resources**

There are many physical resource requirements needed to manage property of the magnitude of that received by WA Police. Such resource requirements include accommodation, vehicles, computers and infrastructure, phones and other such equipment or assets utilised as part of the property management cycle.

The Inquiry was also mindful of comments made by Champion and Rush (1997) who noted that:

...the proper provision of facilities enhances the atmosphere of professionalism and provides operational police with a sense of support and satisfaction. It should also lead to an increase in efficiency, which in itself provides a positive effect upon culture.<sup>11</sup>

The condition, availability and suitability of accommodation to store property was identified during the Inquiry as the single most critical physical resource issue impacting on property management within the agency. As a result, the Inquiry Team assessed the accommodation available for the management of property, including that provided at central property storage facilities, police stations and business areas.

The Inquiry noted that the Police Building Code includes standards that relate specifically to property storage facilities, including:

- Property Office An office provided for the officer responsible for the control of found, seized and exhibit property;
- Property Store An area for the secure storage of found, seized and exhibit property;

<sup>&</sup>lt;sup>11</sup> Quoted in Kennedy, G. Report of the Royal Commission into whether there has been corrupt or criminal conduct by any Western Australian police officer, State Law Publisher, Perth, 2004, vol II, p. 48

- Secure Room A room for the secure storage of public firearms and valuable lost, stolen, seized and exhibit property; and
- Drug Store A secure area for the drying and storage of seized drugs with, preferred dimensions, structural and fit-out standards.

While these standards are applied in the planning of proposed facilities, the Inquiry noted there are many police stations, district complexes and centralised property management facilities where property storage facilities do not meet the minimum standards. This was a result of either the time of construction (being prior to the Code's implementation) or a lack of funding to upgrade existing facilities. In particular, the following issues were noted:

The condition of WA Police central property storage facilities is substandard and does not facilitate the protection and maintenance of stored property.

The Property Receival Exhibit Storage Section (PRESS) is the main central property storage facility for unclaimed found property, exhibits and property seized under the provisions of the *Criminal Property Confiscation Act 2000*.

PRESS is located within the Maylands Police Complex, and its accommodation consists of two warehouses, which were formerly aircraft hangars (circa 1923), two sheds and four vehicle compounds 'secured' by cyclone-type wire fencing, one of which is temporary and costs the agency \$192 per month to retain. An aerial photograph of the property storage facilities follows.



Photograph 27 – Aerial view of property storage facilities at Maylands Police Complex

The Inquiry identified problems with each of these facilities, which are detailed as follows:

Warehouse 1 – This area houses the PRESS administration offices and front office. It is also the storage area for court exhibits, property for auction, and drug cultivation items. Facilities and infrastructure within this warehouse are old and generally substandard, and there is insufficient ventilation, climate control or protection from atmospheric conditions. The facility has problems with water leakage, nesting birds (creating excrement) and it contains asbestos, although it is understood the asbestos has been treated to contain the fibres. The building has been subjected to flooding on four occasions in the past eight years that has caused thousands of dollars worth of damage. Indeed, the Inquiry noted that marine carpet was utilised as floor covering in the administration office. These issues create significant occupational safety and health concerns for staff.

Photograph 28 - Warehouse 1



Photograph 29 - Warehouse 1 (rear)



Photograph 30 - Warehouse 1 (rear) - note flooding



Warehouse 2 – This warehouse is currently being utilised to store vehicles classified as high-risk, which are secured from view. This facility was deemed unsafe following a structural review, which noted issues in relation to the main hangar doors, which were addressed by permanently sealing the doors. The building is in a general state of disrepair and it is apparent that

little or no maintenance work has been carried out in recent times. Inquiry Team members witnessed broken glass and wall cladding, rodent droppings and evidence of insect infestation. The floor is potholed, the roof leaks and there is no power or security alarm. Car covers are used on vehicles to protect them from falling rust particles from the tin roof. No remedial action has been taken or is proposed to be taken, to rectify the structural condition of the building, and despite signage affixed to the building, which warns 'DANGER – No Entry Building Unsafe', its use as a property storage facility continues.

Photograph 31 - Warehouse 2



Photograph 33 - Warehouse 2 (roof)



Photograph 35 - Warehouse 2 (interior)



Photograph 32 - Warehouse 2 (interior)



Photograph 34 - Warehouse 2 (floor)



Photograph 36 - Warehouse 2 (interior)



Shed 1 – This area is utilised for the storage of vehicles awaiting forensic examination. The facility lacks climate control and protection from atmospheric conditions, and is subject to extremes in temperature. It has space for only three vehicles and the area immediately outside the facility is rocky and not level, which poses inherent risks for property officers and forensic staff.

Photograph 37 - Shed 1 (exterior)



Photograph 38 - Shed 1 (interior)



Photograph 39 - Shed 1 (interior)



■ **Shed 2** – This area houses chemicals, drug cultivation equipment, property to be donated, and items which are to be stored for the longer term. While this facility is of a reasonable standard and is fitted with a security alarm, its location, relative to the main warehouse (*Warehouse 1*), does not facilitate the efficient management of property.

Photograph 40 - Shed 2 (exterior)



Photograph 41 - Shed 2 (exterior)



Photograph 42 - Shed 2 (interior)



Photograph 43 - Shed 2 (interior)



Vehicle Compound 1 – This is an external compound surrounded by cyclone-type fencing, but with no overhead cover. The compound has a bitumen base and holds vehicles awaiting collection for auction, as well as other large items of property. There is no protection from the elements and as such property is subject to deterioration and accelerated depreciation. Grounds are subject to flooding, and property including vehicles is visible to onlookers. This compound was the subject of a pictorial on the front page of The West Australian on 6 July 2005 entitled 'Public money left to rot'.

Photograph 44 - Compound 1



Photograph 45 - Compound 1



■ Vehicle Compound 2 – This is an external compound surrounded by cyclone-type fencing, with no overhead cover. The compound is basically unimproved land, the grounds of which become boggy and partly inaccessible during winter months. In the summer months the area is inhabited by snakes and vermin and there is an inherent risk of fire due to the unkempt nature of the grounds, which are uneven and pose occupational safety and health concerns. The compound generally holds vehicles, including burnt wrecks and boats. There is no protection from the elements and as such property is subject to deterioration and accelerated depreciation.

Property and vehicles are also visible to onlookers. This compound was also the subject of the pictorial on the front page of *The West Australian* on 6 July 2005 entitled '**Public money left to rot**'.



Reproduced at Appendix 3

- Vehicle Compound 3 This is an external compound surrounded by temporary cyclone-type fencing, with no overhead cover. The compound is situated on a former parade ground that is constructed of bitumen. The compound holds vehicles seized under the provisions of the Criminal Property Confiscation Act 2000, some of which are high performance, high value vehicles. There is no protection from the elements and as such vehicles are subject to deterioration and accelerated depreciation. Vehicles are visible to onlookers and can be accessed with relative ease by penetrating the temporary fencing.
- Vehicle Compound 4 This is a smaller external compound, with no overhead cover, that is fenced with degraded wire-mesh fencing 1.5m high, with a bitumen base. It is used to house vehicles that are brought on site after hours. The compound is padlocked but can be accessed by staff from PRESS, Ballistics Section, the Tactical Response Group and by the private security guard after hours. Continuity and cross contamination of evidence are a risk due to the number of staff from the various sections that have access to the compound.

The Inquiry was particularly concerned at the lack of adequate covered storage for large property, including cars, boats and caravans. As a result of inadequate facilities, property is being subjected to increased deterioration and accelerated depreciation. This exposes the State to loss of revenue upon the eventual sale of property or, where property is returned to owners, excessive maintenance costs or litigation over the failure of WA Police to reasonably maintain property that is vested with them to protect.

The Inquiry noted that the poor condition of accommodation at PRESS had been formally documented by local management in their risk analysis plan, which stated that storage arrangements for property and exhibits were 'lacking or inadequate'. The issue had attracted a high-risk priority and it was proposed that new premises be sought through liaison with the Police Specialists Units Division.

The Inquiry also noted that in May 2003 a risk review of property holding areas at the Maylands Police Complex was undertaken by RiskCover where high-risk ratings were assigned in relation to deterioration in the physical condition of vehicles, boats, and other property in the open and main storage compounds. At that time, RiskCover noted that 'urgent management attention' was required.

The Inquiry received advice that there had also been separate discussions regarding the relocation of PRESS, possibly to the agency's Operational Support Facility (OSF) at Midland. The original master plan for the OSF included provision for PRESS to utilise an existing workshop (Workshop 3) which would be refurbished to meet requirements. However, it is not anticipated PRESS would be relocated to Workshop 3, due to comment provided by the Midland Redevelopment Authority that a more active use for Workshop 3 is preferred.

At this time, no review has been undertaken of the Master Plan to consider options available for PRESS to be relocated to an alternate area within the OSF site. However, in the course of a previous review of property-related issues completed in 2004, comment was made that it was not anticipated provision of a PRESS facility would be considered on this site for some years. Capital funding has been requested in the 2006/07 budget submissions to undertake a

feasibility study in relation to the relocation of the units located at Maylands to the OSF or alternative sites.

