

Hon Nicholas Griffiths MLC
President
Legislative Council
Parliament House
PERTH WA 6000

Hon Fredrick Riebeling MLA
Speaker
Legislative Assembly
Parliament House
PERTH WA 6000

Dear Mr President
Dear Mr Speaker

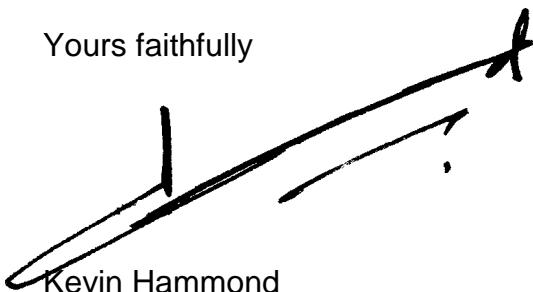
'Two Years Out' - A report of the first two years of the Western Australia Police Reform Program

In accordance with section 88 of the *Corruption and Crime Commission Act 2003*, I am pleased to present the Corruption and Crime Commission's report in the matter of a report of the first two years of the Western Australia Police Reform Program.

The opinions contained in this report are those of this Commission.

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*.

Yours faithfully

A handwritten signature in black ink, appearing to read 'Kevin Hammond', is written over a diagonal line. The line starts from the bottom left, goes up and to the right, then turns vertically upwards at the end.

Kevin Hammond
COMMISSIONER

3 August 2006

CONTENTS

EXECUTIVE SUMMARY	1
FOREWORD	5
INTRODUCTION.....	7
CHAPTER 1: THE RIGHT PEOPLE FOR THE JOB.....	11
OVERVIEW	11
1.1 RECRUITMENT, LATERAL ENTRY & RE-ENGAGEMENT	12
1.2 PROMOTION	20
1.3 EDUCATION AND TRAINING	23
1.4 DIVERSITY	25
1.5 CIVILIANISATION AND THE RELATIONSHIP BETWEEN SWORN AND UNSWORN STAFF	31
CHAPTER 2 – DOING THE JOB RIGHT	35
OVERVIEW	35
2.1 DEVELOPMENT OF THE STRATEGIC EXECUTIVE	37
2.2 EXECUTIVE DEVELOPMENT AND SUCCESSION PLANNING	40
2.3 MANAGEMENT OF THE REFORM AGENDA.....	42
2.4 MEASURING ORGANISATIONAL PERFORMANCE AND CHANGE.....	45
2.5 COMMUNITY SATISFACTION WITH WAPOL	48
CHAPTER 3 – BUILDING CORRUPTION RESILIENCE	50
OVERVIEW	50
3.1 IMPLEMENTING THE CORRUPTION PREVENTION PLAN	52
3.2 COMPLAINTS MANAGEMENT AND INTERNAL INVESTIGATIONS.....	54
3.3 THE TRANSITION FROM A REGULATED DISCIPLINARY SYSTEM TO A MANAGERIAL DISCIPLINE MODEL.....	63
3.4 DRUG AND ALCOHOL TESTING	68
3.5 JOINT WAPOL AND COMMISSION INITIATIVES.....	71
CHAPTER 4 - LEGAL REFORM	73
CONCLUSION.....	78
DOCUMENTS CONSIDERED.....	79
GLOSSARY OF TERMS, ABBREVIATIONS AND ACRONYMS	81
APPENDICES.....	83
APPENDIX 1 : PROMOTION	84
APPENDIX 2: CASE STUDIES.....	85
APPENDIX 3: WAPOL AGENCY PROFILE	94
APPENDIX 4: KRC KEY REFORM AREAS	96
APPENDIX 5: WAPOL GOVERNANCE FRAMEWORK	104

EXECUTIVE SUMMARY

The final report of the *Royal Commission into Whether there has been Corrupt or Criminal Conduct by any Western Australian Police Officer* (KRC) conducted by Commissioner Kennedy in January 2004 recommended that the Corruption and Crime Commission (the Commission) monitor the implementation of the reform program it proposed for the Western Australia Police (WAPOL).

Commissioner Kevin Hammond agreed to undertake the role and this is the Commission's first report on the implementation of that program. Further reports will monitor and assess this important reform program.

This report is an account and evaluation of measures undertaken by WAPOL to ensure long-term cultural change and improve service delivery.

The KRC divided its recommendations into three areas of reform:

- The Right People for the Job
- Doing the Job Right
- Building Corruption Resilience

While reforms in these areas are examined in this report, the Commission believes it is necessary to consider police reform in a broader context than the more than 100 recommendations made by the KRC.

The KRC report was a detailed analysis of WAPOL at a point in time. While some of the recommendations are still pertinent, many have lost their relevance as a result of changes in WAPOL and the broader community.

WAPOL and the Commission formed a Joint Agency Steering Group (JASG) in early 2005 to facilitate communication and collaboration between the two agencies. This group agreed that the Commission would report to Parliament over time on the broader reform program.

Achievements

Structural change

WAPOL has formed a smaller Corporate Executive Team (CET) and a Strategy and Performance Directorate (SPD). The CET has a broad strategic focus that is supported by systems developed by the SPD for capturing data on which to base its decisions. The SPD produces measurements of district and divisional performance across a range of operational activities.

Recruitment

In the areas of recruitment, lateral entry and re-engagement, WAPOL has exceeded the vision and scope of the KRC reform changes and has responded to the demands of rising attrition rates and falling recruit application rates in an innovative and entrepreneurial fashion. This includes:

- The recruitment of constables in the UK and Ireland. The response to the campaign was excellent with 30 UK constables starting an induction program in May 2006.

- Recognition of prior police experience and training within compatible policing jurisdictions.
- The development at the Academy of an accelerated training program for direct entry officers. These courses can be tailored to the needs of individual officers.
- Changing the emphasis from physical strength to physical fitness for recruits so that female applicants are not disadvantaged.
- A new training conversion program for aboriginal police liaison officers to become sworn officers. Sixty seven per cent of APLOs indicated they were interested in the program.
- Lifting the colour blindness bar for new recruits.
- Allowing officers from ethnic backgrounds to have facial hair and to wear uniforms in keeping with their religious beliefs.
- Increasing the percentage of female officers though WAPOL still has the lowest percentage of sworn women in Australia.

Investigating complaints against police

A Police Complaints Administration Centre (PCAC) has been established as part of the Corruption Prevention and Investigation portfolio, to monitor the timeliness and effectiveness of complaints handling. A complaint against any officer anywhere in the state is lodged with PCAC as soon as it is made. PCAC determines how the complaint is to be dealt with then sends an advice note to the Corruption and Crime Commission. PCAC has decreased the time taken to investigate complaints against police, and the time taken to complete full inquiries has been reduced significantly. However, as mentioned below, the Commission still has concerns about the standard of investigations.

Establishment of the Police Assistance Centre (PAC)

PAC was established in early 2005 at the Midland Operations Centre to provide 24-hour police assistance for non-emergency incidents to complement the 000 emergency number. Police receive between 30,000 and 40,000 calls for assistance each month and it is hoped PAC will improve the poor response rates to calls for police assistance.

The Commission looks forward to WAPOL's evaluation of the effectiveness of PAC and the impact on community satisfaction with police response rates.

Development of a corruption prevention plan

Developed after wide consultation, the materials in this plan are impressive and aim to create a more corruption resilient organisation while providing a framework for the creation of business unit corruption prevention plans. The challenge is to have a corruption and misconduct risk assessment as part of every operation and activity. By June 2006, 93% of districts and divisions had a local corruption prevention plan.

Training

The Professional Development Portfolio (PDP) is developing an e-learning platform with Edith Cowan University so that officers can further their education and training from anywhere.

Frontline First

The development of *Frontline First*, a service delivery philosophy that establishes a sense of common purpose for officers, has restored a focus on “back-to-basics” operational policing.

Challenges ahead

Investigating complaints against police

- While the Commission does not return many files of investigations against police for further investigation, the files that are questioned and returned have been handled very poorly and give rise to serious concerns. The Commission finds that WAPOL continues to improve the way it deals with the less serious files but is concerned at the management of more serious cases. The Commission believes WAPOL needs to consider the issues of investigative competence and willingness to fully investigate complaints against police as a priority. Five case studies at the end of this report highlight these concerns.
- A managerial discipline model has been introduced that aims to make managers responsible for internal investigations, and improve professional behaviour. This model is to replace the old disciplinary system which was thought to be punitive, time consuming and militaristic. However, implementation of the model has been poorly conceived.

Random drug and alcohol testing

The Commission is concerned that adequate clarity in policy direction has not been established earlier in this project and that more careful planning and exploration is needed to assess the impact of such a policy on initiatives in other parts of the organisation.

Management of individual officer performance

Individual officer performance, including sub-standard performance, needs to be dealt with in a more direct, balanced, transparent, and documented manner. The requirement to document written feedback in the Developing People for Success (DPS) system has recently been formalised.

Executive development and succession planning

The development of the new succession planning program for senior managers needs to identify the range of executive skills needed and encourage the inclusion of staff from a variety of professional backgrounds. There is more scope for senior officers to be performance managed on their capacity to facilitate the attitudinal and behavioural changes in their staff on which the reform program is dependent.

Managing policy change

The management of complex, whole of organisational policy changes requires careful research and policy formulation, and clearer direction from the CET than is sometimes evident at present.

Conclusion

The Corruption and Crime Commission acknowledges that reform is long term and complex, especially when the organisation is seeking to change its culture, as well as improve operational policing standards. WAPOL has invested significant energy and enthusiasm in planning and implementing the reform program since the KRC Final Report was released in January 2004.

WAPOL has undoubtedly made a solid start to the implementation of the reform program, which incorporates KRC, *Frontline First* and other reform initiatives. This report acknowledges many of the positive achievements of the last two years and highlights areas the Commission is interested to monitor for its next oversight report. There is no doubt that WAPOL has gone some way toward building stronger organisational integrity and sound corporate governance systems and processes. This has been achieved, in part, through building a unified, strategically focussed corporate executive.

It is essential that *Frontline First* continues to focus on building strong corruption resilience in all units and at all levels as well as ensuring high standards of customer service delivery in operational policing roles.

The challenges ahead for WAPOL should not be underestimated, particularly in relation to individual performance management, complaints and investigation management, corruption prevention strategies, policy development and change management.

The Commission looks forward to working in partnership with WAPOL to enable the prevention of misconduct and corruption, and to provide enhanced service delivery to the community.

FOREWORD

The Royal Commission into whether there has been Corrupt or Criminal Conduct by any Western Australian Police Officer (KRC)

To ensure that the reform program he had mapped out was implemented, Commissioner Kennedy recommended that the Corruption and Crime Commission undertake an oversight function to independently monitor and assess the reform process of WAPOL.

Following the tabling of the KRC Final Report, the then Premier, Dr Geoff Gallop and the then Minister for Police, Michelle Roberts, noted the recommendation for the Commission to monitor the reform program and strongly supported the proposal. In response, Commissioner Kevin Hammond welcomed the Government's acceptance of the recommendations and agreed that the Commission would undertake the task.

In July 2004, Mr O'Callaghan accepted a three-year appointment as Commissioner of Police and went on record as accepting all the KRC recommendations, in principle. He launched a *Frontline First* strategy based on previous *Delta reforms*, the recommendations of the *Strategic Review of Reform* (Bogan and Hicks, 2002) and the *KRC Final Report*.

Oversight arrangements for the reform process

In a meeting between senior members of WAPOL and the Commission on 13 August 2004, it was agreed that the focus should not be limited to issues to do with KRC, but rather the broader process of reform in WAPOL. This could include continuing activities from *Delta*, the *Strategic Review of Reform*, KRC, the new Commissioner's *Frontline First* reform and any other government reforms that impacted on WAPOL. It was proposed that the Commissioner of Police establish processes for his own management purposes and to measure the success and outcomes of the reform process, and that the Commission would analyse WAPOL's report and other relevant documentation. The Commission would add to this its own reports and analysis of WAPOL and would report to Parliament.

In subsequent correspondence between WAPOL and the Commission, it was agreed that a joint agency steering group be established to enable strategic level communication on major reform issues and to facilitate collaborative activities between the two agencies. The *Joint Agency Steering Group* (JASG) was established in early 2005. Members include the Commissioner of Police and the Executive Director of the Commission, as well as deputy and assistant commissioners and directors in the reform, operations and prevention areas. The two agencies signed a Memorandum of Understanding to formalise the relationship. A subcommittee, the *Operations Liaison Group* (OLG), which reports to the JASG, was established to enable more detailed discussions on operational matters.

Fundamental to the JASG relationship was agreement on two matters: leadership and the reform of WAPOL is the responsibility of the Commissioner of Police; and the Commission would report to Parliament over time on the broader reform program, and not confine itself to a discussion of the implementation of the KRC recommendations.

The Commission acknowledges the very real commitment to reform, and the significant structural and philosophical changes already in place. In proclaiming *Frontline First*, WAPOL has sought to galvanise the support of its officers and has positioned itself to build “*improved confidence and acquire the trust of the community*” in a more corruption resistant agency (WAPOL Summary Report 2005, p 4).

INTRODUCTION

There have been many impetuses for change in the Western Australia Police (WAPOL) over the last decade. In the mid-nineties, Commissioner Bob Falconer launched the *Delta Reform of Policing* based on the early work of Commissioner Brian Bull; in 2002 Messrs Bogan and Hicks presented their report, the *Strategic Review of Reform* to Commissioner Barry Matthews; and on 30 January 2004, the final report of the *Royal Commission into Whether there has been Corrupt or Criminal Conduct by any Western Australian Police Officer* was submitted to the Governor and Premier.

The KRC Volume Two final report contained recommendations for change with the aim of increasing the corruption resistance of the Western Australia Police Service. Most of the 22 chapters in Volume One dealt with specific allegations of corruption inquired into or reviewed by KRC. Volume Two examined a range of management issues. While some of the issues addressed might not appear to have direct links to corruption prevention, they were all considered by KRC to impact in various ways on the ability of WAPOL to effectively prevent corrupt and criminal conduct.

The Key Reform Areas contained in Chapter 13 of KRC Volume Two include initial recruit selection and training and lateral entry opportunities for officers from elsewhere. Recommended corruption prevention strategies involve leadership, management and supervision issues, including civilianisation and the relationship between sworn and unsworn staff. The more general management issues in Volume Two were thought to all contribute to building corruption resistance through:

- Improving the culture of the organisation;
- Enhancing leadership and supervision; and
- Implementing and applying appropriate corruption prevention strategies.