Given the condition of the various facilities which comprise PRESS at the Maylands Complex, there is an urgent need for options to be considered to either upgrade existing facilities or to relocate to a purpose-built facility. Ideally it would be beneficial for PRESS to be accommodated as part of the OSF development, which would necessitate WA Police reconsidering current proposals for the OSF site (these issues will be considered as part of the above feasibility study).

The Inquiry noted that the agency's 2006/07 ten year Capital Works Investment Program submission, currently being considered, includes a funding request for PRESS of \$15.6m in the year 2015/16. The Inquiry understands there may be an opportunity to bring this request forward to the 2007/08 capital program

The Inquiry also noted that while there have been a number of internal and external assessments highlighting deficiencies in relation to the proper storage of property at PRESS, progress to improve the facilities has been somewhat limited, particularly in relation to vehicles. The condition of the agency's property storage facilities at PRESS continue to be substandard and fail to adequately preserve and protect property vested with WA Police.

• WA Police has not been able to take reasonable steps to ensure that property is appropriately stored, managed or maintained. As such, the agency may be at risk of breaching s. 92 of the *Criminal Property Confiscation Act 2000*.

At this point it is important to draw attention to the Commissioner of Police's legislative responsibilities on storing and maintaining property, as delineated in s. 92 of the *Criminal Property Confiscation Act 2000*, which provides:

### 92. Duties of responsible person

A person who has responsibility for the control or management of property under this Act or under an order under this Act, must take reasonable steps to ensure that the property is appropriately stored or appropriately managed, and that it is appropriately maintained, until one of the following happens in accordance with this Act —

- (a) the property is returned to the person from whom it was seized or to a person who owns it;
- (b) another person becomes responsible for the control and management of the property;
- (c) the property is sold or destroyed; or
- (d) the property is otherwise disposed of.

Given the issues identified in relation to the substandard condition of central property storage facilities, the Inquiry contends that it is arguable that the agency has not taken reasonable steps to ensure that property is appropriately stored, managed or maintained. The agency is at risk of failing to meet the requirements of s. 92 of the Criminal Property Confiscation Act and clause 6(1)(b) of the proposed Criminal and Found Property Bill 2005, which stipulates that property be appropriately stored and maintained.

 WA Police has insufficient storage capacity within central property storage facilities, which is impeding the effectiveness of the *Frontline First* strategy of police operations.

The Inquiry received a number of comments similar to the following regarding the lack of available storage space within central property storage facilities.

'In general terms the handling of property within [XXX]<sup>12</sup> Division presents a problem. We do not have sufficient room to store items resulting from a clandestine laboratory or hydroponic setup. The lack of storage at PRESS compounds this problem. The refusal by Ballistics to receive any firearm, apart from those designated for destruction, also causes a problem, not only in terms of space but also in terms of security and compliance with the Firearms Act.'

The lack of storage space within central storage facilities has resulted in significant property holdings at the local level. Examples of excessive holdings include:

Table 1 - Number of property items on hand as at July 2005

| Perth Police Station      | 5,210 |
|---------------------------|-------|
| Midland Police Station    | 3,681 |
| Cannington Police Station | 3,396 |
| Mirrabooka Police Station | 2,885 |
| Fremantle Police Station  | 2,723 |

<sup>&</sup>lt;sup>12</sup> Details provided by survey respondent.

-

Refusal by Ballistics to accept firearms, apart from those designated for destruction, is problematic and resource intensive for operational police officers in terms of storage space, security and compliance with the *Firearms Act 1973*.

The lack of available storage at central storage facilities for general property (particularly at PRESS) impacts on accommodation available at the local level, where accommodation costs are reasonably higher than if property was warehoused. High levels of locally stored property also increase the associated accountability processes and red tape that is required to be performed by operational police officers to provide security over the property on-hand.

The Inquiry has also been told that some assets have reportedly not been seized as a result of the limited storage capacity available.

#### Recommendation 27

Western Australia Police should evaluate its property storage requirements and develop a strategy to meet the current and future centralised property storage requirements.

#### Recommendation 28

As a part of the proposed evaluation of property storage requirements, Western Australia Police should consolidate its centralised property storage function within a single facility.

#### Recommendation 29

Subject to the feasibility of relocating all centralised property storage functions to the Operational Support Facility, situated at Midland, the Commissioner of Police should seek supplementary capital works funding to meet the cost of constructing a suitable purpose-built property storage facility.

# **Financial Resources**

In addition to the physical resource requirements, the Inquiry was also cognisant of the fundamental necessity to allocate an appropriate level of financial resources to provide for the effective management of property. Such resources are essential to meet the direct costs incurred in recording, storing, maintaining, transferring, and disposing of property held by WA Police. Following are the issues noted:

There is insufficient agency funding available at the operational level to appropriately manage and maintain property holdings in the possession of Police.

The Inquiry noted that the allocation of funding to manage and maintain property within the agency was limited, to the extent that property was not being appropriately stored and maintained.

Specifically, the Inquiry noted police stations/business areas were not provided with a funding allocation to meet costs associated with the storage and maintenance of property, in some cases necessitating the storage of property within inadequate and inappropriate facilities at police stations/business areas. Examples already noted include:

- Storage of large quantities of cannabis in cells adjacent to prisoners, without adequate ventilation, potentially compromising the health of prisoners and police personnel;
- Storage of exhibits and seized vehicles in insecure compounds, at the rear
  of police stations, potentially compromising any evidence they may
  contain; and
- Storage of general property and equipment in sheds and holding yards, without suitable protection from the elements.

The Inquiry also noted central property management areas like the Drug Receival Unit, PRESS, and the DNA Exhibits Coordination Unit were provided only limited funding to manage and maintain their vast property holdings. To demonstrate this point, the budget allocations for each of these areas in 2004/05 were as follows:

Table 2 – 2004/05 Budget Allocations

| DNA Exhibits Coordination Unit                 | \$127,600 |
|--|-----------|
| Drug Receival Unit                             | \$44,400  |
| Property Receival and Exhibits Storage Section | \$20,800  |

These budgets combined are insignificant when compared to both the estimated value of property holdings in the custody of WA Police and the total annual budget provided by Government for the provision of policing services (the 2004/05 budget allocation included a net amount of \$615.9m appropriated to deliver policing services). Moreover, the budget available for property management is insufficient to meet the legislative obligations placed on the agency to take reasonable steps to ensure that property is appropriately managed.

#### Recommendation 30

Western Australia Police should provide business areas with adequate funding for storing and maintaining property.

Funding is not being provided pursuant to the provisions of the Criminal Property Confiscation Act 2000, to provide for the management, storage and maintenance of property that is seized under the provisions of the Act.

In March 2001, pursuant to s. 89(3) of the *Criminal Property Confiscation Act* 2000, the Director of Public Prosecutions (DPP) proposed that the then Commissioner of Police be appointed to manage all frozen and confiscated moveable property.

The Commissioner of Police subsequently accepted the DPP's proposal on the proviso that all associated costs were to 'be met out of the *Criminal Property Confiscation Act 2000* Trust Fund as provided for under the Act'<sup>13</sup> which, under s. 131(2)(f), provides that:

Money may be paid out of the Confiscation Proceeds Account at the direction of the Attorney General, as reimbursement or otherwise ...to cover any costs of storing, seizing or managing frozen or confiscated property that are incurred by the Police Force, the DPP or a person appointed under this Act to manage the property.

In April 2002, the DPP formally acknowledged the Commissioner of Police's acceptance of the proposal and the provision that all associated costs would be

<sup>&</sup>lt;sup>13</sup> Letter from the Commissioner of Police to the Director of Public Prosecutions dated 10/10/2001.

met from the Account. The DPP noted that the Attorney General had not agreed to protocols for the payment of monies, but that he would recommend to the Attorney General that all reasonable costs of storing, seizing and managing frozen and confiscated property be met from the Account.

In July 2002, the Commissioner of Police made application to the DPP for funding pursuant to the *Criminal Property Confiscation Act 2000 '...to resource the provision of an adequate storage facility for frozen and confiscated property, such function being an appropriate activity for the purpose of money paid from the Account'.* The Commissioner added that 'Access to these funds is required to meet the conditions incumbent on this Agency as imposed by Section 92 of the CPC Act'. The Commissioner also raised concerns regarding 'valuable depreciating assets (trucks, cars, boats) stored in an unsecured outdoors location due to lack of a suitable facility'.

This application for funding was unsuccessful, and in September 2003, the Commissioner of Police wrote to the Minister for Police and Emergency Services advising that protocols for the payment of monies from the Account had not been established and that the Attorney General had advised that no finances would be provided to meet costs associated with the storage and security of seized property.

The Inquiry understands there is a line of reasoning against providing funds from the Account, which suggests WA Police could utilise 'no cost' options, for example, issuing freezing notices to impound property. Furthermore, that as police take the decision to seize property, they should take responsibility for any associated storage and maintenance costs.

Despite considerable funding being paid into the Account (as detailed below) there has been no further progress in negotiations for ongoing funding. Only limited funding has been provided from the Account to assist WA Police to manage, store or maintain seized property in their possession.

Table 3 - Funds paid into the Confiscation Proceeds Account

| Calendar<br>year | Total Value<br>Frozen Property | Total Funds paid into<br>Trust Account |
|------------------|--------------------------------|--|
| 2001             | \$15,811,157                   | \$417,074                              |
| 2002             | \$12,684,027                   | \$779,533                              |
| 2003             | \$12,102,470                   | \$1,388,500                            |
| 2004             | \$26,767,947                   | \$1,170,275                            |
| 2005             | \$3,220,389                    | \$1,705,085                            |
| Total            | \$70,585,990                   | \$5,460,467                            |

The matter has escalated since June 2003. In July 2005, WA Police wrote to the DPP formally seeking the Commissioner's removal from his appointment to manage property seized under the provisions of the *Criminal Property Confiscation Act 2000*. In contrast, the Inquiry understands that the DPP is seeking amendments to the *Criminal Property Confiscation Act 2000* to give the Commissioner of Police legislative responsibility for the control and management of property confiscated by police. It is understood a working party comprising WA Police and DPP representatives has been established to consider the issues.

The current impasse is directly impacting on the lack of a suitable property maintenance program and the provision of adequate storage facilities, and is contributing to the accelerated deterioration and depreciation of property seized by Police under the provisions of the *Criminal Property Confiscation Act 2000*. This is resulting in financial losses to the State in terms of reduced proceeds from the eventual sale of property, costs incurred in restoring property, and potential litigation over damaged property that is returned to owners.

It is acknowledged that the management of seized property is not a core policing function, but rather a subsidiary activity resulting from police executing their duty, and that decisions made by police as to whether they should seize or freeze property should not be based on economics. It is the view of this Inquiry that funding should be provided from the Confiscation Proceeds Account to assist police with the costs of managing, storing and maintaining seized property in their possession, as is provided by the *Criminal Property Confiscation Act 2000*.

Moreover, in view of the Public Trustee's role in delivering professional and independent trustee and asset management services, the Inquiry considers the Public Trustee may be a more appropriate custodian of property and provide a better whole-of-government response to managing property seized under the provisions of the Act.

#### Recommendation 31

Western Australia Police should approach the Attorney General to allocate funding from the Confiscation Proceeds Account to meet the costs incurred in managing, storing and maintaining property seized under the provisions of the *Criminal Property Confiscation Act 2000*.

### Recommendation 32

Section 131(2)(f) of the *Criminal Property Confiscation Act 2000* should be amended to provide that:

'Money shall be paid out of the Confiscation Proceeds Account ... to cover any costs of storing, seizing or managing frozen or confiscated property that are incurred by the Police Force, the DPP or a person appointed... to manage the property.'

#### Recommendation 33

Western Australia Police should approach the Director of Public Prosecutions to redetermine which body is the most appropriate to manage property seized by Police under the provisions of the *Criminal Property Confiscation Act 2000*.

# Chapter 6 – Human Resources/People Issues

The Western Australia Police (WA Police) has a considerable investment in human resources engaged in property management functions at police stations, at other business areas, as well as at central property management facilities, a large proportion of which are police officers.

This Inquiry examined a range of human resource matters impacting on the efficient and effective management of property, including the number of personnel involved in property management, their employment status and their attitude towards property management. The Inquiry considered the training available in all facets of property management.

The Inquiry also identified further scope for civilianisation or outsourcing of property management functions. Issues were identified with regard to:

- the low level of morale and job satisfaction among employees engaged in property management;
- limited opportunities for career progression;
- recognition/belief that property management is not a core function of policing;
- · management and supervision;
- · lack of segregation of duties; and
- limited and/or inadequate training opportunities.

The above issues are based on information obtained through site visits, interviews and the survey. The attitudes and opinions of police personnel employed solely in property positions, together with those of other supervisory, operational and support staff, were also observed.

In undertaking this component of the Inquiry, the Inquiry Team was also cognisant of the agency's objective of 'the right people, in the right place, at the right time, doing the right thing' and as such, the recommendations that follow support this objective.

#### **Civilianisation and Outsourcing**

 There is opportunity to release police officers to frontline duties by utilising police staff and/or contractors for property management functions.

Civilianisation is the application of police staff in predominately clerical and administrative roles, which have traditionally been undertaken by police officers, allowing those officers to be released to carry out operational functions. Civilianisation is a key component in achieving Commissioner O'Callaghan's *Frontline First* service delivery philosophy.

Also, Government has committed to the funding for an additional 160 civilianised positions. This will enhance the WA Police's current civilianisation program, which together with other deployment decisions has seen 166 police officers moved from administrative areas to frontline positions.

The Kennedy Royal Commission<sup>14</sup> noted that increasing the civilian component of the WA Police is beneficial in terms of enhancing the quality and mix of personnel, not only for the short-term gain of improving the delivery of police services, but also in broadening the skills base.

Civilianisation is an issue in most police services and like other police jurisdictions has been approached by previous WA Police administrations with varying degrees of adoption.

The management of property in the WA Police has traditionally been undertaken by police officers. This has had the effect of restricting the number of police officers available for frontline duties. In more recent times however, police staff have taken a more active role in property management and other 'behind the counter' policing functions. For example, the Inquiry noted that at three metropolitan police stations (Kensington, Midland and Murdoch) the management of property is handled by police staff, who in some cases were also conducting inquiries to locate the owner of the property.

The Inquiry identified 42.5 Full Time Equivalent (FTE) positions that perform property management duties as their primary responsibility, as follows:

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<sup>&</sup>lt;sup>14</sup> Kennedy Royal Commission Vol II. p. 122

Table 4 - Number of Property Management FTE Positions

| Central Property Management Facilities         |      |
|--|------|
| Property Receival and Exhibits Storage Section | 6.0  |
| Drug Receival Unit                             | 4.0  |
| DNA Exhibits and Coordination Unit             | 6.0  |
|  | 16.0 |
| Police Districts, specialist units and squads  | 26.5 |
|  | 42.5 |

Of these 42.5 positions, approximately 30 positions are undertaken by police officers, two of whom are detectives in the Specialist Crime portfolio. In addition to these positions, the survey results indicated that 36.5 per cent of operational police officers spend an average of up to 30 minutes per shift dealing with found property and 15 per cent spend an average of between 30 minutes and two hours per shift dealing with found property.

The survey results also showed that 41.7 per cent of operational police officers spend up to 30 minutes per shift dealing with seized property and 28.8 per cent spend between 30 minutes and two hours per shift dealing with seized property. There were also a number of police officers who reported they spend on average more than two hours per shift dealing with seized property.<sup>15</sup>

The Inquiry noted that while the investigative work associated with property is clearly a function requiring police involvement, much of the work performed by police officers in relation to the management of property does not require police powers to be exercised. Indeed, this view was supported by 86.2 per cent of survey respondents who considered that, other than the initial seizure of property, property management functions did not require police powers (refer Table 5 below). This is specifically relevant given that 92.9 per cent of respondents were police officers.

Table 5 - Survey Question #14

| Other than the initial seizure of property do you consider property management requires the powers of a sworn police officer? |     |        |  |  |
|---|-----|--------|--|--|
| Yes   | 78  | 13.8%  |  |  |
| No  | 486 | 86.2%  |  |  |
| Total   | 564 | 100.0% |  |  |

<sup>&</sup>lt;sup>15</sup> These results relate to officers on day or afternoon shift, and do not include Property Officer positions and the time spent during the initial seizure of property.

The 86 per cent of respondents who considered that property management functions did not require police powers identified a number of factors supporting their view, a selection of which follows:

'Appropriately trained and supervised staff can manage property (commercial warehouses are not run by police). An efficient and organised person can perform the duties.'

'Property management is time consuming and a waste of police resources; it wastes valuable operational duties time. Transportation and storage of property by non-sworn personnel would be a more effective use of police resources. Frontline First! Let police officers police. Police are better off dealing with offences and prevention. Using sworn officers to deal with property is a waste of resources and amounts to mismanagement.'

'Property is the same as DNA and other exhibits, which is already dealt with by unsworn police staff; Police staff have the ability and knowledge to deal with property.'

'Property can be handled by police staff, subject to the susceptibility of corruption being addressed; ethics are transferable and not a sole characteristic of police officers; Police staff are bound by the same code of conduct and standards of ethical behaviour, checks and balances are in place.'

'The only issue is accountability and proper risk management should mitigate risks.

All employees are accountable – As long as protocols are adhered to, anyone can manage property.'

'There is no police power that relates to the management of property. Property management requires knowledge of policies and procedures not powers of police. Police staff are just as skilled.'

'As long as continuity can be maintained and Police staff are willing to attend court, property management could be undertaken by Police staff.'

'Most Acts provide for the seizure and detention of property by police, however the movement and disposal of property is authorised by law and not specifically by a police officer.'

'Evidentiary property can be dealt with by non police personnel. For example, Path and Chem Centre. PRESS is primarily staffed by police staff. Police staff could perform the duty just as well, point in case DECU.'