Volume Two acknowledged the numerous improvements in policing policy and practice made by WAPOL since the Delta program reforms commenced in 1994. It also identified areas where improvements were needed to achieve better practice in management and corruption prevention. As the areas for organisational improvement inevitably link and overlap, KRC distilled the various issues discussed in the report into three streams:

- **The Right People for the Right Job:** ensuring that those personnel carry out their duties in a professional and ethical manner;
- **Doing the Job Right:** selecting plans appropriate for the conduct of the personnel of the organisation; and
- **Making it Happen:** ensuring that the plans are effective.

This first Commission oversight report on WAPOL's reforms examines a sample of reform areas in each of the three broad KRC reform streams outlined above, as well as other reforms, such as *Frontline First*. The WAPOL summary report states that *Frontline First* is "a service delivery philosophy in which there are dual and related foci of enhanced service delivery and corruption resistance".

It is too early to comment on the outcome of Police reform measures. Reform programs born in a flurry of new projects and structural change do not always produce results. In fact, Bogan and Hicks (2002) claimed that a lack of “traction”¹ has been a characteristic of WAPOL in the past. The early indications are that this is not true of *Frontline First*, but as discussed in the Bogan and Hicks 2005 “Evaluation of Police Reforms” included in the Summary Report 2005, it will take time to know how successful WAPOL reforms are.

The Scope of This Report

In the Commission’s view, it is important to note that the KRC report was a detailed commentary of WAPOL at a point in time. While some of the recommendations are still as relevant as they were more than two years ago, some have lost their relevance in the light of the different environment WAPOL finds itself in today. The state’s buoyant economy, with current low unemployment levels and highly competitive salaries in other areas of employment, for example, has had an impact on recruit application and attrition rates unforeseen at the time of KRC, and this has called for a departure from some of Commissioner Kennedy’s recommendations. In this instance, as in some others, WAPOL has devised other highly innovative strategies to meet the demands it faces today. In the Commission’s view, WAPOL should not feel obliged to adhere to all KRC recommendations if it feels they are now not appropriate or have been surpassed by the need for other reforms.

The community should not expect that the outcomes sought by KRC in the making of his recommendations would be quickly or easily achieved. Cultural change in organisations is often slow and difficult. The achievement of the planned cultural and organisational change, necessitates long and sustained effort, coupled with flexibility and a capacity to adopt a lateral, strategic view of the organisation’s activities. Furthermore, the depth of change required does not lend itself to the “ticking off” of each reform to record it as having been achieved, partially achieved, or in progress, as is frequently the case with recommendations from inquiries, especially in policing organisations. The changes that have been recommended by KRC for WAPOL are such that in many instances they require a fundamental re-think of the very nature of many of the conventions and practices that police in many jurisdictions, not just Western Australia, hold near and dear.

Indeed, in developing the approach to recording and commenting on the reform program, it is interesting to reflect on the work of police researcher, David Dixon:

It may be politically necessary to present each reform process as original and to see corruption as a dragon to be slain. Unfortunately, the record of programs that employ such rhetoric has not been impressive. Perhaps a more modest and considered approach would be better: reform could be seen as a long-term continuing project, and corruption could be seen as a normal condition (albeit one causing great harm which is to be minimised (Dixon 1999: 179²).

¹ *Traction*: Following-through agreed plans and directions, ensuring that they are reliably put in place, with clear accountabilities and timelines, and that they continue to be monitored and improved upon (Bogan & Hicks, 2002)

² Dixon, D. (1999) *Culture of corruption*, Hawkins Press: Sydney

The purpose of this report is to examine the major change management activities that have occurred over the preceding two years since the commencement of the term of the new Commissioner of Police, Mr Karl O'Callaghan, in June 2004, and to provide comment on their application. It is not intended that every reform activity undertaken by Police be captured in this report. Some important reform areas are flagged as being the subject of subsequent Commission reports on police reform progress, and others are discussed in brief in this report.

A sample of senior officers were interviewed for this report, together with an analysis of WAPOL, Commission and other relevant documents.

CHAPTER 1: THE RIGHT PEOPLE FOR THE JOB

Overview

The KRC report suggested that many of the problems evident in the Western Australia Police Service were human resource issues. It suggested a range of reforms under the heading *“The Right People for the Right Job”*. Commissioner O’Callaghan began his term as Commissioner by accepting all KRC Recommendations in principle and commencing a process of addressing them one by one.

Recruitment reform has been one of the greatest challenges and the results of initiatives so far have been most encouraging. In a time of low unemployment, WAPOL has had to develop creative strategies to attract sufficiently diverse recruits, to deploy them effectively and to retain them. Experienced officers from other jurisdictions have been encouraged to apply and training tailored to their needs is provided. Officers who left for a variety of reasons have been encouraged to return, and conditions have been modified to meet the needs of female officers. A special conversion program for aboriginal police liaison officers (APLOs) has lifted the numbers of Indigenous officers and recruiting overseas has increased, albeit slightly, the cultural diversity of the organisation. There are considerable challenges ahead for police recruiting, not the least being to maintain this flexible approach, but the Commission is optimistic that WAPOL will meet the challenges of current high attrition rates. Provided this important portfolio is not sidelined, modern creative recruitment will start to build a more corruption resilient organisation.

Promotion has long been, and continues to be a major issue for policing. Merit based promotion took the agency forward to a degree. While there have been several process improvements, sworn officer promotion processes are still slow and resource intensive, and duplication of effort by several panels without quality control does not ensure consistency of approach. This will be one of the greatest challenges for the Professional Development Portfolio. The Commission notes that the move to pool recruitment for most ranks is a very positive step. Indications are that very few women apply for promotion, commensurate with their representation at each rank, however, when they do apply they are usually more successful than their male colleagues. The increase in numbers of female commissioned officers in the past few years is most encouraging.

Officer development has always been important to police agencies, but, in times of budget restrictions, it is often ignored. Recruit training in WAPOL is exemplary, and the moves to a closer working relationship with Edith Cowan University are encouraging, especially in areas such as e-learning. However, Commissioner Kennedy identified supervision and middle level management as critical issues for WAPOL and there is little evidence that the same creative energy has been applied to these. The Professional Development Portfolio is designing a succession planning and development program for the most senior staff, but this is still at the development stage.

A key problem for WAPOL is a failure of its accountability and supervision systems. Supervisors are not held adequately to account and in turn fail to hold their subordinates to account. This is a leadership development issue. WAPOL requires a through career progressive leadership program.

Commissioner Kennedy pointed out the benefits of a diverse and more gender balanced workforce, and encouraging advances, both real and symbolic, have been made in this area. Targeted recruiting and promotion have been reinforced by the development of flexible work practices and if these developments are maintained, the effects should start to become evident.

Civilianisation and the relationship between police officers and police staff, or sworn and unsworn, as they were previously known, were matters Commissioner Kennedy considered significant. Under the last two commissioners, there have been some shifts, with a few activities across the “*great divide*” and several notable senior appointments symbolising a recognition of the value that police staff can add to the business of policing. It is too early for the Commission to assess any real progress in the quality of the relationship between police officers and police staff.

In the Commission’s view in the reform areas of recruitment, lateral entry and re-engagement, WAPOL has exceeded the vision and scope of the KRC reform changes and has responded to the demands of rising attrition rates and falling recruit applicant rates in an innovative, entrepreneurial fashion.

1.1 RECRUITMENT, LATERAL ENTRY & RE-ENGAGEMENT

KRC acknowledged the importance of employing personnel with appropriate qualifications, attitudes and training in positions for which they possess the necessary skills: the “*Right People for the Right Jobs*”.

The important part the recruitment of sworn officers plays in ensuring the “*Right People for the Right Jobs*” is acknowledged in Key Reform Area 1 – Recruitment and Key Reform Area 3 – Lateral Entry in the KRC report. KRC recommended changes to the recruiting process to “*ensure the continual improvement of the standard of recruits attracted to the organisation*”.

Recruitment

It is important to note that since the KRC report was published in March 2004, there have been significant improvements in the Western Australian economy and employment levels. The state’s economic growth, largely driven by an extremely buoyant resources boom, has had a major negative impact on WAPOL’s attrition rates and recruiting applications. This was unforeseen at the time of KRC and clearly impacts on the practicality and appropriateness of some of the recommendations regarding recruitment. Notwithstanding this, WAPOL has made considerable progress in dismantling structural barriers in its previous recruiting practices. It is currently demonstrating an ability to respond to rising attrition rates and the government’s commitment to provide an additional 350 sworn officers in this term of government, with a highly innovative approach to its recruiting practices.

At the release of the KRC report, the average attrition rate of sworn officers was approximately 17 per month. By April 2006, that had increased over a 12 month period to an average of 27 per month. The reasons for this are complex and varied, but WAPOL attributes this higher attrition largely to the booming economy and the ability of police officers and potential recruits to gain employment in other industries at higher remuneration rates. The WA Police Union also attributes the high attrition rates, in part, to the revised Tenure Policy and to low morale. Certainly, if some officers in country towns are faced with an unwanted tenure transfer to the city, they may find it much easier in the current economic environment to gain lucrative employment in other industries, or with other police services. Western Australian police officers are well trained individuals and there is no doubt their skills are highly sought after, whereas disgruntled officers in the past may not have found they had many alternative employment options. Other police services, both nationally and internationally, are also seeking the best possible personnel. For example, the Australian Federal Police is able to offer very attractive remuneration rates when recruiting from the states' police services.

TOTAL AGENCY SEPARATIONS

WAPOL	Total Agency Separations	Total Agency Headcount	% of Total Agency Headcount
00-01	298	6318	4.71%
01-02	287	6209	4.62%
02-03	256	6347	4.03%
03-04	287	6461	4.44%
04-05	382	6670	5.72%

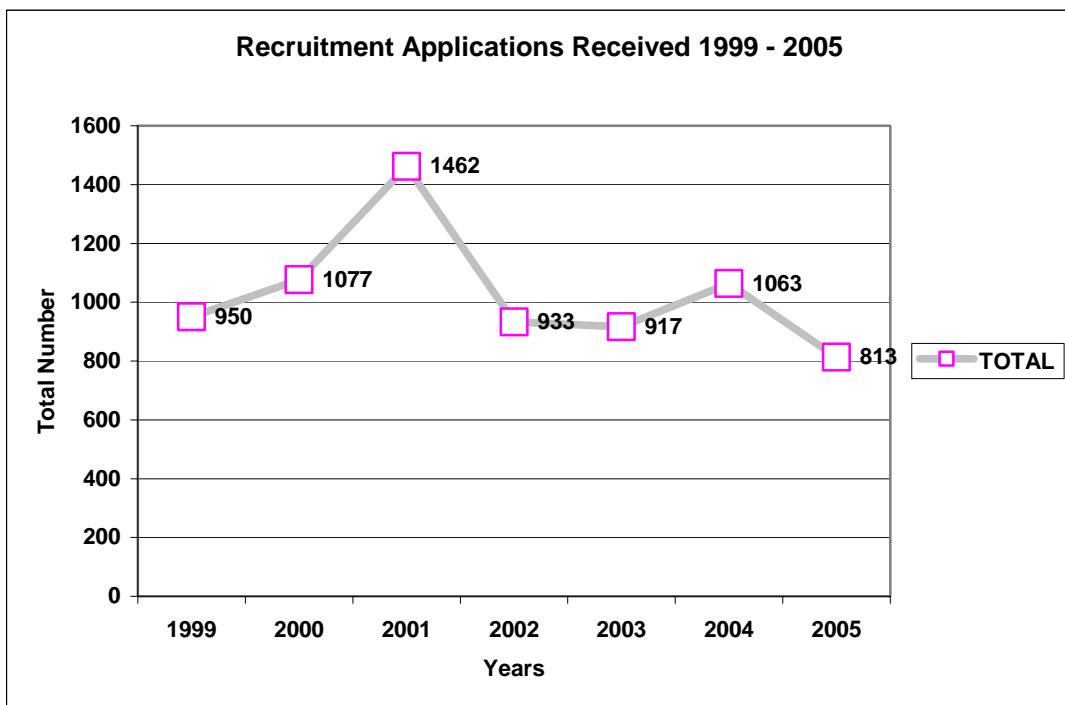
Recent figures indicate that the attrition rate for 2005 / 2006 will be even greater still.

MALE & FEMALE SEPARATIONS

WAPOL	Total Male Separations	Total Male	%	Total Female Separations	Total Female	%
00-01	203	4858	4.17%	95	1460	6.50%
01-02	203	4750	4.27%	84	1459	5.75%
02-03	179	4795	3.73%	77	1552	4.96%
03-04	196	4827	4.06%	91	1634	5.56%
04-05	256	4858	5.26%	126	1812	6.95%

The higher attrition rates for female officers are of concern.

Apart from gaining alternative employment, other reasons for high attrition rates include medical retirements, age-related retirements, terminations by the Commissioner of Police and resistance to transfer. Overlaying all of this, there is a downward trend in recruit application rates in WA as highlighted by the graph on the following page.



Academy recruiting statistics show that 15 to 20% of all recruit applicants withdraw from the application process because they have received a better job offer.

WAPOL is currently faced with recruiting the additional 350 sworn officers promised by the current government, plus an extra 120 per year due to the higher attrition rates, as well as the usual Academy targets for recruit intake of approximately 200+ a year. Attempting to satisfy this increased demand for more sworn officer recruits has been the catalyst for significant energy and focus on innovative recruitment strategies in the Professional Development Portfolio (PDP).

Recruitment reform initiatives

The Police Academy at Joondalup is positioned within the PDP. It has successfully initiated and managed several innovative recruitment strategies in an impressive response to alarmingly high attrition rates, reduced recruit application rates and the pressing political imperative for new sworn officer recruits to fill the government's pledge to expand the sworn officer full time equivalent (FTE) by 350 during this term of government. Deserving special acknowledgement is PDP's capacity to accelerate the necessary human resource management reforms resulting in the removal of many of the past barriers to lateral entry to WAPOL, thereby meeting increased recruit target numbers. The recruitment reforms have been based upon the recommendations of earlier reviews conducted for previous police commissioners, and the Commission commends WAPOL for their reform progress in this area. In the Commission's opinion, the PDP has seen WAPOL move far beyond the relevant KRC recommendations in this area of reform. The PDP reform initiatives have all been completed within the current Academy FTE.

Lateral entry, accelerated training and re-engagement

Lateral Entry (KRC Key Reform Area 3) is sometimes referred to as “*direct entry*”. It is essentially about the capacity of individuals outside WAPOL, especially police officers and former police officers from other jurisdictions, to be able to apply and compete for recruit vacancies or advertised vacant positions within WAPOL in an open merit selection process. The KRC report recommended lateral entry as one means of building corruption resilience through greater diversity in officer professional and cultural backgrounds. WAPOL’s Direct Entry, Accelerated Training Program Procedures Guide is extremely comprehensive and thorough. In the last year, the Academy has proved itself to be very flexible in its design and implementation of entry procedures. Some of the Academy’s reform initiatives are highlighted below:

- WAPOL decided to recruit constables in the UK and Ireland, as the South Australian Police had done previously, but with certain differences. A change to the recruiting web page, advertising that WAPOL was open to overseas applications from constables with a minimum of three years’ experience, resulted in 1200 website hits in a two to three week period. No WAPOL money was spent on this fully internet-based advertising campaign. WAPOL staff visited London and Ireland to conduct interviews. There were 800 applications and from those, 209 were recommended to join WAPOL. Fifty per cent of successful overseas applicants have between three to five years experience as constables, 25% have between five to seven years’ constable experience and a handful are specialists or hold rank. Successful applicants will bear all their own relocation expenses to Western Australia. There are currently more applicants waiting to be interviewed. The induction date for the first Academy intake of 30 UK constables was 22 May 2006. The current recruitment drive has met short to medium term employment targets. Another recruiting drive to the UK is planned.
- PDP staff have been actively recruiting constables in other states. Interstate recruiting is gaining momentum and application rates are increasing.
- The Academy has developed an accelerated training program for direct entry officers. This applies to all direct entry applicants both nationally and internationally. It also applies to WAPOL re-engagees, for example, female officers who resigned after a period of maternity leave and are seeking to re-join WAPOL. Until mid-2005, police officers joining WAPOL from other Australian police services, and former WAPOL officers seeking to re-engage with WAPOL, had to “*start again*” at the Academy by completing the entire 28 week recruit training course. They did so on recruit wages and also had to serve the entire nine years at the constable rank before being eligible to become a senior constable and to apply for promotion, regardless of past experience.
- As a result of recent reforms, WAPOL now recognises prior police experience and training within compatible policing jurisdictions. It is thereby able to expedite the promotion of direct entry officers to 1st class constable (normally after five years’ experience) and senior constable (after nine years’ experience) rank. This provision accelerates the ability of direct entry officers to access the general promotion system.

- A superintendent has been recruited from the Northern Territory Police and an inspector has been recruited from the Manchester Constabulary, UK. The superintendent and inspector are the first commissioned officers of their respective ranks to be appointed from outside WAPOL in the history of policing in WA.
- According to the Direct Entry Procedures in practice, if a former UK constable with five or more years of experience, for example, completes the 12 week bridging course at the Academy and completes, concurrently, the distance learning modules on legal and procedural policing subjects, he or she is eligible to apply for the rank of sergeant after the 12 week course. A former UK sergeant, prior to the commencement of his or her training, is able to write to the Commissioner of Police for approval to be appointed to the rank of sergeant. Similarly, a commissioned officer is able to do likewise. The Commissioner of Police also has the power to appoint someone he sees fit to a specific rank.
- Accelerated training courses have the flexibility to be tailored to the needs of individual officers. For example, the UK officers will receive firearms training, driver training and information on WA codified law. This abridged course will take 12 weeks to complete. At the time of writing the length of accelerated training programs offered to direct entry applicants has taken anywhere between one day and 12 weeks, depending on the skills gap identified by Academy staff. A training inventory is conducted on each direct entry recruit.
- In regional WA there have been two recent cases where former WAPOL officers had resigned from WAPOL and, after a relatively short period of time, decided to apply to re-engage. Academy staff deemed the applicants suitable for re-engagement and in each case the officers required only one day's training to complete critical skills firearms training. Each officer was sworn in at a local level.
- The PDP is planning new strategies to meet future demand. These include recruiting campaigns in other countries with similar policing systems to ours, for example, a number of South-East Asian countries. Between 2000/2001 and 2004/2005, recruits from a culturally diverse background have ranged from three to five per cent of the total number of recruits. It is recognised that such a campaign could result in increasing the cultural diversity of WAPOL while providing foreign language skills often sought in investigations. For example, Singaporean police officers must retire at age 45. It is thought that this group may provide another source of suitable direct entry applicants.
- Selection based on physical strength has badly disadvantaged female applicants. The PDP has changed the emphasis in physical selection tests for recruits to a focus on physical fitness as opposed to physical strength (as recommended in the review of recruiting and promotion by the Office of the Director of Equal Employment Opportunity, January 2002 and in the KRC report). As a result, female applicants are more successful in gaining entry and recruit classes now comprise more females, as shown in the table below. Physical entrance tests are now more closely linked to job-related physical fitness, than physical strength, for example, the capacity to operate equipment such as firearms and batons.

Recruitment Breakdown by Gender

YEAR	TOTAL RECRUIT NUMBERS	FEMALE	% of Total
00-01	244	63	25.81%
01-02	119	49	41.18%
02-03	260	88	33.85%
03-04	239	77	32.22%
04-05	298	111	37.24%

- The new training conversion program for APLOs is underway and facilitates the conversion of APLOs to sworn officer constable status. WAPOL is considering modularising recruit training to the regions to enable more Indigenous applicants to undergo training with on-the-job support. At the time of writing, nine APLOs had fully transitioned into constable roles.
- The PDP has demonstrated its capacity to be flexible in the way it decides to apply specific tests to individual applicants. For example, depending on previous police selection tests in other jurisdictions, levels of education and the scrutiny of personnel files, not all police entrance evaluation tests will be applied to all applicants.
- Apart from changes to the physical test, the colour-blind bar has been lifted for recruit applicants. The unaided vision requirement (corrected vision is now permitted to a certain standard) and the bronze medallion for swimming have also been removed: all recommendations of KRC.
- In January 2006, the Police Commissioner issued a new directive allowing officers from ethnic backgrounds to have facial hair and to wear uniforms in keeping with their religious and cultural beliefs. In announcing these changed arrangements the Police Commissioner stated: "*The Directive is an important step for the WA Police and is a way we can demonstrate our commitment and responsiveness to our workforce's cultural and religious needs*". These initiatives are in keeping with the KRC recommendation for increased diversity within the WA Police and may encourage more recruit applicants from culturally diverse backgrounds to apply.

Decision not to implement recruitment recommendations

WAPOL has made a conscious decision not to implement a limited number of KRC recommendations in "*Key Reform Area 1 – Recruiting*". These are the recommendations relating to increasing the minimum entry age to 21 years; increasing the minimum education requirement to the satisfactory completion of year 12 education; and recruiting directly to some specialist positions. The Commission understands and accepts WAPOL's reasons for choosing not to implement these recommendations.

- With regard to increasing the minimum entry age, WAPOL sought the advice of the Equal Opportunity Commission (EOC) as it was concerned this could be discriminatory on the grounds of age under the *Equal Opportunity Act 1984*. Their concerns were confirmed by the EOC who advised WAPOL not to increase the minimum recruit entry age. WAPOL also considered that implementing this recommendation would reduce the potential field of recruit applicants. While maturity is acknowledged as an important factor in recruitment there is no evidence that it is necessarily linked to chronological age. In any event, without this reform the average age of recruits is approximately 27 years, as indicated in the table below.

Average Age of Applications Received

YEAR	AVERAGE AGE
1999 - 2000	26.47
2000 - 2001	26.88
2001 - 2002	26.97
2002 - 2003	27.46
2003 - 2004	27.85
2004 - 2005	27.88
1999 / 2005	27.18

- Year 12 education is regarded by WAPOL as the necessary level of education required for an operational general duties officer. The PDP has taken a contemporary approach in that it is testing for current competence at the year 12 level, and not the possession of a certificate, by setting the entry tests at the equivalent of year 12 level. Again, it is thought that implementing this KRC recommendation would have the effect of reducing recruit applicant levels, and would not necessarily produce the outcomes assumed by KRC.

A policy (contained within the Direct Entry Procedures) has been written for the recruitment of unsworn staff to specialist police positions, as part of the civilianisation process and is currently under consideration.

Conclusion

In 2005 and the first half of 2006, WAPOL has built on the substantial reviews of recruit entry standards in 2002 and 2004, and on previous external reviews. It is to be commended for its implementation of recruiting reforms, which exceed those envisaged by KRC in early 2004. The PDP has responded in an innovative, open-minded fashion with a strong “*can do*” approach when faced with the problem of decreasing recruit application rates and higher than average attrition rates. As discussed in the KRC report, diversity is a key factor in building corruption resilience. The structural reforms outlined above not only attract a diversity of policing skills to the organisation but also form the key platform for meeting the demands of increasing attrition rates.

The Commission observes that before KRC, lateral entry was in place for the commissioned ranks of Commissioner, deputy commissioner and assistant commissioner. Post-KRC, lateral entry is also open to the commissioned ranks of superintendent and inspector as evidenced by the appointment of a superintendent from the Northern Territory Police and more recently, an inspector from the Manchester Constabulary, UK. This is in keeping with a recommendation by KRC. As discussed above, the constable ranks are also open to direct entry from overseas

and interstate. The Commission notes that the non-commissioned officer ranks (NCOs) of sergeant and senior sergeant appear to be immune to direct entry. Anecdotally, this is said to be due to union opposition to the opening of these ranks to merit selection candidates from outside WAPOL. The WA Police Union had lodged action in the Supreme Court against the recruitment decision to select a UK inspector, however, at the time of writing, this application had been formally withdrawn by the Union. It is to be hoped that the Police Union's position on lateral entry does not erode WAPOL's impressive reform achievements to date in this area. To recruit overseas, WAPOL has to demonstrate that the ranks advertised are difficult to recruit in WA or that it lacks specialist skills. Given that there are approximately 2700 constables, it could be difficult to justify a recruitment campaign for sergeants. There is a strong argument, however, for opening all sworn officer ranks to open, merit-based lateral recruitment. Encouraging the transfer of knowledge and expertise from other jurisdictions is bound to be of benefit to WAPOL.

Understandably, the KRC report reflects WAPOL at a point in time. Its recommendations are still highly relevant to the organisation in many areas, however, in the area of recruitment, lateral entry and re-engagement, WAPOL has developed and is implementing reform initiatives, which exceed the vision and scope of KRC. The imperative to reform is largely due to low unemployment levels and a buoyant economy in Western Australia. This has resulted in high attrition rates and lower recruit application rates. The newly formed PDP has set an impressive record of reform in this area of sworn officer employment.

The achievements of WAPOL in the area of overseas recruitment have been acknowledged both within the state and nationally. So much so that the federal Department of Immigration and Multicultural Affairs (DIMA) showed an interest in attending the launch of the start of the training program for the first intake of UK constables in May 2006. This is in recognition by DIMA of an outstanding immigration program. At the state level, the WA Department of Education and Training has approached WAPOL for assistance in recruit advertising campaigns and overseas recruitment.

WAPOL is to be commended for achieving impressive reforms in the area of recruitment, lateral entry and re-engagement. The injection of new ideas, diverse professional experience and new ways of working, together with a far more open attitude to re-engaging former officers, is likely to contribute significantly to building corruption resilience. The Commission will monitor WAPOL's progress toward meeting the recruitment target of 350 sworn officers during this term of government.

1.2 PROMOTION

The past decade has seen several reform initiatives in the restructuring of WAPOL's sworn officer promotion systems, which are aimed at changing an excessive focus on years of experience to a more competitive, open merit system. These include the dismantling of the "*rank, lock, step*" policy in sworn officer promotion, a process initiated by the previous Commissioner. Rank, lock, step meant that an officer could only apply for promotion to the next rank above. Now officers can apply for up to two ranks above their current rank, for example, a sergeant can apply for both senior sergeant and inspector positions. In the last year, two female sergeants gained the rank of inspector, bypassing the senior sergeant rank. WAPOL conducted a thorough review entitled *The Removal of Rank, Lock, Step*, in November 2003. This review has guided the reforms to this part of the promotion system.

The most significant change in this area has been the ability of first class constables (those with between five and nine years at the constable rank) to apply for the sergeant rank. Previously, constables had to serve the full nine years till they became senior constables to be eligible to apply for promotion, a far longer "*apprenticeship*" than in any other Australian police service. This reform has seen WAPOL come into line with other Australian police services who have had a minimum period of five years at the constable rank in their promotion systems for some time.

This reform was inevitable if WAPOL is to comply with the adoption of the national police competency framework so that police training and qualifications become portable nationally. There have been sweeping reforms in the area of lateral entry which have seen radical changes to the age-old practice of "*having to start again*" if you came from another policing jurisdiction or re-engaged with WAPOL. Superintendent, inspector and constable positions are now advertised widely. The recent appointment of a UK inspector with specialist skills in counter-terrorism has sent a strong message to officers that the merit selection process for promotion is now able to be accessed by a much wider applicant pool. For a more detailed discussion of other successful promotion reforms in keeping with the KRC recommendations for lateral entry see *1.1 Recruitment, lateral entry and re-engagement* of this report.

The management of sworn officer promotions sits within with PDP at the Academy and is quite separate from police staff promotions, which are managed by the Human Resource Directorate under the auspices of the Executive Director. With regard to reforming the process used for sworn officer promotion, there has not been corresponding progress made. Despite another thorough review entitled *Redesign of the Promotion System, July 2003* several senior officers have acknowledged that much greater efficiency is required if the system is to meet the business needs of the organisation.

The logistics involved in the management of sworn officer promotion processes are quite significant. Approximately 1400 applications are received each year from 900 applicants. The Commission notes the positive steps taken in recent years to establish promotional pools. Through a competitive merit process, applicants are assessed as being ready for promotion to a specific rank and, if successful, are placed in a pool for 12 months to enable their appointment as suitable vacancies occur. WAPOL has acknowledged that the pools are not working efficiently yet.

Despite the introduction of promotion pools, the system is still too process-driven with unreasonable amounts of paperwork. However, the Commission notes the significant reduction in time taken to complete promotional processes. In the past, an inspector was in charge of promotion. Sworn officer promotion may benefit from more senior personnel with human resource related backgrounds managing promotions reforms.