The Inquiry supports the view that the use of police officers for property management functions is an inefficient use of police resources. In view of the police resources committed to property management, the Inquiry believes there is considerable scope to civilianise and/or outsource property management functions.

In arriving at this view, the Inquiry also considered the core changes sought by the Kennedy Royal Commission, which recommended that:

A fresh policy of civilianization be adopted throughout the Police Service whereby all positions not requiring police powers will, wherever possible, be filled by civilians, so the maximum number of police officers will be available for operational duties requiring the exercise of police powers.<sup>16</sup>

It is understood that since the commencement of the Inquiry, 26 Property Officer positions have been identified for civilianisation within the agency's operational regions. Subject to prioritisation, these positions may be funded under Government's commitment for the civilianisation of 160 positions.

In addition to the management of property locally, the Inquiry also noted that police officers are utilised to transport property between their local business area, central property storage facilities and auction houses – a practice which places further restrictions on the availability of police for frontline duties.

The Inquiry noted that there is an opportunity to establish a property collection service utilising either police staff or external providers to transport property from metropolitan business areas to central property storage facilities.

Similarly, there is scope to utilise the resources of auction houses to collect property that is to be sold. The Inquiry understands that action has recently been taken to amend contractual arrangements with the appointed metropolitan auctioneer for this to occur.

The Inquiry acknowledged that there are legislative requirements for specific property/exhibits (e.g. drugs) which prescribe that these items may only be handled by police officers. The receipt, handling and possession of drugs and associated equipment is restricted by the *Misuse of Drugs Act 1981* to police officers, authorised persons and approved persons. Consequently, police staff who do not have ministerial approval are not permitted to handle drugs and associated implements. Legislative change is required to enable police staff to handle drugs.

<sup>&</sup>lt;sup>16</sup> Kennedy Royal Commission Vol II p. 330

## Property management is not a core function requiring police powers.

Property officer duties have generally been described by many as being neither glamorous nor complex police work, but nevertheless, are recognised as an integral and necessary part of policing. As a result of site visits undertaken by the Inquiry Team and the outcome of the survey, it was confirmed that after the initial seizure of property, most police officers do not regard property management as a police function.

The survey sought participants' views as to whether or not they considered property management to be a core function of policing. The results showed that 62.2 per cent answered 'yes' to property management being a core function.

Some of the comments supporting this view, included:

'It is, however should be outsourced or given to police staff, rather than taking away from frontline policing.'

'Because it is a potential risk and it is good PR for the public as it looks like we are doing something (returning of found property).'

'Our core functions are to protect life and property.'

'No one else can do it, it takes up a vast majority of our time and it is a day to day occurrence.'

'Everyone palms property straight off to police to deal with it.'

Some of the negative responses included:

'I am not a storeman. If I wanted to do that I would have joined the army.'

'It is an (unfortunate) sideline to our core functions. We are required to seize property as exhibits etc but it takes a lot of time (particularly with IMS) to deal with. For example, a search warrant with about 30 items located could be done in one day (including processing the offender). Now we often spend a whole day just on the property, trying to find matches to owners... which IMS is notoriously bad at.'

'It is too time consuming and takes away from frontline policing (which is our core function).'

The Inquiry Team support the view that whilst the initial seizure of property requires police powers, the management of property subsequent to seizure is not necessarily a core function of policing and as such should be civilianised, or where appropriate, outsourced to the private sector, maximising available police resources to undertake frontline policing duties.

#### Recommendation 34

Western Australia Police should civilianise positions that undertake property management duties as a primary job function and do not require police powers.

#### Recommendation 35

Western Australia Police should introduce a property collection service, undertaken by police staff or external contractors, to collect and transport property and exhibits from metropolitan business areas to central property storage facilities.

#### Recommendation 36

Western Australia Police should contract auctioneers to collect property that is to be auctioned.

# Recommendation 37

Western Australia Police should seek to remove any statutory impediments that restrict or prevent police staff from handling and managing property, including drugs.

# **Employee Satisfaction and Attitude**

The general morale and job satisfaction level of property officers is low.

It was evident throughout the Inquiry that officers involved in property management were suffering a low level of morale and exhibited general dissatisfaction with their iob.

Employees who are highly satisfied by their work tend to believe that their career will be fulfilling in the long run and they will ultimately care more about the quality of

their work. Research indicates these employees are more committed, have higher retention rates and are ultimately more productive. Employees with a level of dissatisfaction, or low morale, are a significant risk factor within the workplace. Employees who feel disgruntled or dissatisfied at work are more likely to engage in corrupt work practices than those who are satisfied in their career.

Job satisfaction is crucial to performance and output, efficiency and accountability and the ultimate integrity of an organisation. Statistical research shows that significant factors affecting job satisfaction include opportunity for progression, recognition of work performed, representation within the identified field of work and adequate levels of supervision and direction of required tasks.<sup>17</sup>

It was evident to the Inquiry that the attitude, output and integrity of property officers improve significantly when senior officers demonstrate a high level of commitment to property management. An Officer in Charge with a positive and determined attitude towards property management can influence police personnel to deal with property effectively and efficiently, thereby reducing the opportunity for corruption or misconduct to occur.

# Property officers have limited opportunities for progression.

Providing opportunities for career progression within an organisation is fundamental to employees performing at their optimum level.

The management of property is not an area of policing that excites many. It is perhaps understandable that for a great many officers, property management is a drudge that, while perhaps accepted as being necessary, is not one that they would relish performing or which has a high priority for them. As a consequence, standards of property management are often inadequate and expose the WA Police to an unacceptable level of risk. However, it should be noted that there are pockets of good practice where police officers and police staff take their property management responsibilities seriously.

Property management is generally regarded across the organisation as offering only limited opportunities for career progression. As such, these positions attract

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<sup>&</sup>lt;sup>17</sup> Results interpreted from research conducted by Bavendam Research Incorporated with a survey of over 15,000 employees, 20 per cent managers/supervisors, 91 per cent working full time and even proportion of males and females.

only a limited number of interested persons. The Inquiry was advised that some police officers working in the role regard it as 'drawing the short straw'.

In relation to the identified property management positions undertaken by police officers throughout WA Police (approximately 42.5 FTE positions), the Inquiry noted many officers did not aspire to the role because the skills/competencies acquired were not advantageous when seeking promotion and because the positions did not offer shift penalty rates. Indeed, many officers who sought the positions did so to seek respite from operational police work, dealing with members of the public or to avoid shift work.

With respect to police staff, as there are only a few managerial and supervisory positions in the property management field, there is limited opportunity for progression. While in recent times there has been increased opportunities at different levels and within specialist fields, the concept of a career path across the agency's property management positions has yet to be established.

In consideration of the magnitude of property dealt with by WA Police, the Inquiry is of the opinion that there is scope to build a professional property management structure that provides opportunities for progression within the property management field.

#### Recommendation 38

Western Australia Police should build a career path within the proposed property management structure for personnel undertaking property management duties.

#### **Management and Supervision**

The Inquiry noted an abrogation of responsibility by managers and supervisors for the property management function. The responsibility for property management at the local level primarily rests with the Officer in Charge and District/Divisional management. The time devoted to the function is determined against other competing policing priorities and is often low on the list of priorities. This is highlighted by the number of business area audits, which have consistently identified problems with the management of property (although recent audit evidence suggests a greater emphasis is now being placed on property management by some Officers in Charge).

There is no one person or unit directly responsible for the oversight of property management, including training, staff selection, legislative considerations, and management of resources and practices from a whole of agency perspective. Rather, as stated previously, it receives little attention from an Officer in Charge or District/Divisional management and is often lost among other competing operational priorities. The Inquiry Team considers this as one of the underlying factors for the low regard for the management of property in WA Police and negative attitude towards the function by some police officers.

Latta (2004) highlighted the importance of proper management and supervision when he stated:

Both management and supervision need to closely monitor the Property Officer's regular activities to ensure that priorities are established and properly implemented. Specific goals and objectives are needed to direct the Property Officer in completing certain tasks, such as regular purging. The property room needs the full time attention of a manager, both as a leader and as a monitor of policy and procedure.<sup>18</sup>

The Kennedy Royal Commission also drew the nexus between deficiencies in supervision and the potential for corrupt behaviour to occur at the operational level.

In some instances, supervisors demonstrated an ignorance as to what personnel in charge of property actually did, stating they were left to their own devices. Latta also referred to this matter in relation to managers and supervisors responsibilities when he stated:

Managers and supervisors can't effectively oversee a function such as the property room unless they understand what their responsibilities are.<sup>19</sup>

The Commissioner's Orders and Procedures (COPs) Manual makes provision at AD-49.17 for the management and supervision of property functions. Officers in Charge are required to conduct audit checks of property in police custody, including checks of IMS records, using the audit functionality available within the IMS. However, at some police stations and business areas, the Inquiry Team noted examples where the Property/Reserve Officer and supervising (or Senior) Property Officer were tasked to

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<sup>&</sup>lt;sup>18</sup> Ibid, Chapter 1, p. 3.