At the sergeant rank, in the past year, there were eight separate pools run by eight discrete panels so comparability of assessment has been difficult to achieve. As a result of a far too lengthy, cumbersome process, the pools have been allowed to become depleted so that when vacancies occur, some have been unable to be filled and promotional targets were not met. The assistant commissioner responsible for this area has indicated WAPOL is currently in transition to a centralised panel management model, which will seek to reduce anomalies, simplify and speed up processes and ensure greater flexibility.

From late 2004 until March 2006, there have been eleven panels for the rank of sergeant and nine panels for the rank of senior sergeant. Panels must consist of a chairperson, subject matter expert and an independent representative for each rank selection. Panels are also required to comprise a gender balance of at least one male and female. Of the sergeant panel members, all panel chairs were male, and 75% of the subject matter experts were male. All independent panel member positions were female. Of the nine senior sergeant panels only one chairperson was a female, and all of the subject matter expert panel members were male. Of the independent panel members only one was male.

This data confirms what some officers have observed to Commission staff: that the management of sworn selection panels relies on civilian females from outside WAPOL in the independent positions on selection panels. Of both sergeant and senior sergeant panels only one independent panel member was a male. A conscious effort is required to have more sworn females on panels, including in the panel chair positions.

The sworn officer promotion system has been flagged by WAPOL as one of the next areas of focus for the Academy. The Commission looks forward to evaluating progress made in reforms to the promotion system in its next police oversight report.

Progress of promotion of female officers to the commissioned officer ranks

Increased diversity at all ranks, including gender diversity, has been the subject of recommendations of several reviews into police culture. It is believed that increased diversity in the demographic profile of staff has a strong part to play in building corruption resilience in policing organisations.

In 2001, WAPOL had the lowest proportion of female commissioned officers of any Australasian police jurisdiction. With one female inspector representing 0.66% of all commissioned officers, it was thought unlikely at the time that WA could achieve a “catch-up effect” without the dismantling of the “rank, lock, step” system and time at rank requirements (Saunders, 2002, p. 48).

Under the last two Commissioners, WAPOL has made impressive progress in this regard, as seen in the table below, and for the first time, will no longer be the bottom of national comparative tables on female commissioned officers in 2006-07 annual statistics for Australasian police services. Relative to national comparisons WAPOL claims it has had the highest increase of female commissioned officers during the past twelve months.

COMMISSIONED OFFICERS

Year	Female Commissioned Officers	Total Commissioned Officers	% of Total Commissioned Officers
01-02	2	148	1.35%
02-03	3	144	2.08%
03-04	3	151	1.98%
04-05	8	172	4.65%
As at Mar '06	12	181	6.63%

Appendix One – Promotion provides additional tables and information on promotion.

1.3 EDUCATION AND TRAINING

In *Key Reform Area 4 – Education and Training* Commissioner Kennedy commented that education and training have significant implications for building a corruption-resistant organisation and recommended several modifications to WAPOL's education and training initiatives.

Bogan and Hicks (2002) recommended that a Professional Development Directorate be formed involving curriculum development and assessment, strategic co-ordination and planning and this was echoed by KRC.

As previously discussed in *1.2 Recruitment, Lateral Entry and Re-engagement* WAPOL has created a Professional Development Portfolio (PDP) which has made significant progress to date in a range of reforms associated with human resource management and development issues.

KRC recommended that the benefits of co-location of Edith Cowan University (ECU) and West Coast College TAFE (TAFE) and the Police Academy be maximised through the development of a partnership relationship in the development and delivery of police education and training at tertiary level. It also recommended that the delivery of educational and training programs make use of mixed modes of delivery to better cater for the needs of those police in non-metropolitan locations and those performing shift work (KRC, Vol 2, p. 332).

The PDP has made significant progress in this area, as in many other key reform areas.

It has planned to capitalise on the sophisticated e-learning platform already established by ECU in its “*www.project*” program. WAPOL has entered into an agreement with ECU whereby it has purchased a part of the ECU server and has registered three websites and three domain names for exclusive Academy use. The new WAPOL e-learning suite of programs will “*bolt onto*” ECU’s system. This new initiative, when it is up and running will offer global flexibility to officers in their ability to access e-learning products. For example, an officer could conceivably log into the system from anywhere in the world to further their education and training. In addition, there will be an estimated budget saving to WAPOL of approximately \$250,000 per year in its current internet provider fees. The “*www.project*” will have controlled access for different groups of officers and will also offer mixed modes of learning for country officers.

The e-learning program will contribute to overcoming the logistical problems of the past with most officer development programs, for example, supervisory training, being delivered at the Academy using face-to-face and paper-based delivery modes. It is anticipated it will reduce the sense of isolation of officers in regional and remote locations and greatly enhance equity of access to professional development opportunities across the state. It should also ensure far more resource efficient and effective centralised communication of professional development standards across the state and beyond. Another benefit of this program is that officers in regional locations will be away from home for less time as they will be able to complete some of their course requirements from their own work or home location. It is estimated that this new e-learning platform will go live in July 2006. The Commission looks forward to monitoring the progress of this exciting new initiative in subsequent oversight reports.

The Joondalup Learning Precinct Centre for Leadership Program comprises membership from WAPOL, ECU and West Coast TAFE and other government agencies, and will commence in September 2006. The Centre's new Executive Leadership course entitled "*The Leading Edge*" is for inspectors and senior sergeants and is at Graduate Certificate level. The PDP has made progress in developing academic pathways for police officers and staff to "build" Graduate Certificate and post-graduate qualifications in police-related subjects.

There have been several other changes to the delivery of education and training at the Academy. Rather than the practice of one group of police officers all taking the same generic management course at ECU, the Academy is now encouraging staff to design their own educational pathway for further tertiary study. In the past, very few police officers had tertiary qualifications. Now, many have degrees on commencing their recruit training and others have completed degrees through part-time study.

Many of the management and supervisory courses have an ethics component. Academy lecturers report a much higher emphasis on operational police training and practical, contemporary supervisory skills in the more recent training courses. This includes input from officers of the Corruption Prevention and Investigation portfolio who lecture future officers-in-charge on complaints management and how to manage the Local Complaints Resolution Process. Academy staff consider that corruption risk identification and management is well covered across the various courses. In the Commission's view, there is a need for more education and training content which focuses on misconduct and corruption prevention through the range of courses available, including recruit training. There is specific need for a dedicated training course on how to conduct internal investigations.

The Commission looks forward to monitoring future reforms in this area, especially in regard to content changes in both specialist vocational training courses and professional management education.

1.4 DIVERSITY

The KRC report discussed the benefits to WAPOL of having a diverse workforce, including the importance of reflecting the diversity of the community and the contribution diversity can make to building corruption resistance. The thrust of the anti-corruption literature, and of the KRC Report, is that diversity of backgrounds and networks does build corruption resistance. Tapping into the talent and skills of a diverse pool of professional and policing backgrounds goes some way to ensuring diverse inputs into the strategic decision-making process, and the day-to-day frontline business of policing.

WAPOL has made significant progress in a number of areas associated with enhancing the diversity of its workforce and improving flexible work practices. In particular, progress has been made in the promotion of sworn female officers as highlighted in comparisons with national benchmarking statistics. For a more detailed discussion of gender in promotion issues see *1.2 Promotion*.

The decision by the Commissioner of Police to appoint a female assistant commissioner and a female superintendent from the Northern Territory Police, together with a female executive director at the equivalent status of a deputy commissioner, has undoubtedly sent a strong message to employees that gender diversity is welcomed at the senior levels of the organisation. Despite this, there is some concern that the current Executive has moved away from the “*women in policing issue*” and towards a general diversity approach. There is still a concern that sworn women are deployed in non-operational areas and not accessing the professional development and experience necessary for promotion. This may not in itself be a negative development but there are some indications that the newly formed Diversity Steering Group needs to ensure its philosophy and purpose are communicated clearly to the workforce and to key committees and representative groups such as the Union.

The Mentoring Program continues to be successful with preference given to applicants from equity groups. The role of mentoring and “*sponsorship*” has always been a powerful force in organisations like policing and care needs to be taken to ensure that diversity of professional background is encouraged to avoid allegations of officers “*promoting their own mates*”.

Diversity is not solely focused on the EEO groups. From a business perspective broad diversity of professional background and experience in policing and other professions is important, including the sworn and unsworn positions. If too many appointments are made from one “*professional stream*”, for example those with a detective background, other officers may see a tendency for a manager’s subordinates to also be appointed from the same background or workgroup. Plans to improve flexible working conditions could benefit both male and female officers with children or dependants.

Reform initiatives, which are completed or underway include:

- A much more planned, strategic approach to the activities of the Women’s Advisory Network (WAN) is planned. This is chaired by the Executive Director.

- A legal firm was contracted to redesign the EEO complaints management process to ensure that natural justice requirements are adhered to, and to identify the gaps in EEO reporting systems. Now complete, the Human Resource Management Directorate is implementing the 11 major recommendations emanating from the review. In the future, substantiated EEO complaints will be included in integrity checks for promotion and recorded on personnel files. The results of investigations with recommended actions will be forwarded to the relevant superintendent or Director. This should address a longstanding concern of sworn female officers that in the past, substantiated EEO complaints were not included on personal files or in integrity checks for promotion.
- EEO has been identified as a priority in the Human Resource Management Directorate and it is planned to hold line managers and superintendents far more accountable for the management of EEO issues, once the executive director is satisfied that appropriate EEO processes are in place.
- The Diversity Steering Group has recently been formed to bring all of the different equity groups together to set some strategic objectives and directions for the organisation. This will harness the efforts of the different committees that existed previously.
- Under the revised district reporting process, it will be possible to highlight which districts and divisions are achieving more progress in cultural and behavioural change in this area than others.
- In April 2006, WAPOL made a submission to the House of Representatives Standing Committee inquiring into work life balance and family-friendly workplace reforms. The Commissioner and Executive Director were to testify before the committee in June 2006. WAPOL is to be commended for being the only policing jurisdiction in Australia to make a submission of the total 184 submissions received by the committee. Interestingly, no submissions were received from any Australian policing union. WAPOL's submission is that employees should be able to salary sacrifice the cost of childcare.

Despite these reform initiatives, diversity, gender issues and flexible work practices were treated in a cursory manner in the *Police Summary Report, 2005*. This is curious, as WAPOL has made much progress in the area of improving the diversity of its workforce.

Gender

At the release of KRC, WAPOL had the lowest representation of female staff nation wide, with only 15.15% of the total sworn component (KRC). Although this has improved since then, females still represent the minority of the workforce. Historically the under-representation of women in policing organisations can be attributed to an organisation's failure to remove cultural and structural barriers, impacting upon a female's career, rather than a lack of skill or qualification in the female officers (Adams, 2001, p. 1). In WA, more than 50% of the community are females but only 27% of all the police agency are female and 17.58% of the total number of sworn officers are female. "*While significant improvements have been achieved, women are still not represented equally or proportionately in all ranks and roles both in Australia and internationally*" (Boni, 2005, p. 1).

WAPOL has made progress in this area as seen in the tables below, but it still has the lowest percentage of sworn women in Australia. As discussed in 1.2 *Promotion*, WAPOL has made significant progress in the promotion of sworn women to the commissioned ranks and is no longer “*at the bottom of ladder*” in the comparison to other Australasian police services.

Female Representation – All Staff

Year	Total Agency Female	Total Agency	% of Females
01-02	1459	6209	23.49%
02-03	1552	6347	24.45%
03-04	1634	6461	25.29%
04-05	1812	6670	27.1%

Female Representation – Sworn Staff

Year	Total Sworn Female	Total Agency Sworn	% of Females
01-02	695	4955	14.02%
02-03	767	5063	14.14%
03-04	823	5132	16.03%
04-05	913	5191	17.58%

Flexible Work Practices

One of the factors contributing to the increased number of females in WAPOL is a greater acceptance of part time work and the development of human resource policies and procedures to enable this. Currently 3.56% of all sworn officers are part time and 19.33% of all unsworn officers are part time. Whilst part time personnel are mostly females, male numbers are slowly but consistently increasing. Although flexibility is a critical issue for many women (Lynch, & Tuckey, 2004, p. 36), “*men are becoming more involved with family responsibilities and therefore also have to balance family and work demands*” (Adams, 2001, p. v). If this trend continues and policies are further endorsed by WAPOL, this will promote a work-life balance, and attract and retain employees with the necessary skills and diversity to provide a productive workforce (Boni, 2005, p. 3). There is evidence that WAPOL has made substantial progress in the employment of part-time staff. WAPOL claims it now has the highest percentage of female police staff accessing part-time work across Australia, and the second highest rate for all employees accessing part-time work.

WAPOL’s submission to the House of Representatives Standing Committee inquiring into work-life balance and family-friendly workplace reforms in April 2006, about salary sacrificing for childcare arrangements, is evidence of the agency’s commitment to flexible working initiatives.

Male and Female Part Time Personnel

Sworn

Year	Gender	Part Time Sworn	Total Sworn	% of Total Sworn
01-02	Male	18	4955	0.36%
	Female	95		1.91%
02-03	Male	34	5063	0.67%
	Female	111		2.19%
03-04	Male	41	5132	0.79%
	Female	130		2.53%
04-05	Male	38	5191	0.73%
	Female	147		2.83%

Unsworn

Year	Gender	Part Time Unsworn	Total Unsworn	% of Total Unsworn
01-02	Male	8	1254	0.63%
	Female	221		17.62%
02-03	Male	12	1284	0.93%
	Female	239		18.61%
03-04	Male	19	1329	1.42%
	Female	239		17.98%
04-05	Male	18	1479	1.21%
	Female	268		18.12%

Cultural Diversity

In January 2006 the Police Commissioner issued a new directive allowing officers from ethnic backgrounds to have facial hair and to modify uniforms in keeping with their religious and cultural beliefs. In announcing these changed arrangements the Police Commissioner stated, *“The Directive is an important step for the WA Police and is a way we can demonstrate our commitment and responsiveness to our workforce’s cultural and religious needs”*. Initiatives such as this should encourage people from diverse cultural backgrounds to apply for a career in policing.

Although the proportion of members from a culturally diverse background remains relatively constant from the period 2002 to 2004, recent initiatives indicate a significant increase over the last eighteen months. The number of Indigenous Australians in WAPOL has not increased at the same rate, however the agency is to be commended for initiatives in this area. These initiatives are in keeping with KRC’s requirement for increased diversity within the WA Police.

Increasing the cultural diversity of its demographic staff profile is one way a policing organisation can attract staff with different insights into its customer service delivery. As Boni et al have commented: *“The skills that will be required to fulfil policing’s role in the new millennium cannot be provided by one type of officer, but rather a diversity of skills and styles of management are required”* (Australasian Centre for Policing Research, 2001, p. v).

Conversion of Aboriginal Police Liaison Officers (APLOs) to constable status

Commissioner O'Callaghan is to be commended for deciding to implement a training transition program for the conversion of aboriginal police liaison officers (APLOs) to sworn officer constable status. In so doing, he has done what several previous Commissioners have been urged to do in previous reviews by central government agencies but have failed to achieve.

In early 1996, a review by the Office of Equal Employment Opportunity for then Commissioner Falconer had indicated real concerns about the accepted role and powers of arrest of Aboriginal Police Aides (Saunders, February 1996). The Commission was informed that until November 2005, "*nothing had changed*" since the Saunders review some ten years earlier. Since then, the Academy has taken a most proactive approach to this issue. It has implemented a program developed by the Aboriginal Policy Co-ordination Unit which has identified which APLOs wanted to convert to constable status, measured current competence against the constable profile, delivered training and offered support. The CET signalled its commitment to this initiative. The success of the program is due in part to the determination of the Academy inspector responsible for the program, which identifies any skills deficits and addresses those gaps appropriately and effectively.

Of the 140 APLOs, 94 indicated they were interested in conversion. Their skills were assessed using the Direct Entry Accelerated Training (DEAT) program. In what was described as a "*momentous milestone for all aboriginal police liaison officers throughout the state*" nine APLOs successfully completed the accelerated, abridged conversion program at the Academy and graduated on 17 March 2006 (*Transition Update, April 2006*, WAPOL). Another 11 are part way through the conversion program and by May 2006, another six were in full recruit training. The Academy recognises that while some APLOs have issues with meeting the requisite literacy, physical and integrity standards, they have considerable, successful frontline experience, especially dealing with Aboriginal communities and policing issues requiring cross-cultural Indigenous competence. The current Commissioner of Police is to be commended for his preparedness to offer some flexibility in assessing the requisite entry standards to constable training for APLOs. This flexibility is essential if past disadvantage is to be recognised and culturally competent customer service is to be delivered to Indigenous clients and communities. Unfortunately, the conversion of former APLOs to constable status does not contribute to the Academy's recruit FTE numbers as APLOs had previously been counted in sworn officer FTE counts in stations despite the fact that they were not sworn officers.

The Academy staff are currently considering modularising the current 28 week recruit course to enable it to be offered in regional areas. A modularised approach, a recommendation of the Saunders review in 1996, would enable Indigenous recruits to stay in their own region during some of the training and to experience more culturally appropriate training reinforced by relevant on-the-job coaching in the workplace. This will be supported by the new WAPOL e-learning program.

The Aboriginal Corporate Development Team produces a newsletter, *Transition Update*, to inform APLOs of transition-related issues, answer frequently asked questions and generally inform APLOs of new initiatives. The Commission notes that WAPOL has contracted an Aboriginal lawyer to provide ongoing lecturing and tuition to APLOs at the Police Academy. This role includes the development of a user-friendly program to aid in the comprehension of the legal components of the

transition course. It is envisaged the program will provide more culturally appropriate learning materials for APLOs making the constable transition.

There has undoubtedly been significant progress made in the dismantling of the obstacles to reform in human resource management policies. Many of the existing structural barriers, for example in recruiting, have been removed, as discussed elsewhere in this report.

Conclusion

As discussed in Boni (2005, p. 1), effective diversity management is one tool that police agencies can use to maximise organisational performance and achieve strategic business objectives. By demonstrating an open attitude to diversity, police agencies are better placed to attract and retain a diverse workforce comprising both male and female employees from a variety of educational and cultural backgrounds, which will in turn assist WAPOL to deal more effectively and appropriately with a diverse client base.

The Commission looks forward to monitoring the progress of these reforms in its subsequent reports on reform progress.

1.5 CIVILIANISATION AND THE RELATIONSHIP BETWEEN SWORN AND UNSWORN STAFF

The Commissioner of Police has been consistent in his repeated “*back to basics* message” about the importance of *Frontline First* with the public, senior officers and frontline police officers. The major complaints of operational police officers have consistently been about the burden of administrative duties, data entry requirements, accountability processes and excessive “*red tape*”. Frontline officers and their managers claim that the necessary paperwork keeps them from frontline operational policing. For this reason, the “*civilianisation message*” raised by KRC and expounded by the Commissioner in the *Frontline First* philosophy is understandably very popular with officers, including the Police Union. Essentially, civilianisation is about identifying those police officer tasks which could be performed by civilians, and “*civilianising*” those policing jobs, or parts of operational policing jobs, for example, forensic officers. There is no doubt that in relation to KRC’s *Key Reform Area 2: Civilianisation*, WAPOL has adopted a “*fresh policy of civilianisation throughout the Police Service*”. The issue now is the rate at which this process progresses.

Civilianisation

The state government has provided an additional 350 sworn officers during this term of government and funding for 160 civilianised positions for those converted from sworn officer FTE to unsworn FTE. It is important to note that this does not represent additional funding for 160 new civilian positions. WAPOL needs to be able to make visible progress with the rate at which sworn officer positions, or parts of positions, are being civilianised if *Frontline First* is not going to lose credibility with officers in the next phase of reform.

At the heart of the issue of WAPOL’s capacity to civilianise positions is the way in which government funds Police for its staff. KRC recommended that:

The Police Service be released from its agreement as to the minimum number of sworn officers it is to engage ... and ...the Commissioner of Police be free to deploy staff as operationally appropriate, and in response to changing demographics and circumstances, including the closing, downgrading, amalgamating and opening of police stations and units. (KRC, Vol 2, p. 331).

At present, the Commissioner does not have control over one single budget line for staffing, as is the case in most other public sector agencies. The government still controls the number of sworn officer FTE. Some officers consider that any government is unlikely to give the Police Commissioner control over how he allocates the salary budget and what balance of sworn and unsworn positions he needs at any one time as the provision of additional uniformed sworn officers is an extremely popular political issue with the community.

As KRC highlighted, the lack of any direct causal relationship between the number of uniformed officers and the incidence of crime is well documented (2004, p. 328). Many members of the community, however, believe that more uniformed officers equate to a reduction in crime, when research shows this is not the case. If a regional town, for example, had an additional 100 officers, police know they will inevitably be busier: there are always more inquiries to be made, more crimes to

solve, more stolen vehicles to chase and traffic incidents to investigate. As one senior manager commented:

There's always work to do for police officers. It doesn't matter whether you have 500, 800 or 1000. The public thinks 'more police, better safety', but it's not true. More officers generate more frontline activity. More frontline activity creates more paperwork. You can't keep adding at the frontline and not add in the back office. The government needs to say, as did the KRC, 'here is the bucket of money for your labour budget – sworn and unsworn' – not 'here is the money for 350 additional sworn officers over four years and 160 civilianised positions'. But we all know the number of sworn officers is the big electoral issue. If the government made this funding change, our capacity to make a change at the frontline in terms of service delivery standards would be huge.

Table 1 – Total Agency Personnel

Year	Total Sworn	% of Total	Total Unsworn	% of Total	Total Personnel
00-01	4993	79%	1325	21%	6318
01-02	4955	79.80%	1254	20.20%	6209
02-03	5063	79.76%	1284	20.24%	6347
03-04	5132	79.44%	1329	20.56%	6461
04-05	5191	77.82%	1479	22.18%	6670

As the above table illustrates, since 2000/2001, sworn members have comprised around 79% of WAPOL's total agency profile. Sworn numbers have decreased slightly as a percentage of all staff. In the period from 2003/2004 to 2004/2005 there was a greater reduction in the percentage of sworn staff than in previous years. This trend appears to be continuing through to the current reporting year of 2005/2006, where unsworn staff are currently 23% of total agency personnel. This is probably due to the impact of the civilianisation program.

In relation to the on-going implementation of *Frontline First* and improved service delivery standards in the community, the issue is not how many sworn staff there are but the number of "*frontline hours*" sworn officers have available in the course of their day-to-day duties. By April 2006, a total of 70 positions have been allocated as part of the civilianisation program.

WAPOL has made progress in being able to identify with some confidence how many sworn officer positions are in "*operational*" positions, something that has not been possible until recently. A careful process of defining what "*operational*" means and identifying and classifying positions has been undertaken. The management of workforce demographics is the responsibility of the executive director.

The relationship between sworn and unsworn staff

Kennedy highlighted an issue discussed in previous reviews of WAPOL: the marginalisation of civilian staff. He commented that the separation of staff into sworn and unsworn is anachronistic and did not reflect the change from the authoritarian approach of the past to the contemporary requirement for a police service comprising a wide variety of skill sets and professions. In KRA 2 – Civilianisation, Kennedy recommended that the partnership between sworn and unsworn staff be redefined. It was suggested that WAPOL implement an approach

that enabled the organisation to gain from the range of expertise that can be brought to bear on policing issues, and would ensure that police officers engaged in operational activity were provided with adequate civilian support.

The recent appointment of a senior female public servant to the position of executive director has sent a strong signal about diversity and civilianisation at all levels. On the comparatively small CET of five members, two are now police staff. The fact that this has occurred is a sign of the Commissioner's commitment to acquiring the expertise of unsworn staff in the corporate governance and strategic decision-making processes of the organisation. Another sign of positive change in this area is that two senior unsworn positions, the Director of Strategy and Performance, and the Executive Director have police superintendents reporting to them.

Police staff comment that they are poorly paid relative to police officers and are not confident that they have either a voice or a career path in the agency. As civilianisation alters the balance between sworn and unsworn staff in WAPOL, this is an issue that will need careful addressing by the Human Resource Management Directorate.

Overall, the classification of police staff positions is low when considered in terms of both parity with sworn officers fulfilling equivalent tasks and with comparable positions elsewhere in the public sector. In addition to the classification issue, senior unsworn staff appear to have fewer professional development opportunities than their equivalent sworn officer counterparts. For example, police staff level 8 are often compared with the superintendent rank. Some unsworn staff have observed that level 8s claim there are higher work expectations of them, fewer development opportunities and less pay. A level 9 director, for example, could be managing a budget which is larger than the budgets managed by some CEOs. It would seem reasonable that WAPOL hopes for central government support to reclassify some of its senior police staff positions. WAPOL has recently engaged a consultant to prepare a submission to Government on the issue of level 9 classifications, with the intent to deliver equity and parity for level 9 directors.

There is no doubt that unsworn staff were heartened by the KRC report and by the appointment of the Executive Director at a level commensurate with a deputy Commissioner. The relationship between sworn and unsworn staff is an area that unsworn staff (or police staff) consider has not improved. Those interviewed considered little had changed, in fact, some commented that in some ways, the culture is "*going backwards*" for unsworn staff. WAPOL states that it is currently civilianising positions at the rate of 40 per year. It is their intention to maintain this rate over a four year period to meet their commitment to Government to civilianise 160 positions.

The Commissioner is to be commended for including police staff in his program of face-to-face forums, including the middle management forums, which combine sworn and unsworn middle managers. He has addressed unsworn staff on two occasions to discover for himself what their concerns were. He attracted praise from unsworn staff for immediately addressing some of the more serious issues raised in these forums. The Commissioner took effective action and followed through against a number of concerns raised about bullying and discrimination. At the Commissioner's Senior Management Forum (CSMF) level 8s and above are included with all senior commissioned officers.

Some police staff have concerns that the dominant *Frontline First* message is erring too much on the side of a “*macho*” can do attitude. What was referred to as a “*just do it*” approach to change is often positive but some complex, whole of organisational change projects, require careful thought and planning if their possible impacts are to be understood.

Police staff are also concerned that many senior sworn officers rely on them to “*get things done*” when a complex project needs to be developed quickly, but they are rarely deployed to manage projects through to the implementation phase. They urged that senior management give more consideration to the tasks and roles that should be civilianised in the interests of greater efficiency and effectiveness, especially in the areas of research, policy and data management.

The relationship between sworn staff and police staff, their perceptions of real progress with cultural change, and the deployment of civilian staff are all reform issues that require much more attention in the next reform phase. The Commission intends to explore this area in more detail in its next oversight report.

CHAPTER 2 – DOING THE JOB RIGHT

Overview

The formation and functioning of a strategic executive is a critical aspect of change management within any organisation and the Western Australia Police have been criticised for having an unwieldy senior group that functions at an operational rather than a strategic level. In its reform of its Corporate Governance Framework (CGF), WAPOL formed a small corporative executive structure and has attempted to shift to formalised but more strategic focus. This has resulted in improved traction but the challenge is to achieve this without significant cost to communication and corporacy³. The CGF assists the CET to govern the organisation and communicate change to the workforce. It is attached as an appendix (refer Appendix 5).

Co-incidental with the commencement of the reform process was the appointment of an almost entirely new executive team. Normal attrition and some restructuring provided an opportunity for the promotion of several superintendents and the recruitment of an assistant commissioner and an executive director from outside the organisation. The challenge for WAPOL is to support and develop these new leaders and to set in place a program of selection and nurturing that will ensure a pool of candidates for senior positions in the future.

WAPOL has never suffered from a lack of good ideas, but like many large organisations these too often remain as good ideas. In order to counter the lack of traction around the reforms, the organisation adopted a “*dashboard*” management process. Its purpose is to define project responsibilities and manage corporate priorities to ensure good ideas are embedded into the organisation.

Detailed quantitative measurement for its own sake rarely informs practice or supports change. One of the thrusts of WAPOL’s leadership reform has been the development of strong evidence-based performance measures. Effective measures facilitate good feedback and focus change and this is already evident in many aspects of the reform. In the Commission’s view the indications are that considerable progress has been made in relation to the development of a strategic reform coordination process and to the design and implementation of measures to report on both whole of organisation performance and at district and divisional level. The newly developed organisation report cards are an impressive development that should prove to be very useful tools to monitor progress of reform. The challenge for WAPOL will be to measure, or at least describe accurately, culture and cultural change. Individual performance measurement that is honest and meaningful might be even more difficult.

Community dissatisfaction with policing in this state is an indication that WAPOL had lost purpose and direction to some extent. The *Frontline First* philosophy that has underpinned the reform over the last two years was recognition that the police were not delivering what the community expected, or if they were, then they were not marketing the fact. It is not the responsibility of the Commission to comment on effectiveness or efficiency of the police department except in so far as community

³ *Corporacy*: Jointly developing and reliably practising a consistent set of values, plans and activities throughout the Service, and building on them through a strong and growing network of alliances (Bogan & Hicks, 2002)

dissatisfaction was a concern for the KRC. WAPOL has taken measures to address this, and early indications are that they are beginning to be effective but public opinion is volatile and WAPOL will find this an ongoing challenge.