<sup>&</sup>lt;sup>19</sup> Ibid, Chapter 20, p. 2

conduct audit checks of property under their control, a clear abrogation of responsibility by the respective Officers in Charge.

Other examples were noted where Officers in Charge, who themselves were unaware of the proper procedures for dealing with property, were unable to provide the required guidance to officers under their control. This was confirmed by site visits undertaken by the Inquiry Team and in the survey, where a number of Property Officers commented that they did not fully understand their role or position with respect to the management of property.

In other cases, there was an absence of a proper induction program, nor was there any local standard operating procedures or training made available, to assist officers engaged in property management.

#### **Separation of Duties**

Segregation of functions in any business area is an important element of an internal control system designed to minimise the potential for corrupt practices to occur.

The need for segregation of duties in a property management environment was also reinforced by Latta who stated that:

The separation of duties is paramount in maintaining organisational independence and the integrity of the property unit. Centralising the control and storage of property, and staffing the property function with personnel who are not involved in the collection or disposition of property or evidence, are precautions that will simplify control procedures and enhance the integrity of a property room.<sup>20</sup>

From site visits conducted and the survey results, the Inquiry Team identified a lack of separation of duties. Often, the same officer was found to be dealing with the same item of property throughout its lifecycle while in the custody of WA Police.

A common practice observed by the Inquiry Team was where an officer who received found property was also the officer responsible for entering the details in the IMS, issuing a receipt, conducting enquiries to locate the owner of the property, storing the property, and the transfer or destruction of the property, all carried out with very limited supervision.

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<sup>&</sup>lt;sup>20</sup> Ibid, Chapter 1, p. 1.

The concept of 'separation of duties' is a basic accounting practice<sup>21</sup> and a necessary corruption prevention strategy. The Inquiry has previously recommended that WA Police update and review orders and procedures in relation to property management. Accordingly, the revised orders should provide for adequate separation of duties relating to the management of property.

#### **Training and Development**

One of the key challenges associated with the provision and management of human resources is the maintenance of an effective training and development program. It is self-evident that training and personal development of staff has the capacity to directly affect not only their ethical standards but also the efficient and effective performance of their duties.

The Kennedy Royal Commission<sup>22</sup> commented that officers who become more skilled as a result of training also become more demanding of their colleagues and less tolerant of deficiencies in expertise and probity.

The Inquiry noted that the only formal training in the handling and management of property is provided to police recruits during their Police Academy training. Police recruits receive instruction in processes and procedures such as receipting, identifying, tagging, return to owner or finder, storage, security and disposal of property. Training on the use of the IMS is also provided which comprises of an introductory lesson, where the basics of property are taught, including a segment covering policies relating to property contained in the COPs Manual. The duration of this lesson is 40 minutes.

It was obvious to the Inquiry Team that the limited instruction received by police during their initial training at the Police Academy, which was often delivered many years previous, was of little use to officers as many of them were unaware of their responsibilities associated with the management of property or of the application of the IMS. This was confirmed by almost one-half of the survey respondents, who indicated that they did not consider their training adequate to allow them to properly deal with property.

<sup>&</sup>lt;sup>21</sup> Ibid, Chapter 1, p. 3.<sup>22</sup> Kennedy Royal Commission Vol II, p. 50.

In other cases, during site visits, recently appointed property officers often commented that they were only informally 'shown the ropes', and that they were unclear as to what they were supposed to be doing, or who was supposed to be showing them, or even who they could turn to when they required support.

Latta referred to the importance of training when he stated:

Training should be timely, continuous, and documented. Personnel scheduled to transfer into a property unit should receive the basic training... prior to the transfer.<sup>23</sup>

The absence of proper training poses a corruption risk. Untrained property management personnel may also be subject to occupational safety and health risks especially when handling potentially dangerous goods. Comments from the survey respondents confirming the inadequate level of training provided in property management, included:

'What training?'

'No formal training.'

'Nothing taught on actual practices.'

'Only way is learn as you go along, by trial and error.'

'Was property officer recently, self taught.'

'Training of Police Staff in Property management is totally inadequate ...'

#### Recommendation 39

Western Australia Police should provide accredited training to appropriate personnel in all facets of property management.

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<sup>&</sup>lt;sup>23</sup>Ibid, Chapter 20, p. 1.

### **Chapter 7 – Organisational Status and Positioning**

This element of the Inquiry sought to assess whether the position of property management functions within the agency's organisational structure were appropriate in view of the importance of property management and the potential associated risks. The Inquiry considered the appropriateness of lines of authority and the reporting relationship between Western Australia Police's property management units and that of the police officers whom they support. The following issues were noted:

 WA Police has three 'centralised' property stores in the metropolitan area which does not facilitate efficient property management and effective resource utilisation.

The management of property is undertaken at all levels across Western Australia Police including three separate 'central' property storage units that have broad oversight responsibilities for specific types of property. These units are:

- The Drug Receival Unit (DRU) This is the agency's central repository for the storage of illicit drugs that are seized in the metropolitan area. Drugs are held at the DRU pending the relevant matter being considered by the courts, after which they are generally destroyed. Currently, the Unit holds around 18,000 items. The DRU forms part of the Police Specialist Units Division under a Superintendent, within the Traffic and Operations portfolio, and is located at Police Headquarters in East Perth. The facility is somewhat dated and is scheduled to be relocated in mid-2006 to a purpose-built facility at the agency's Operational Support Facility situated at Midland.
- The Property Receival Exhibit Storage Section (PRESS) This is the agency's central repository for the storage and disposal of seized, stolen and found property, including property seized under the provisions of the Criminal Property Confiscation Act 2000. The facility currently holds around 9,000 items of property and forms part of the Police Specialist Units Division under the same Superintendent (as above) within the Traffic and Operations portfolio.

■ The Forensic DNA Exhibits Coordination Unit (DECU) — This Unit is responsible for the coordination, analysis and storage of DNA and associated forensic exhibits. DECU was established in 2002 following the introduction of DNA legislation that year. Currently, in excess of 85,000 exhibits are stored within the Unit and it is estimated that a further 30,000 exhibits will be received annually. DECU is part of the Forensic Division under a Superintendent, within the Traffic and Operations portfolio, and is located at Police Headquarters in East Perth. The Unit is also scheduled to be relocated mid-2006 to the Operations Support Facility.

While the above repository areas are viewed as the custodians of property relative to their area of expertise, they work in isolation and independently of each other, notwithstanding they are the responsibility of the Assistant Commissioner, Traffic and Operations. As a result, differing inventory management standards, procedures and practices are applied. By way of example, the primary focus of DECU is the coordination of the analysis of DNA and other forensic exhibits and the provision of expert advice and consultation to frontline officers on DNA requirements and protocols. However, the ongoing management and storage of property and exhibits is a secondary function.

Shortcomings associated with the current structural arrangements include:

- The management of property within the agency is fragmented and lacks cohesion from a corporate business perspective, undermining corporate governance principles and objectives;
- The existing structure fails to provide frontline personnel with a single facility to lodge property. Currently, property items seized in a single operation may be required to be lodged in up to three separate facilities each having their own standard operating procedures;
- There is no single area available to provide advice and assistance to frontline personnel in relation to all property management matters; and
- Economies of scale are not being achieved as there is an unnecessary duplication of effort taking place to operate three independent property storage facilities.

The current arrangement does not facilitate the efficient and effective management of property and resources. It characterises the management of

property as an 'operational support service' and loosely describes the business of property management in this manner in the formal position descriptions of the relevant superintendents at the Traffic and Operations portfolio. The business of property management and the respective roles and responsibilities are not explicitly outlined in the formal job specifications, which further illustrates the low priority given to the management of property.

The Inquiry considers there is scope to review the current manner in which these central repository areas are managed in terms of re-defining their business and current role to one that reflects contemporary property management standards, expectations and outcomes best suited to a policing environment. Subsequent to redefining the agency's property management strategy, the Inquiry views that it would be beneficial to consolidate the efforts of the central property storage units into a single facility to maximise efficiencies in relation to administrative overheads, staffing and other resource requirements. The revised structure would also provide a one-stop-shop enhanced support service to frontline officers.

In addition to providing a consolidated approach to property storage, it is envisaged a centralised Property Management Division would provide a foundation on which to build and sustain a professional property management culture within the agency. The Division's responsibilities would extend to enhancing the training and development of property personnel, establishing detailed procedures and policies in relation to property management, progressing the necessary enhancements to property management processes and systems, and undertaking corporate planning, coordinating, monitoring and reporting of property management risks and issues.

### There is a need for the property management function to be elevated within the structure of the agency.

During the course of the Inquiry, a number of performance gaps were identified in relation to the importance of good property management, the risks associated with poor property management, and the relatively low priority afforded to property management at all levels across the agency.

The Inquiry is cognisant that past examinations, reviews and audits undertaken on property management and related matters have highlighted many of the issues identified in this report. Whilst these measures genuinely attempted to redress matters, it is apparent from historical evidence and the ongoing problems being experienced that 'band-aid' fixes have been applied to resolve the deficiencies that have emerged and interim solutions implemented, which have not necessarily yielded effective long-term results.