2.1 DEVELOPMENT OF THE STRATEGIC EXECUTIVE

Both Bogan and Hicks (2002) and KRC (2004) were concerned that the former senior police decision-making forum, the Police Service Command, focused too narrowly on the reactive aspects of policing at the expense of attending to strategic leadership issues and directions. Previous Commissioners had also expressed frustration at the lack of discussion and debate at command meetings. The former command team included the A/Cs and senior public servants. Bogan and Hicks commented:

When they meet, the dialogue of senior police can be unusually focused on the emergencies and demands that have occurred within the last week, and on organisational responses to those challenges.....A special effort must be made to ensure that strategic thinking is not viewed as a somewhat woolly diversion from the real work of policing. (Evaluation of the Progress of Reform, 2005, p. 11).

Bogan and Hicks recommended a completely reformulated role, structure and mode of operation with the establishment of a “*Police Strategic Executive*”. KRC recommended that a deputy commissioner position be tasked with strategic management and reform implementation (2004, p. 333) and this has occurred.

Since the appointment of the current Commissioner, the senior executive has been comprehensively restructured several times. This period has seen the appointment of two deputy commissioners and an executive director, and the formation of a small Corporate Executive Team (CET), formerly the Police Strategic Executive, with a more strategic focus. A marked departure from the past has seen the A/Cs and Directors not included in the new executive management team. The CET comprises the Commissioner, the two Deputy Commissioners, the Executive Director and the Director Strategy and Performance (ex officio). Subject expert advisors are invited to meetings as required. Mr Stuart Hicks has been contracted by the Commissioner of Police to act as strategic advisor to the CET and in this role he attends CET meetings. In their 2005 report on the evaluation of reform progress, Bogan and Hicks describe the development and activities of the CET in largely positive terms.

The role and ground rules for the CET were confirmed in the March 2005 version of a governance report, Western Australia Police Service Governance Framework. The framework was revised in March 2006. The CET meets fortnightly and considers progress with reform initiatives every other meeting.

The decision by the Commissioner of Police to appoint two unsworn personnel to the newly formed strategic CET is a sign of reform in this area for WAPOL. Added to this, the newly appointed Executive Director, who is on a par with the Deputy Commissioners in terms of pay and status, is a female public servant. This appointment marks a break with tradition. In the past the Executive Director's role had often been performed by the Deputy Commissioner (Administration).

Following KRC, the job description forms for the Commissioner of Police and the two Deputy Commissioner positions were amended to specifically include accountability for the implementation of the KRC recommendations. It is pleasing therefore to see that this high profile for reform has been retained in the recent advertisement for a

deputy commissioner (February 2006). Of the position's five roles, the first role is accountability for:

Ensuring the necessary connections are made between the KRC Reform [sic] Commission reform blueprint and the operational face of policing to facilitate the building of a culture of the highest standards of integrity and ethical practice across the organisation.

The formation of a small, strategically-focused CET is commendable. However given his decision not to include the A/Cs and directors as CET members, the Commissioner must ensure that two-way communication channels between the CET and the A/Cs and directors are strong and effective, and that the A/Cs' meetings champion the reform agenda with a whole of organisation perspective.

The A/Cs' meetings could provide an important opportunity to consider the reform agenda across the structural "silos" which are an inevitable part of organisational life, especially in a rank-oriented, policing environment. Care is needed to ensure that coaching and effective performance development and management of the A/Cs and directors takes place. There is evidence of room for improvement in the communication at this important layer of senior management. This must become an essential part of the Commissioner and deputy commissioners' roles to ensure that the reform agenda is driven down through the ranks of the organisation and that the experience of the A/Cs' is tapped into in the formulation of policy reform. A renewed focus on succession planning and leadership development of the organisation's senior managers by the A/C Professional Development Portfolio will undoubtedly assist by ensuring the work of the CET articulates with the next tier of management in the organisation.

A theme discussed elsewhere in this report is that sometimes a reform initiative in one portfolio or division has an unintentional adverse impact on a reform initiative in another division. A lack of cohesive, lateral-thinking policy development and project implementation is essentially what Bogan and Hicks called a "lack of traction". WAPOL has gone some way to guard against this in the implementation of the "dashboard" process for managing corporate priorities. In the Commission's view there is still scope for more careful cross-agency reform integration, particularly in the area of the development, implementation and monitoring of policy. By way of example, care is needed to ensure that in times of high attrition rates, the significant successes in sworn recruitment within the Professional Development Portfolio are not eroded, in part, by the implementation methodology of other policies such as the proposed random drug testing policy or attrition partially caused by the Tenure Policy.

Essentially, the Commission is encouraging a heightened risk management approach to pressing whole of organisation issues and a renewed focus on understanding the often complex synergy between policy formulation and implementation, and the requisite legal reforms needed to implement and support new policy.

Cultural change is often difficult and long-term. A consistent focus on change management issues and the potential "ripple effects" on key workforce issues is required.

In their reform progress evaluation report, Bogan and Hicks (2005) commented in “Gaps and Next Steps” that:

There is a growing pattern of behaviour emerging among managers at WAPOL of wanting to refer more issues to CET for a decision, when in fact some of these decisions ought to be made elsewhere in the organisation. For this reason alone, the management of the CET agenda now needs to be better managed so that only those items deemed critical for CET, make it to the agenda.

They recommended that CET members should “push back” decisions, which though referred up to them, need to be made by other managers. There is evidence that by mid-2006 there had been significant progress in this regard. To enable CET to move into its next phase of reform, it appears there is room for further communication with A/Cs and directors to ensure they bring forward issues needing key decisions within their own areas of responsibility. A/Cs and directors need to take the initiative, as senior managers, to alert CET to key issues requiring reform and make things happen in their respective areas of responsibility. The CET can then provide a broad strategic view, corporate direction, and an insight into relevant ethical and professional standards issues. CET encourages managers to make decisions and act on important initiatives within their portfolio or division. The “dashboards” are a vehicle for managing corporate priorities, not permission to act on routine responsibilities.

The CET is making a significant effort to focus on the broader strategic organisational issues. The substantial, systemic reform of the management of the organisation’s considerable assets, including both human and non-human resources, is an impressive example of a holistic approach to organisational reform and strategic management. It is evident that WAPOL is improving its capacity to capture information and this is evident in the reforms being implemented by both the Executive Director and the Director Strategy and Performance. There is a marked improvement in the quality of information available to the CET to form the basis of its decision-making.

2.2 EXECUTIVE DEVELOPMENT AND SUCCESSION PLANNING

The Police Commissioner has been fortunate that he has had the opportunity to appoint an almost entirely new senior team and to promote many good officers to middle management. By mid-2006, approximately 70 of the 80 most senior WAPOL police officer and police staff positions have been filled under the current Police Commissioner. This was not intended as a reflection on previous incumbents, but an acknowledgement that a Commissioner of Police can more directly accept responsibility for the actions of senior staff appointed by him. However, WAPOL cannot afford to be complacent. At least as important as these appointments is appropriate succession planning and development of senior management and executive level officers. In the past there has been little evidence of this, other than relying on the Australian Institute of Police Management (AIPM) at Manly to provide executive development for a small number of senior sworn officers each year.

The Professional Development Portfolio (PDP) has enhanced the Executive Management Skills Course and made some improvements to the ASPIRE program, which now contains additional academic components. WAPOL continues to increase the number of participants attending the Police Management Development Program (PMDP) and the Police Executive Leadership Program (PELP). In 2006, the attendance at Manly courses will have doubled. Forty superintendents have now attended PELPs. WAPOL claims an increased focus on senior police staff attending these courses at AIPM and other business and leadership forums, though police staff perceive these numbers to be very low.

Lacking in the *2005 Summary Report* is any real indication of plans for the development of the senior executive. These officers are largely characterised by their rapid promotion over the last few years, and this has undoubtedly brought a new questioning and a new approach to police leadership in WA. In the first half of 2006 however, the PDP has commenced the development of a new succession planning program for the rank for superintendent and above. A consultant, Mr Ron Bogan, has been engaged to assist in the development of this program, believed to be the first of its kind in WAPOL.

Executive development and the new succession planning program are intrinsically linked. In recognition of the fact that WAPOL has historically not tackled the issue of succession planning, the development of officers for the roles of A/C and Director and above has been formally identified as a reform initiative. At the heart of the new model is a *Role and Pathway Matrix*. For the positions of deputy commissioner, executive director, assistant commissioner and director, the matrix scopes the requisite competencies under the following four areas of professional expertise: Operational, People and Leadership, Strategic/Corporate and Development/Education. The competencies identified are based on current Position Description Forms (PDFs).

The intention of the matrix is that each individual's skills and experience are mapped against the matrix to see where future development is required. A potential minor obstacle for the matrix concept is that the amount of corporate information available on each individual's history can be quite limited given the lack of formalised written performance feedback in the past, though the information available should continue to increase. For example, the district and divisional performance reports will provide another source of individual performance information. The broad-based competency mapping exercise has commenced for the 2006 year. This project is in its early

stages. As yet, the Commission is unable to assess the potential outcomes of this program.

Executive development and succession planning is an area that has been seriously overlooked in the past. In KRA 5, KRC recommended a new Executive Development Program with provision for attendance at external management courses, and for secondment, placement or transfer to other public sector agencies or Police Services in Australia (KRC, Vol. One, p. 333). The PDP is taking steps to build these initiatives into its new program.

The *Directions in Australasian Policing* produced by the Australian Police Ministers' Council, provides a useful framework for developing national standards in policing, and especially in the area of professionalism and accountability. WAPOL may find the executive development and succession planning programs of other police services useful, especially those that are modelled on national and international policing competencies and frameworks.

The CET has endorsed the combining of two previous dashboard priorities: executive development and succession planning. This corporate priority is aiming for:

- Enhanced development and educational opportunities for executive and senior members of WAPOL;
- CET endorsement of the succession planning model; and
- Identification of a talent pool with individual development plans in place to cover key positions at senior levels.

The succession planning model is clearly in its early stages of development.

In the Commission's view, there is a need for more on-going coaching and professional development of the new assistant commissioners by the CET. The development of the current A/Cs should not be overlooked in the new succession planning model, nor should the inclusion of senior civilian staff. The Commission looks forward to evaluating the development of the new executive succession planning program in its next report.

2.3 MANAGEMENT OF THE REFORM AGENDA

The WAPOL 2005-2006 Business Plan highlights the relationship between the State Strategic Planning Framework, police outcomes and the actual services provided to the community by the WA Police. At the next level of planning, it articulates the links between the WA Police Strategic Plan, the Reform Agenda and the Outcome Based Management Framework. The reform priorities for 2005-2006 are documented under each key reform area (*Western Australia Police 2005-2006 Annual Business Plan*, p.6). In the Plan, WAPOL makes a clear commitment to continuing the implementation of its reform program which emanates from the KRC and its *Frontline First* reform program.

WAPOL's *Summary Report July 2005* attempts to convey the extent of the organisation's progress with the implementation of its reform initiatives. While the Commission acknowledges that this report is now nearly a year old, it does not do justice to the extent of activity and positive achievement of WAPOL in this area. It is important to note that by mid-2006 many corporate reforms had advanced significantly since then.

There is enormous goodwill among officers and staff at all ranks and levels in WAPOL toward the reform program. As Bogan and Hicks commented in their 2005 Evaluation Report, the *Frontline First* service delivery philosophy has galvanised the support of both officers and the community as the unifying focus of the reform agenda. However its next phase of consolidation and embedding in organisational practices will require consistency of approach and concentration by senior management. There is every indication that careful thought is being directed towards this goal by the SPD within its Reform and Strategy Coordination (RSC) unit in particular.

The design of the current reform strategy is based, in part, on a recognition by the executive team that at the time of KRC, the agency was inculcated with "*an IT project management philosophy*". WAPOL had lengthy, detailed project plans with identified risks and lots of supporting documentation. In addition, Commissioner O'Callaghan recognised, on his appointment to Commissioner, that while the agency had had highly developed and finessed strategic plans and had followed a classic textbook approach to "*top down strategic planning*", the delivery of results was poor, for example, burglary rates had not come down, and cultural change appeared to be slow. There was a significant amount of effort being expended on projects that were often discrete in themselves and unrelated to work elsewhere in the agency. As one senior manager commented:

We were known for having a beautiful strategic plan. We had perfected top-down strategic planning to text-book precision, but nothing changed in the culture. So the Commissioner decided to move away from this conventional approach to strategic planning.

This lack of coordinated strategic project management with few processes in place to check on the implementation of review recommendations was criticised by Bogan and Hicks (2002). KRC also identified this weakness in senior management. At the KRC Round Table Talks on Corruption Prevention (April 2003), Counsel Assisting the Commission, Mr Peter Hastings QC, upon hearing repeatedly from a senior member of Police Command that many initiatives KRC was interested in were "*on the drawing board*" remarked, "*it seems to me that the drawing board is an exceedingly busy place to be in the WA Police Service*". As part of the reform a

decision was made, that to “make change happen” and happen reasonably quickly, there was no need to produce enormous amounts of documentation and conduct lengthy risk analysis processes. Bogan and Hicks have been retained by the current CET to provide an internal consultancy advice on “making it happen”.

The dashboard process for the governance of corporate priorities

Any informed observer of WAPOL in the period since the appointment of the current Commissioner would notice what has been described by officers as a “*whirlwind of activity*” and generally a strong “*can do*” attitude. Officers have repeatedly commented to Commission staff that this is the most exciting period in their careers and morale has been lifted. There is no doubt that the *Frontline First* reforms have gained the support of many officers, as well as the community. To manage the change process in the most effective way, the CET together with the SPD, have developed a “*dashboard*” process for the governance of corporate priorities as discussed in the Bogan and Hicks 2002 report.

The dashboard process, based on what is referred to in management literature as a “*balanced scorecard approach*”, is a corporate governance model focused on the clear specification of “*deliverables*”. It aims to facilitate the scoping of important pieces of work, to be clear about the project’s deliverables, and how the work fits into other corporate priorities, and to specify a responsible manager and allocate resources. The new system appears to have produced clear ownership and accountability for major corporate priorities, especially those linked to the reform agenda. It also goes hand in hand with the major reforms being undertaken in corporate governance by the executive director. The dashboard process is not used where the corporate priority is seen to be part of the day-to-day business of the portfolio concerned but by April 2006, there were approximately 60 dashboards. The large number is attributed to the need for the SPD to understand the nature of many projects and how they inter-relate in the reform process. It is estimated the number will decrease over time.