The absence of a corporate property management body to coordinate and implement the required change was identified as an underlying cause behind the lack of positive direction and action. In assessing the central property management structures in the agency, the Inquiry also considered that each of the property management units were not in an appropriate position to drive the change necessary to build a professional property management ethos at both the corporate and local management level.

The Inquiry believes, subsequent to the setting of an appropriate property management strategy, that the formation of the proposed Property Management Division appropriately resourced and managed under the direction of an Assistant Commissioner or Director will improve the manner in which property is thought of, accounted for and managed across the agency.

#### Recommendation 40

Western Australia Police should establish a single Property Management Division, with corporate responsibility for the management of all property holdings within the agency. A direct reporting relationship to Assistant Commissioner or Director level would be appropriate.

#### Recommendation 41

Subject to the establishment of a single consolidated Property Management Division, Western Australia Police should consider relocating that function to its Operational Support Facility, situated at Midland.

## **Chapter 8 – Sustaining Property Management Reform**

This Inquiry has made many recommendations aimed at achieving improvement in existing property management practices in the Western Australia Police (WA Police). These practices will not improve unless there is a demonstrated commitment for sustained change at all levels of the organisation. The Inquiry urges the WA Police to embrace the changes proposed by this Inquiry and to commit to achieving and sustaining change by working towards acquiring the resources to implement them.

The WA Police has historically demonstrated that it is not as effective as it might be in implementing, managing, evaluating and monitoring change. For this reason many of the property management change initiatives proposed in the past have either been partially and in some cases poorly implemented or not implemented at all. This condition was clearly observed by Messrs Bogan and Hicks in their report 'WA Police Service Qualitative and Strategic Review of Reform *The Way Ahead*'.

Change will not occur if a managed approach to implementing the solutions is not adopted. The recommendations in this Inquiry are a series of independent projects aimed at achieving a long-term solution to the property management challenge currently existing in WA Police.

In achieving reform the appointment of a sponsor at the executive level is essential. It is envisaged that the role of the sponsor will be to actively champion the change this Inquiry is proposing, by lobbying and working for the change at the higher levels in the WA Police throughout the lifecycle of the project.

This Inquiry recommends that this project should form a component of the WA Police change program with the aim of increasing the corruption resistance of police, with reports on progress made in implementing the recommendations to the WA Police peak governance body, the Commissioner's Executive Team.

#### Recommendation 42

Western Australia Police should appoint a project sponsor at executive level to implement the recommendations of this Inquiry.

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## Legislation

Criminal and Found Property Disposal Bill 2005

Criminal Code Compilation Act 1913

Criminal Property Confiscation Act 2000

Disposal of Uncollected Goods Act 1970

Drugs and Poisons and Controlled Substances Act 1981 (Victoria)

Environmental Protection Act 1986

Explosives and Dangerous Goods Act 1961

Financial Administration and Audit Act 1985

Misuse of Drugs Act 1981

Occupational Safety and Health Act 1984

Poisons Act 1964

Police Act 1892

Public Sector Management Act 1994

Road Traffic Act 1974

Unclaimed Money Act 1990

Weapons Act 1999

## Glossary of terms, abbreviations and acronyms

#### **Terms**

Customer Service Officer Police staff engaged under the provisions of the *Public* 

Sector Management Act 1994 undertaking customer

service functions within WA Police

Personnel Police officers and police staff of WA Police

Police Officer Officers engaged under the provisions of the *Police Act* 

1892

Police Staff Staff engaged under the provisions of the *Public Sector* 

Management Act 1994 within WA Police

Project Terminus Working title assigned to this Inquiry

#### Abbreviations and acronyms

ADS Archive Data Store

BAMR Business Area Management Review

COPs Manual Commissioner's Orders and Procedures Manual

DECU DNA and Exhibits Coordination Unit DPP Director of Public Prosecutions

DRU Drug Receival Unit

FAAA Financial Administration and Audit Act 1985

FTE Full Time Equivalent position

IAPE International Association for Property and Evidence

IMS Frontline Incident Management System

MAU Management Audit Unit

PCAC Police Complaint Administration Centre

PRESS Property Receival and Exhibits Storage Section

PTS Property Tracing System
RTF Returned to Finder
RTO Returned to Owner
TI's Treasurer's Instructions
TIG Tactical Investigation Group

## Appendix 1 – Establishment of Inquiry



## ESTABLISHMENT OF INQUIRY FOR THE PURPOSE OF PREVENTING CORRUPTION

#### Section 17

Corruption and Crime Commission Act 2003 (WA)

I, Kevin James Hammond, the Commissioner of the Corruption and Crime Commission ("the Commission"),

ESTABLISH AN INQUIRY in pursuance of the Commission's corruption prevention and education function under section 17 of the *Corruption and Crime Commission Act* 2003.

The purpose of the Inquiry is to assess the adequacy of the WA Police Service's procedures and processes for managing property against recognised standards of good practice and to make recommendations for improvements in procedures and processes to prevent corruption and other misconduct in relation to property managed by the WA Police Service.

For the purpose of this Inquiry "property" will include but will not be limited to items of personal property, vehicles, drugs, firearms and cash held in the custody of the WA Police Service for or on behalf of another person or entity.

The Inquiry will consider:

- property handed to or coming into the possession of the WA Police Service that is not subject to a warrant and where no person has been charged in connection with it being stolen or otherwise unlawfully obtained (i.e. found or unclaimed property); and
- property coming into the possession of the WA Police Service that is linked to a person who has been charged in connection with it being stolen or otherwise unlawfully obtained; or any property seized in connection with an offence; or suspected to have been unlawfully obtained, including property seized under the Criminal Property Confiscation Act 2000 (WA) (i.e. stolen or seized property).

KJ Hammond Commissioner

Dated this

day of April 2005

## Appendix 2 - Project Proposal

#### Project Proposal

# Inquiry into Western Australian Police Service Property Management

#### Background.

On Friday 18 February 2005, by way of a letter, the Corruption and Crime Commission (the Commission) advised the Western Australia Police Service (WA Police Service) that it had completed its review on the investigation of the theft of cannabis from Fremantle Police Station in August 2004. The Commission determined that the internal investigation carried out by WA Police Service was adequate in so far as the specifics of the incident itself but that it was evidenced that a wider inquiry in respect to the handling of drugs and other exhibits/property was necessary, to address concerns of inadequacies in the policies, procedures and practices involving property management. The Commissions Operation 'Weld' included the conduct of an integrity test, where as a result of this test a number of deficiencies in the general handling and management were also identified.

The intent of this inquiry is not to seek to examine the behaviour of individuals with a view to exposing corrupt conduct. Rather, the intention is to assist WA Police Service to carry out their responsibilities in an ethical and corruption resistant manner. This will be achieved by identifying areas of high risk, and by making recommendations to reduce that risk, and examining the presence of, and application of, legislation, policy and procedures that have a corruption prevention element.

A joint inquiry conducted by the Commission's Corruption Prevention Directorate in cooperation with WA Police Service would be consistent with the Commissions objective of working cooperatively with WA Police Service on their reform process, and with the Commissions legislated purpose of 'helping public authorities deal effectively and appropriately with misconduct by increasing their capacity to do so...' (Corruption and Crime Commission Act 2003, section 7B(3)).

#### 2. Establishment of an Inquiry for the purposes of preventing misconduct.

Based on the Commission's assessment of a matter received, and under the provisions of section 17 of the *Corruption and Crime Commission Act 2003* (the Act), the Commission has a function (the "prevention and education function") of helping to prevent misconduct.

Without limiting the ways the Commission may perform the prevention and education function, the Commission performs that function by -

Analysing systems (technology, people and the processes) used within public authorities with a view to preventing misconduct [s. 17(2)(ac)] and to provide information to, consult with, and make recommendations to public authorities [s. 17(2)(b)]. Furthermore, the Commission is required to report on ways to prevent misconduct [17(2)(d)] and make recommendations for changes to laws of the State to this end [91(2)(q)].

Confidential Page 1 21/04/2005

Therefore the Commission intends to undertake an inquiry, in cooperation with the WA Police Service, into the management of property by the WA Police Service, in accordance with the provisions of section 17 of the Act.

#### 3. Terms of Reference

The purpose of the inquiry will be to objectively assess the adequacy of property management within the WA Police Service against recognised standards of good practice. Where appropriate, the inquiry will bring identified exposures to the attention of management, along with appropriate recommendations that will mitigate any risks identified. Specifically, the following aspects of property management will be examined by the Inquiry Team:

- 1. Legislation.
- 2. Written policy & procedures.
- 3. Business management and audit practices relating to property.
- 4. Resources and facilities for the handling, storing and disposal of property.
- Management and supervision practices.
- 6. Training.
- 7. Manual and automated systems to facilitate property management.

For the purpose of this inquiry property will include material goods and cash held in the custody of the WA Police Service for or on behalf of another person or entity; including

- Property handed to or coming into the possession of Police that is not subject to a
  warrant and no person has been charged in connection with it being stolen or
  otherwise unlawfully obtained (i.e. found or unclaimed property).
- Property coming into the possession of Police that is linked to a person having been charged in connection with it being stolen or otherwise unlawfully obtained; or any property seized in connection with an offence; or suspected of having been unlawfully obtained, including property seized under the provisions of the Criminal Property Confiscation Act 2000 (i.e. stolen / seized Property).

This includes, but is not limited to, items such as general property; drugs; firearms; cash; and vehicles.

The inquiry will not examine the management of public property held for or on behalf of the State that is vested with the Police Service (i.e. the assets of the Police Service).

#### Benefits of undertaking the inquiry.

A number of advantages for both the Commission and WA Police Service will be achieved as a result of undertaking this inquiry.

Such an inquiry would be consistent with the Commission objective of working cooperatively with the WA Police Service on their reform program, and with its legislated purpose of 'helping public authorities deal effectively and appropriately with misconduct by increasing their capacity to do so....' (Corruption and Crime Commission act 2003, Section 7B (3).

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Where deficiencies are identified, good practices will be recommended to improve the overall handling and management of property within WA Police Service. These recommendations will not only provide WA Police Service with a benchmark for 'good' practice but will also reduce misconduct and in turn improve public confidence in the WA Police Service.

#### 5. Approach

The inquiry will be conducted in pursuance of the Commission's corruption prevention and education function under section 17 of the *Corruption and Crime Commission Act 2003*, in cooperation with WA Police Service, with an agreed terms of reference.

Notwithstanding the benefits of holding an inquiry in public, it is not intended that this particular inquiry be open to the public either through attendance at a public hearing or through the calling for submissions from the public. It is reasoned that those with knowledge of property management practices will be found within WA Police Service.

If in the course of the inquiry evidence is revealed that indicates corrupt behaviour has occurred or is occurring, this will be brought to the attention of the Operations Directorate of the Commission.

#### Methodology

The following are the envisaged steps in the Inquiry Process:

- · Inquiry proposal and appointment of inquiry team members;
- · Data collection and research activities phase;
- · Identification of a good practice model for property management;
- Review of property management practices at a selection of police stations and specialist units;
- · Data analysis and report production phase;
- Present findings, and
- Monitoring and review.

A list of activities that might be undertaken under each of these headings is to be found at attachment 1. This list is indicative only and should not be seen as definitive.

#### Cooperation with the Western Australian Police Service

Following consultation with Assistant Commissioner Graham Lienert it has been agreed that a joint approach would be beneficial. In making this determination it should be noted that certain officers of the WA Police Service have developed considerable knowledge related to this area (property management) and of the whole police process to the extent that they would be able to provide easier access to what would otherwise be difficult to obtain information and provide detailed insight into areas of concern for targeting.

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#### 9. Resource Implications

The following inquiry team structure is proposed:

#### Steering Group:

- Assistant Commissioner Graeme Lienert (WA Police Service)
- · Dr. Irene Froyland, Director, Corruption, Prevention Education & Research

#### Inquiry Team:

#### Corruption and Crime Commission

- Kelly Cunningham, Senior Consultant, Corruption Prevention
- · Charles Thursby-Pelham, Project Officer, Corruption Prevention

#### **WA Police Service**

- · Jim Alex, Manager, Management Audit Unit
- · Senior Sergeant Stuart Fozard, Senior Review Officer, Management Audit Unit
- · Jim Sinclair, A/Principal Auditor, Management Audit Unit

The inquiry team itself will be jointly managed by Mr Jim Alex and Ms Kelly Cunningham and will report to the Steering Group on the progress of the inquiry on a fortnightly basis.

The cost of the review will be accommodated within the respective budgets of the WA Police Service and the Commission with each organisation paying the costs of their staff. Any extra ordinary costs incurred will be addressed, should the need arise.

The Inquiry Team may also need to consider the experiences and processes at a number of police stations in metropolitan and country locations and the cost of any such visits will be met by each agency for their respective officers.

In addition to the above the inquiry may require the assistance of an Intelligence Analyst from the Commission for the purposes of strategically identifying appropriate police stations for review.

No significant impact on financial and physical resource allocation is anticipated.

#### 10. Quality Assurance

In addition to applying generally accepted evaluation standards for conducting the inquiry, quality assurance will be provided by:

- Independent project oversight by the Steering Group;
- Peer assessment by both Commission and Police Service / Management Audit staff;
- Management comments and feedback in relation to identified deficiencies and recommendations; and
- Content challenge in accordance with the Management Audit Unit's Standard Operating Procedures.

Confidential Page 4 21/04/2005

#### 11. Timeframe

The review is expected to take approximately 18 working weeks to conclude. A draft project timeline is to be found at attachment 2.

A project plan will be developed within 1 week of commencement and will consist of a project overview, objectives and timeframes (including key milestones and deliverables).

Project Status Reports will be submitted fortnightly to the Steering Group.

#### 12. Product / Outcomes

A detailed report documenting the current status of property management within the WA Police Service will be produced. The report will highlight problems associated with the management of property within the agency, and where appropriate it will challenge the traditional agency approaches to property management.

The report will identify opportunities to improve current conditions and will make recommendations that focus on the reform of property management practices within the Service and the maximisation of police resources available for frontline duties.

The final report will be presented to the Commissioner of the Corruption and Crime Commission and the Commissioner of Police at the conclusion of the inquiry prior to its tabling in Parliament by the Commission.

Kelly Cunningham Senior Consultant Corruption Prevention Education and Research

Confidential Page 5 21/04/2005

## Appendix 3 - The West Australian - July 6, 2005

stablished 1833

Wednesday, July 6, 2005

www.thewest.com.au \$1.10\*

he West Australian

This is the pound police don't want you to see. It's where items seized under confiscation laws sit before being sold for a song or repaired at taxpayers' expense and returned to their owners

# Public money left to rot

#### BAHAM MASON

l'axpayers are losing out on housands of dollars because vehicles eized under asset confiscation laws re left to rot in a police compound sefore being sold at marked-down nices or fixed at taxpayers' expense

nices or fixed at taxpayers' expense and returned to their owners.

Police refused access to the Mayands compound yesterday but continued that confiscated cars, trucks, toats and motorcycles were being eft there, often without shelter, for everal years while legal action against the owners proceeded.

The long delays, some of which

against the owners proceeded.

The long delays, some of which
he State Opposition has blamed on a
ack of resources at the Director of
rublic Prosecutions office, means
aspayers are recouping far less from
he overstual sale.

he eventual sale.
Police said that in cases where the Police and that in cases where the where were cleared of any crime, axpayers paid for repairs, including a compulsory new battery and ser-dice for every vehicle, before they were returned.

The asset confiscation laws allow solice to seize any items which they aspect were acquired using the pro-

uspect were acquired using the pro-ceds of crine.

The Opposition claimed last week hat assetz valued at \$95 million had been seized since 2001, with just \$5.5 million processed. Attorney-General Jim McGintry said the assets config-tated were valued at \$53 million.

A police suckespung configured to

ated were valued at \$53 million.

A police spokesman confirmed to

The West Australian that \$2600 had
been spent fixing and returning two
Harley-Davidson motorcycles to a

bikie who was cleared of amphetmines charges.

The bikie, who was found not
guilty of charges of possession of
amphetamines, with intent to sell or.

amphetamines with intent to sell or supply, told his lawyer he would not take back the motorcycles until they



Left in limbo: Confiscated cars, trucks and a boat left in the open in the Maylands pound as legal actions against their owners are being processed, Picture 1 in the open in the Maylands pound as legal actions against their owners are being processed.

were returned to the condition the

were returned to the condition they were in before being stored in a slied for more than two years. Police also revealed that \$3000 was spent importing new fuel injectors for a Porsche after it was found the existing ones bud seized while it was record. Pearlies have due have destored. Renairs have also been done on a confiscated caravan, incluinstalling a new stove and lights.

Mr McGinty told Parliament last Mr McGinty told Parliament last week that to the best of his know-ledge, there had not been a single claim for compensation for an asset that had deteriorated. Wa Police Union president Mike Dean said police had asked twice for

warehouse to store confiscated oods but had been refused. Mr. Dean said police stations a wareho

around the State were stocked with confiscated goods. A professionally run storage facility for the confisca-tion unit and all police stations was badly needed. "It's a major security problem for police stations," he said. "They weren't designed for these amounts of twoperts. It understand

amounts of property. I understand one police station a while back had

Mr McGinty told Parliament las Mr McGinty told Parlament last week that there was not enough money in the confiscation account to buy a warehouse with appropriate security. He has also admitted the laws were costing the State more than was being raised. In 2003-04, the DPP banked \$1.17 m

#### Petrol tipped to hit \$1.30 as surging oil price threatens growth

CLYDE RUSSELL ECONOMICS EDITOR

Petrol could hit \$1.30 a litre by the end of the year, cutting economic growth and forcing people to spend less on other items, Westpac warned

yesterday. Economist Jonathan Cavenagh

said the petrol price should reach \$1.15 within weeks, reflecting the recent record oil price of more than \$U\$60 a barrel. But he said the bowser price could go higher if the oil price rose to \$U\$65 by the end of

the year.
Westpac said if oil slipped back to \$U\$50 a barrel, petrol would stay

about \$1.10 a litre. But Mr Cavenagh said strong demand for oil from the booming Chinese economy as well as the United States could easily push

up prices.