In their 2005 evaluation, Bogan and Hicks conclude that the dashboard process is achieving results. They consider that attitudinal change in senior managers is producing a more solution-focused, strategic approach to operational work. For example, managers can bring to the attention of SPD operational problems and obstacles to progress so that the SPD can consider strategic solutions to those problems, if necessary.

There is a recognition that the organisation simply can’t do “*more and more of everything*”, even though some new initiatives are given to them externally by government, for example, responsibility in WA for the new Australian National Child Offence Register (ANCOR). The dashboard process aims to provide CET with a means of tracking the agency’s strategic corporate priorities to avoid unnecessary duplication or waste of resources.

The RSC considers that the new approach is contributing to cultural change. In the more traditional command and control structure of the past, commissioned officers would wait for the executive team to tell them what to do. The Commissioner of Police and his team, including the Director Strategy and Performance, are promoting the message “*come to us and tell us what you think should happen*”. The dashboard process also aims to encourage dialogue about which corporate reform priorities require decisions and how decisions are made. But above all, the dashboard

delivery items are intended to “*make things happen*”. There is a strong view that until quite recently, the organisation was “*reviewed out*”: there was no shortage of ideas about what needed to be done but the problem was “*making it happen*”. The dashboard process is very clear about delivery item ownership and delivery responsibilities. In this way, the CET is trying to change an aspect of the culture, blaming others for lack of results, and is trying to engender a “*no excuses*” attitude to delivering results. (Refer to 2.1 for a discussion of the role of CET).

The CET has a strong focus on 3 key strategies for managing reform: identifying and discussing issues; managing the dashboard process and retaining a focus on *Frontline First* reforms.

There is evidence of a far more strategic focus on decision-making by WAPOL’s corporate executive. This is managed and supported by a strongly performance-focused SPD. The Commission looks forward, in its next report, to monitoring the way in which the CET continues to drive the reform agenda, down to WAPOL’s important and influential middle management.

2.4 MEASURING ORGANISATIONAL PERFORMANCE AND CHANGE

The SPD has responsibility for developing and coordinating WAPOL's measurement and evaluation of all aspects of organisational performance and progress made on the reform agenda, including the KRC reforms. A senior civilian staff member manages it.

The Reform and Strategic Coordination unit

The RSC unit, within the SPD, independently monitors progress with implementation of the KRC KRA recommendations, as well as monitoring progress by *Frontline First* reforms. The RSC consults with dashboard delivery managers on a monthly basis to assess progress with relevant reforms and compiles a report for the CET. The RSC also assists managers to scope new dashboards and encourages them to explore their areas of responsibility broadly. Providing monthly briefings to the CET on new dashboards and progress updates enables the CET to maintain a corporate overview of priority areas.

In the weeks following the discussion of a dashboard at CET, the RSC visits the relevant portfolios to offer back-up support and to maximise the chances of CET's decisions being progressed and understood. This provides managers with a comprehensive in-house consultancy service to assist in dashboard scoping, development and implementation.

In relation to monitoring implementation of the KRC KRAs, a major role of the RSC is to collate quarterly reform progress reports on all reform areas within each portfolio. Each quarter a report is issued entitled *Royal Commission Report: Status Summary for the Key Reform Areas* which is produced for CET, for portfolios and for the Commission, though it is essentially an internal audit document for the Commissioner of Police and deputy commissioners. Against each of the core changes in each KRA, the report records progress against the headings "owner portfolio", "comments" and "status". While the sheer volume of reporting is admirable, the level of comment sometimes varies greatly from portfolio to portfolio and within KRAs.

The RSC has indicated to the Commission its intention to develop a new progress report format, which will be less dependent on extensive statistics and include more qualitative data. The same can be said of the *Police Summary Report 2005* which, while heavily reliant on statistics and tables, simply does not "tell a story" nor do justice to the actual reforms which have taken place. While the quarterly and annual status reports are undoubtedly useful as internal WAPOL tracking documents, it would be useful for the Commission to have more discussion and qualitative analysis of the factors affecting reform progress in its version of the summary reports.

Overall, the Commission is impressed with the high levels of professional commitment to reform and the quality of strategic support being offered to line managers by the RSC.

The Organisational Performance Management unit

As a result of the intensive work by the Director SPD, there are now greatly enhanced district-based reports which include, for the first time, divisional analyses of crime-related statistics, for example, burglary clearance rates. These reports are produced by the Organisational Performance Management (OPM) unit. They provide very useful management information to the Commissioner of Police to enable him to drill down to assess the performance of individual districts and divisions. They are also available as a source of information for individual performance management.

The Commission notes that a greatly enhanced quality is evident in the district-based reports and believes that superintendents are now far more accountable due to the new district and divisional performance reports. In the past, superintendents had the onerous task of preparing detailed reports to the executive team. Now the situation is reversed in that the SPD reports to superintendents and A/Cs and Directors on their performance with a range of whole of organisation comparative measures.

Wellbeing survey

WAPOL, along with the Police Union, Edith Cowan University, and the nursing and teaching professions, is collaboratively participating in a survey that measures the wellbeing of each profession.

Wellbeing can be indicated in a profession by high levels of occupational commitment, respect for organisational leaders, cooperation and support within work units, and feelings that employers treat staff fairly and provide them with opportunities to develop. (Institute for the Service Provisions, 2005, p 1).

The first survey report has not only provided WAPOL with a unique opportunity to gain insight into the perceptions of wellbeing of WA police officers, but has shown WAPOL to be open and accountable in seeking independent research and information about their workforce. The Commission commends WAPOL for seeking external, objective information to measure deeper aspects of its culture which do not lend themselves to quantitative measurement.

While WAPOL received many favourable ratings for workplace factors such as work unit effectiveness, cooperation, teamwork and a high sense of personal accomplishment, there were areas that require improvement. A key area of concern was organisational change management, which was widely viewed as problematic. The majority of respondents including 75% of those with 25 years of service and 80% of those in large regional areas, felt unfavourably about change management and disagreed that changes had produced good results for them (Institute for the Services Profession, 2005, p. 7).

Many studies have found that management and leadership are one of the most influential factors in the decision of police officers to resign (Lynch, & Tuckey, 2004, p. 28). The way in which WAPOL leaders and managers plan and implement organisational-wide change was perceived as not fully considering the impact upon individuals and work units, and is unlikely to be fully supported (Institute for the Services Profession, 2005, p. 34). The Commission has found that the capacity of

leaders and managers to manage change effectively is an area which requires improvement and is discussed elsewhere in this report.

Conclusion

The last two years have seen a strong, impressive focus on measuring operational performance and the development of strong evidence-based performance measures. These, in turn, make a powerful contribution to cultural change because the performance and professional standards of senior managers are more open to scrutiny than ever before.

The difficult next step for WAPOL is to measure how the reforms are changing behaviours and attitudes, and to convert the performance measurement into formalised, constructive individual feedback for senior managers. The issue of measuring cultural change, and the attitudinal and behavioural change of managers, does not necessarily lend itself to dashboard measurement.

The RSC has recognised that the next phase of measuring organisational change should focus on the collection and analysis of more qualitative data, case studies and “*performance stories*” that will more accurately convey the extent of cultural change for both sworn and civilian staff at the various levels of the organisation. To do this, it intends to use the valuable benchmark measures of cultural issues gained from the Edith Cowan University (ECU) *Wellbeing Survey* in further data collection and analysis. It also intends to focus on a reform *integration* approach rather than a *coordination* approach which should enhance the agency’s current change management processes.

The Commission acknowledges that cultural change is never easy and is often long-term in nature. It is never one activity alone, one plan or approach that of itself produces cultural change or gains the trust and confidence of the community. The RSC regards the core elements of KRC as being the foundation of cultural change: if WAPOL recruits well, has good leadership and management and aims to build a corruption resistant culture, then incremental change will occur. The Commission looks forward to the next phase of reform implementation.

2.5 COMMUNITY SATISFACTION WITH WAPOL

Following concerns that community satisfaction with police services in Western Australia, as measured in the *National Survey of Community Satisfaction with Policing*, has consistently been low, WAPOL committed to a wide-ranging reform of service delivery. Under the banner of *Frontline First* it has focused on back-to-basics policing: reducing volume crime, antisocial behaviour and improving road-user behaviour. Dedicated, highly mobile units such as the Regional Operations Group and the Traffic Enforcement Group were established to provide a rapid response to public disorder incidents, and a strong police presence on freeways, highways and major arterial roads. A *Counter Terrorism and State Security Portfolio*, headed by an assistant commissioner, aims to enhance the agency's deterrent and response capacity and build public confidence.

The State Government is backing this approach by committing to an additional 350 police officers over the next four years. The funding of an additional 160 civilianised positions is aimed at enabling the agency to return police officers to frontline positions. This initiative is somewhat hindered by the difficulty in attracting a sufficient number of quality recruits (discussed elsewhere in this report).

WAPOL is reviewing some of its human resource management practices in an effort to increase operational capacity. This includes consideration of deployment practices, transfer and tenure policies and imbalance in experience levels between regional and metropolitan WA. The management of sick leave and non-operational officers is also under review.

Most of these initiatives have been accompanied by a targeted media campaign aimed at lifting public confidence.

Figures supplied by WAPOL indicate that there has been a recent reduction in crime and an improvement in clearance rates. Burglary offences decreased by 21%; steal motor vehicle offences decreased by 19.5%; robbery decreased by nearly 14%; and theft decreased by 10.5%. Publicity about these improvements is further aimed at lifting public confidence and satisfaction with policing in this state and this is beginning to be reflected in the latest National Survey figures⁴.

Data Item	WA		AUST	
	2004	2005	2004	2005
General Satisfaction with Services Provided By Police (1-5 index)	3.65	3.78	3.84	3.86

Data Item	WA		AUST	
	2004	2005	2004	2005
Satisfaction with the job the Police are doing in dealing with Public Order Problems (1-5 index)	3.27	3.40	3.43	3.49

Perception of Safety (1-5 index)	WA		AUST	
	2004	2005	2004	2005
At Home by Yourself During the Day	4.38	4.47	4.49	4.50
At Home by Yourself After Dark	3.94	4.10	4.14	4.18
Walking or Jogging During the Day	4.25	4.34	4.35	4.36
Walking or Jogging after Dark	2.99	3.14	3.17	3.26

⁴ *National Survey of Community Satisfaction with Policing*.

Data Item	WA		AUST	
	2004	2005	2004	2005
Extent to which Housebreaking is Perceived to be a Problem in the State/Territory (1-3 index)	2.62	2.50	2.43	2.37

The extent to which people agreed with the following statements (1-5 index)	WA		AUST	
	2004	2005	2004	2005
I think the police perform their job professionally	3.80	3.99	3.91	3.95
Police treat people fairly and equally	3.50	3.64	3.61	3.65
Most police are honest	3.71	3.82	3.79	3.83
I do have confidence in the police	3.80	3.97	3.94	3.99

The establishment of the Police Assistance Centre (PAC) is an attempt to counter the poor publicity and lack of confidence that followed public outcry over poor response rates to calls for police assistance. Response times have been reduced by this initiative.

The Commission looks forward to WAPOL's evaluation of the effectiveness of the PAC, and its impact on community satisfaction.

CHAPTER 3 – BUILDING CORRUPTION RESILIENCE

Overview

As part of the reform process, the Western Australia Police have developed the Corruption Prevention and Investigation portfolio (CP&I), and are working on several new approaches to the handling of misconduct.

After wide consultation, a corruption prevention plan was developed and disseminated across the organisation. It aims at influencing corporate level decision-making so that all change contributes to a more corruption resistant organisation, while providing a framework for the development of business unit corruption prevention plans. The materials are impressive and widely acknowledged at many levels of the organisation. There is evidence that some frontline units now consider corruption and misconduct risks when planning operations. The challenge for WAPOL is to persist with this focus so that a corruption and misconduct risk assessment is part of every operation and activity.

The Police Summary Report 2005 refers to the “*dual related foci*” of the *Frontline First* service delivery philosophy as being “*enhanced service delivery and corruption resistance*” (p. 4). While *Frontline First* is undoubtedly about more effective and efficient service delivery, the Commission has found that the ways in which *Frontline First* is meant to build corruption resistance are not yet clear, though the Commission notes a number of corporate initiatives that have great potential to build corruption resilience.

The CP&I portfolio has responsibility for the management of all complaints against police officers, and the Commission has a mandate to monitor this activity. Part of the restructuring of this portfolio was the establishment of a Police Complaints Administration Centre (PCAC) to monitor timeliness and effectiveness of complaints handling. The time taken to investigate complaints has improved but the Commission still has some concerns with the quality of some investigations. CP&I portfolio has indicated its intention to introduce more stringent quality assurance processes.

As the reform process gradually changes the culture within the organisation it is anticipated that a willingness to conduct thorough, fair and impartial investigations will strengthen. WAPOL recognises the need to improve the skills of middle management to conduct these investigations, but early work to develop an investigative training manual has been rendered obsolete by recent changes in the disciplinary system and it will have to be revised.

CP&I is in the process of letting a tender for an integrated risk assessment database which, among other functions, will enable CP&I to focus on the more proactive approach of identifying emerging misconduct and corruption trends in the workforce.

KRC was critical of the discipline system in place in WAPOL and made recommendations that appear to have been implemented without careful attention to their integration into the larger approach to the management of misconduct. This is now being addressed by the CET and the A/C, CP&I. When a well integrated and clearly articulated system is in place, quality, appropriateness and timeliness of complaints management should improve.

WAPOL has long been considering its drug and alcohol use policy so the KRC recommendations for the testing of officers in high risk areas were not totally new. This is a difficult policy area and one not usually supported by unions, but the police are working steadily through the issues and the Commission anticipates significant activity in this area in the year ahead.

3.1 IMPLEMENTING THE CORRUPTION PREVENTION PLAN

The development and implementation of a Corruption Prevention Plan (CPP) was regarded by KRC as an essential foundation of corruption prevention efforts, to co-ordinate corruption prevention intervention strategies and to enable monitoring and evaluation of the plan's success. Commissioner Kennedy stated:

An effective corruption prevention plan must operate at all levels of the Police Service. It must be a tiered system to deal with issues from the broadest corporate level to the most specific action of individuals, yet have the flexibility necessary to render it applicable to the huge range of diverse functions carried out by police officers. The objectives of the CPP are to reduce corruption, reduce misconduct and increase ethical behaviour (Vol 2, p. 337).