The uncertainty flowing from the runaway oil price has been com-pounded by further falls in the value of the Australian dollar, which last night hit its lowest level in eight

night hit its lowest level in eight months, plunging as low as US74.2¢. It has now lost more than US5.5¢ since threatening US80¢ in March. The fall is good news for export-ers, who will receive more for pro-ducts priced in US dollars, but it will put further pressure on petrol prices by increasing the Australian-dollar

cost of crute oil. Experts believe the currency will fall even further by the end of year, with ANZ Bank tipping it could bottom out as low as US66¢.

Mr Cavenagh said a petrol price of \$1.30 represented a 40 per cent increase on prices in 2004 and would mean liouseholds spending less on other items, curbing growth.

PERTH 2-15 Weather details, wellering rester P50

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## Appendix 4 - The West Australian - July 7, 2005

14 • THURSDAY, JULY 7, 2005

# **Opinion**

The West Australian

## Poor planning hampering laws on confiscation

here is no doubt that there is wide public support for the intention behind WA's Criminal Confiscation Act—to stop drug barons and other criminals from enjoying their ill-gotten gains.

But there is also no doubt that enforcing the laws has exposed a raft of problems which the State Government must address without delay.

Attorney-General Jim McGinty admits that it is costing more to enforce the laws than the State is recouping in sales of confiscated property. This suggests that there was both a lack of foresight and undue haste in 2001 when the Act went through Parliament.

Certainly the Gallop Government was eager to be seen to be flexing its muscles against criminals who continued to flaunt the wealth they had acquired through their illegal activities. The Act, the toughest in Australia, was a popular means of it doing so.

Now taxpayers have been greeted with the sight of hundreds of thousands of dollars worth of confiscated property sitting unprotected in a police compound at Maylands, deteriorating by the day. This is disturbing evidence that the laws are not working as the Government imagined they would.

Worse, some of the confiscated property has had to be repaired at significant cost to the taxpayer before being returned to owners after charges were not proved. Requests for proper storage for the confiscated property have been turned down — more evidence of inadequate planning — and a shortage of resources in the office of the Director of Public Prosecutions has exacerbated the problem.

It has become clear that at least one aim of the Act's original intention, to catch the so-called Mr Bigs of the criminal world, has not been met. Instead, there have been cases of innocent people caught up by its broad powers.

The intention of the Act was the right one. Its enforcement, however, is a mess.

## Appendix 5 – Survey Questions

### **Project Terminus**

## Property Management Survey

#### Please Read: Definitions and Instructions for the purpose of this survey

#### **Property Management**

Property management is defined as the receiving, seizing, receipting, lodging, storing, transferring, maintenance and destruction of both seized and found property. It does not include the actual execution of search warrants.

#### Seized property

Seized property is defined as property coming into the possession of Police that is linked to a person having been charged in connection with it being stolen or otherwise unlawfully obtained; or any property seized in connection with an offence; or suspected of having been unlawfully obtained, including property seized under the provisions of the *Criminal Property Confiscation Act 2000* 

#### **Found property**

Found property is defined as property handed to or coming into the possession of Police that is not subject to a warrant and no person has been charged in connection with it being stolen or otherwise unlawfully obtained

#### **Purpose of this survey**

This survey aims to collect information to assist with a review of property management across WAPS.

#### **Confidentiality**

Your responses to these questions are confidential and will not be reproduced. Information provided will be aggregated to ensure the anonymity of respondents

#### Due date

Please return your completed form within 10 working days.

#### **Instructions**

Once you have read the definitions above please answer all questions and nominate your response by clicking the appropriate button. You are encouraged to provide additional comments in the text boxes provided.

| 1. Are you employed as a:   |  |
|---|--|
| Police Officer Police staff   |  |
| 2. What area do you work in?  |  |
| General Duties Detectives Specialist Support  |  |
| 3. What is your rank or level attained?   |  |
| Probationary Officer  Constable  Level 1-3  Level 4-6  First Class Constable  Senior Constable  Sergeant  Senior Sergeant  Commissioned Officer                       |  |
| 4. What is your length of service with the WA Police Service?   |  |
| Up to 2 years  More than 2 years and up to 5 years  More than 5 years and up to 10 years  More than 10 years and up to 15 years  Over 15 years                        |  |
| 5. How long have you been in your current position?   |  |
| Up to 1 year  More than 1 year and up to 3 years  More than 3 years and up to 6 years  More than 6 years and up to 10 years  More than 10 years                       |  |
| 6. In your current position is dealing with property, as defined in this survey, a major role? (For example, does it take up the majority of your time?)              |  |
| YES (Please go to Q13) No (Please go to Q7)   |  |
| 7. How much time, on average, do you spend on dealing with found property per day or afternoon shift? (For example, 8 hour shifts between the hours of 0700 and 2300) |  |
| Absolutely no time  Up to 30 minutes  Between 1 and 2 hours  Between 2 and 3 hrs  Over 3 hours  |  |

| 8. How much time, on average, do you spend dealing with found property per night shift? (For example, 8 hour shifts between the hours of 2300 and 0700)       |   |  |
|---|---|--|
| Absolutely no time  | Between 1 and 2 hours   |  |
| Up to 30 minutes  | Between 2 and 3 hrs   |  |
| Between 30 mins and 1 hour  | Over 3 hours  |  |
| 9. How much time, on average, do you spend dealing with seized property per day or afternoon shift? (For example, 8 hour shifts between the hours of 0700 and |   |  |
| 2300)   | ipie, 8 nour sints between the nours of 6700 and  |  |
| Absolutely no time  | Between 1 and 2 hours   |  |
| Up to 30 minutes  | Between 2 and 3 hrs   |  |
| Between 30 mins and 1 hour  | Over 3 hours  |  |
|   | do you spend dealing with seized property per night hifts between the hours of 2300 and 0700) |  |
| Absolutely no time  | Between 1 and 2 hours   |  |
| Up to 30 minutes  | Between 2 and 3 hrs   |  |
| Between 30 mins and 1 hour  | Over 3 hours  |  |
| 11. How would you prioritise the  | management of found property amongst your other   |  |
| duties?   |   |  |
| Very Low  | High  |  |
| Low   | Very High   |  |
| Medium  |   |  |
| 12. How would you prioritise the duties?  | management of seized property amongst your other  |  |
| Very Low  | High  |  |
| Low   | Very High   |  |
| Medium  |   |  |
| 13. Do you think property manag   | gement is a core function of policing?  |  |
| Yes   |   |  |
| (Please provide reason)   |   |  |
| No  |   |  |
| (Please provide reason)   |   |  |
| 14. Other than the initial seizure requires the powers of a swor  | of property do you consider property management rn Police Officer?                            |  |
| Yes (Please provide reason)   |   |  |
| No  |   |  |
| (Please provide reason)   |   |  |

| 15. Have you received training of  | on the property management function of IMS?          |
|--|--|
| Yes (Please go to Q15b)  | No (Please go to Q16)                                |
| 15b. How useful have you found t property?   | hat training to be in your day to day dealings with  |
| None at all  | Somewhat useful                                      |
| Not very useful  | Very Useful  |
| 15c. How often have you received IMS?  | training on the property management function of      |
| Once   | Once per month                                       |
| Once per year  | More than once per month                             |
| Once per six months  |  |
| 16. Do you consider the property   | y management function of IMS to be user friendly?    |
| Yes very user friendly   | Not very user friendly                               |
| Somewhat user friendly   | No not at all user friendly                          |
| 17. Do you think there could be management function of IMS   | some improvements made to the property<br>S?         |
| No (Go to Q18)   | Yes: Please list your suggested improvements         |
| 18. When did you last receive traproperty management?  | aining on the manual processes involved with         |
| Up to 6 months ago   |  |
| Over 6 months and up to two years  | s ago  |
| Over 2 years and up to 5 years ago   |  |
| Over 5 years and up to 10 years ag   | 30   |
| Over 10 years ago  |  |
| Not sure   |  |
| 19. Did you find this training adequate for you to carry out your responsibilities in dealing with property, either seized or found? |  |
| Yes  | No: Please explain why not                           |
| 20. Does your business area have to property management?   | e documented local policy and procedures in relation |
| No (Please go to Q21)  | Yes (Please go to Q20b)                              |

| 20b. | Have you found the document to be useful?  |
|------|--|
| Ye   | es No  |
| 21.  | Do you know where to access policy and procedures on property management?                      |
| Ye   | es No  |
| 22.  | Please make any comments you may have regarding this survey or property management in general? |
|      |  |
| 23.  | If you wish to participate in a one on one interview with the Inquiry Team please              |
| 43.  | contact Jim Sinclair or Senior Sergeant Stuart Fozard  |

Thankyou for your participation