WAPOL consulted widely both internally and externally, including with the Corruption Prevention, Education and Research Directorate of the Commission, in the development of its document, *Building and Sustaining Integrity: A Corruption Prevention Plan for the Western Australia Police Service*, which has now been disseminated throughout the agency. The plan is of excellent quality and exceeds KRC's requirements in its content and scope. It is multi-tiered in two ways: it is targeted across the organisation at the corporate, business unit and individual level and it also contains what KRC described as "*universal, selected and individual*" corruption prevention strategies.

The plan has two key parts: Part A provides a framework for achieving corporate change towards a more corruption resistant organisation and Part B provides a framework for the development of business unit corruption prevention plans. By June 2005, 93% of districts/divisions had a local corruption prevention plan, which is a commendable level of uptake. The Key Activity Areas in Part B allow OICs to tailor their plan to suit specific corruption and misconduct risks, whereas Part A focuses on more whole of organisation "*universal*" strategies.

The CET endorsed the CPP in November 2004. In order to familiarise managers and supervisors with the key activity measures and outcomes of the CPP, an extensive "*roadshow*" was conducted in which a total of 31 powerpoint presentations were delivered around the state. Some 470 officers in charge (OICs) were reached at a district and station level.

The way in which the CPP is being implemented is representative of one of the recurring themes of this report: in some areas there is a highly productive, energetic, "*tick the box*" approach to getting things done, but implementation can tend to be rather fragmented. While the CPP is high level, all-embracing and strategic with realistic, achievable objectives, the approach to implementation seems to have split the plan into two discrete parts. The CP&I portfolio is responsible for reporting against progress at the business unit level, while the SRC Unit is responsible for achievement at the corporate level. The CPP, developed by a senior unsworn staff member, might benefit from the responsibility for implementation being given to one work unit to coordinate the whole. A comprehensive document was developed which dovetailed into the Annual Business Plan entitled "*Evaluating the Corruption Prevention Plan*", yet this evaluation has not been completed.

Of itself, the comprehensive CPP would have provided an admirable reform framework. It appears that the many of its Key Activity Areas based on KRC have been converted to “*dashboard*” delivery items. The Commission looks forward to the results of a coordinated evaluation of the corruption prevention planning process, as outlined in priorities for regions and portfolios in the 2005-2006 Annual Business Plan.

3.2 COMPLAINTS MANAGEMENT AND INTERNAL INVESTIGATIONS

Introduction

The relationship that police have with the community is of prime importance in maintaining its confidence and in gaining its partnership in crime prevention. Due to the nature and extent of the discretionary powers exercised by the independent office of constable, KRC recognised that the employment relationship between police officers and their Commissioner was different from that of other public sector employees. Efficient and effective mechanisms for the speedy resolution of customer service complaints and the capacity to investigate more serious matters of alleged misconduct or criminality are clearly essential.

The investigation of police officers by police officers has received much criticism in the literature and in various police Royal Commissions. KRC saw “*sufficient examples of unwillingness, inexperience and incompetence to warrant that concern*” (KRC, Vol 2, p. 336), though it also acknowledged that there had been some improvement since the establishment of the then Professional Standards Portfolio.

The core changes recommended in KRA 8 and 9 of the KRC report detailed essential mechanisms required to enable WAPOL to address and improve their well-established processes and approach to dealing with internal complaints and investigations. The recommendations included a number of core changes related to the adoption of a managerial based model of discipline for dealing with the outcome of complaints and some investigations. WAPOL’s progress with the implementation of a managerial discipline model (MDM) is discussed in the following chapter 3.3.

The KRC developed these recommendations after observing common issues in the investigations it considered. The common issues were:

- Quality of internal investigations;
- WAPOL’s disciplinary system for police officers;
- Processes involved in complaint handling and investigations;
- Time taken to complete inquiries;
- Resourcing of the Internal Affairs Unit (IAU); and
- Statutory changes and legal support required.

In the Commission’s view, these are still pertinent issues today which need to be kept very much in the forefront of WAPOL’s planning agenda, particularly in light of the current transition to MDM. It is anticipated that the successful implementation of MDM is dependent, in part, on further improvement in the KRC efficiency and effectiveness factors listed above.

Reform initiatives and progress

In late 2004, the Commissioner of Police responded positively to KRC recommendations by establishing the Police Complaints Administration Centre (PCAC) and re-naming the Professional Standards Portfolio to CP&I to highlight the importance of corruption prevention work for WAPOL.

The primary responsibilities for PCAC were reducing the backlog of outstanding public complaints and investigations, as well as ensuring that any future complaints were managed in an effective manner through early intervention. In order to effectively meet these responsibilities PCAC monitors the progress and timeframes of internal complaint and investigation files, and has the authority to question why an investigation has become protracted. PCAC, on behalf of WAPOL, notifies the Commission of all complaints as soon as practicable.

As soon as a complaint against WAPOL is lodged anywhere in the state, it is sent electronically to PCAC. Once PCAC has received a complaint from the public, in any format, such as phone, email, letter or email, it contacts the complainant and then raises a complaint note after speaking to the complainant. PCAC then sends the advice note to the Commission.

PCAC has developed a set of complaint definitions and allocation rules, as outlined in its “dashboard” corporate priority. All complaints pertaining to the actions of a police officer are classed into three categories. The category in which a complaint has been graded will then govern the processes and time frame in which it is to be managed. The three categories are defined in the following way:

Category One (up to 60 Days to resolve)

All matters of criminality or corruption involving police officers and those involving an internal complainant are investigated by the Internal Affairs Unit (IAU) or at the direction of IAU, in accordance with the KRC recommendations.

Category Two (up to 60 Days to resolve)

All complaints of serious misconduct which fall short of Category One complaints. These are directed to Districts/Divisions for investigation and resolution (full inquiry). Criminal, disciplinary or management-based proceedings/outcomes, including Loss of Confidence nominations, are the responsibility of the investigating area.

Category Three (up to 30 Days to resolve)

All administrative, managerial and behavioural complaints against police relating to, but not limited, to rudeness, inaction and the like remain the province of the district/division for investigation by way of Local Complaint Resolution (LCR) or managerial process.

In an agreement between the Ombudsman and Commissioner Matthews in 2003, it was agreed that the time taken to complete a full inquiry should not exceed 120 days and LCR files should not exceed 30 days. Statistics supplied by PCAC show a marked decrease from 2004 to 2005 in the average time taken to complete inquiries:

INQUIRY TYPE	2004 (Average Days)	2005 (Average Days)
LCR (target 30 days)	73	47
Full Inquiry (target 120 Days)	205	119

In November 2004, the Commissioner of Police endorsed a new target completion time for full inquiries of 60 days instead of the former 120 day target. It was decided to leave the LCRs at a 30 day target completion time. The new complaint timeframes were introduced on 1 June 2005, after significant inroads had been made into finalising the backlog of complaint files on hand. The Commissioner of Police sent

clear messages to districts that they had to improve their efficiency in terms of complaints management.

Recent information from PCAC suggests that for the September 2005 to December 2005 quarter, the average time for WAPOL to resolve a complaint was 41 days with LCRs now taking an average time of 29 days. This is a significant improvement considering some previous complaints took in excess of 400 days, with three cases being more than 900 days old, prior to the end of 2004.

To monitor the time taken to resolve LCRs and full inquiries, PCAC has developed system "*bring-ups*". At 35 days and 20 days for the 60 and 30 day timeframes respectively, PCAC contacts the investigators to make sure they are on track. Where the file is likely to exceed the allowed timeframe, an extension authorised by the respective assistant commissioner or director must be obtained. PCAC records all such authorisations.

WAPOL compiles a quarterly report entitled Status Summary of the Key Reform Areas. This report includes statistics that facilitate the effective measurement of change against performance indicators. Data available to the Commission contained statistics for the three quarters ending September 2004, December 2004 and March 2005. These PCAC statistics show that the time taken to complete internal investigation inquiries has decreased. The trend is for more inquiries to be completed within the 60 day period, with very few inquiries receiving time extensions. It is anticipated that the new case management database, currently at tender, should give PCAC much more accurate data on complaints management efficiency.

The Commission notes that, assuming CP&I data is correct, the reduction in time taken to complete internal investigations is positive and is due, in part, to a concerted effort by PCAC to clear outstanding and overdue inquiries.

The CP&I reform initiatives are quite extensive, especially those in PCAC, and include the following:

- The Internal Investigations Unit (IIU) became the PCAC with a different role to that of the old IIU. Most investigative work has been devolved to either the district or divisional level or to the IAU depending on the seriousness of the matter.
- In February 2005, 11 of the initial 12 devolved Regional complaint co-ordinator sergeant positions were transferred to PCAC, and currently five remain. Governance officers in districts took over the co-ordinators' complaint handling role. The primary role of the complaint co-ordinators was to focus on improving investigation timelines by assisting districts and divisions to finalise their files. According to PCAC, the complaint files on hand were reduced from 370 to 181 over four months by 30 June 2005, which appears to indicate the success of this initiative. By April 2006, PCAC reports that the number of complaint files on hand had been further reduced to 130. In PCAC's opinion there is now a greater awareness in the districts and divisions about the importance of focusing on completing complaint investigations in a timely manner.

- District governance officers are responsible for the quality control of internal investigations, prior to vetting by the district officer or superintendent.
- In January 2005 PCAC piloted two complaint assessment officer positions, which were staffed by two redeployees from the Department of Premier and Cabinet. Their role was to contact all complainants, with the intention of acquiring a greater understanding of the basis for the complaint, and attempt to assist in its early and efficient resolution. According to PCAC, there are now an additional two sergeants who undertake complaint assessments, and the complaint assessment officer positions have been very successful. They were able to resolve between 50 and 60 public complaints a month which would previously have been forwarded to the Districts/Divisions to resolve:

Between January and May 2005, 320 complaints were lodged of which 254 were resolved by the PCAC. Previously, all 320 complaints would have been handled by frontline officers. (Police Summary Report May 2005 p. 35).

After November 2005, with the start of the managerial discipline model and the moratorium on section 23 of the Police Act, the role of the complaints assessment officers changed. Until November 2005, they were resolving issues on behalf of the districts. After that date, under the managerial model, the resolution of complaints became the responsibility of the districts. The role of the complaints assessments officers was modified: whilst they still assess complaints, they were only to deal with customer service issues. Under the new managerial discipline model, responsibility for the resolution of complaints lies firmly within the district or division.

PCAC improvements to the timeliness of the process have obvious benefits for both the complainant and the officer who is the subject of the complaint.

- The IAU will receive an additional six officers as part of the publicised plan to increase police numbers by 350 FTE over the next two years. The new positions will be appointed to the Internal Affairs Unit and will be filled over the next twelve months.
- PCAC has three inspector positions, two of which are used in the quality assurance process. The third is the Complaints Manager who receives and assesses incoming complaints prior to allocation for inquiry. The indications were that in a minority of cases, some district superintendents were not reading files adequately before signing off on them.

Before KRC, one inspector was checking approximately 10% of all files at random. The target now is to check approximately 90% to 100% of all files before they are sent to the Commission. In the old system, 90% of files had not been checked before being sent to the Commission. PCAC are confident that the majority of poorly managed cases were initiated before 1 July 2005. While the current system has seen improvements, in the Commission's view the level of scrutiny at a district level is still not adequate (refer to Appendix Two for examples of poorly managed cases which were signed off by senior officers in both the districts and CP&I).

- CP&I is soon to introduce a new integrated database to support complaints management, case and information management at IAU and provide an early intervention function for the RAU. It will be used by IAU as a case management and analytical tool, and by PCAC for file management and administrative tasks.
- The electronic transfer to the Commission of all complaint information, lodged anywhere in WA, has continued, along with the transmission of complaint files to regional areas in WA to avoid previous delays.
- The WAPOL website now has a facility which enables the community to lodge complaints electronically, directly to PCAC.
- A new shorter complaint investigation report has been introduced by PCAC which should save time when writing off investigations.
- Liaison with the Commission has been established whereby investigating officers communicate with the respective Commission case officer and discuss the approach to be taken. PCAC anticipates this will reduce any unnecessary inquiry activity, improve timeliness and reduce Commission concerns at the stage of final review of files by the Commission. PCAC encourages all investigating officers to establish contact with Commission case officers.
- Importantly, in response to a Gordon Inquiry recommendation that WAPOL improve access to its complaint management system for Aboriginal people, PCAC has introduced three initiatives which require WAPOL to ensure Aboriginal people have improved access to their complaint system. Firstly, in partnership with the Aboriginal Legal Service, PCAC is marketing WAPOL's complaint system to the Aboriginal population throughout the state using radio and email communication. Secondly, PCAC monitors complaint files where Aboriginal persons are the complainants, to ensure fairness and equity in the application of WAPOL's complaint management system. Thirdly, in May 2006, PCAC introduced a Freecall 1800 telephone service to assist Aboriginal people to lodge complaints. The service is managed outside PCAC's business hours by the PAC.
- PCAC has implemented a complaint file review process which rates the standard of investigation into complaints, with feedback provided in written form to the district or divisional manager.
- Resources and funding has also been provided for Integrity Testing and Personnel Vetting. A staged approach to personnel vetting has commenced, and currently members of the CET, CP&I and CT portfolios, and the State Intelligence Division are completing the vetting process. To date 400 employees have been vetted.
- WAPOL is proposing integrity testing provisions in the new Police Administration Bill.

As outlined above, substantial progress has been made towards implementing many of the KRC reforms, as well as other relevant reforms, such as those recommended by the Gordon Inquiry. Two specific KRC recommendations from the CP&I portfolio,

the move to a behavioural management model for dealing with discipline issues and the development of random drug and alcohol testing procedures, are discussed separately in the following two chapters.

Issues which may impact on reform progress in this KRA

The influence of organisational culture

Perhaps the most important and difficult aspect of WAPOL's reform process is to bring about cultural change. The cultural attitudes of police officers is the intangible factor that will certainly influence the success or otherwise of changing how police handle complaints and conduct internal investigations about fellow officers.

Despite the merits of changes made to improve policies and complaint management procedures, meaningful change cannot occur if it is resisted on a day-to-day basis by some police officers. In the context of this discussion, cultural change would manifest itself in the willingness to conduct thorough, fair and transparent investigations and impartial self-examination. It would be coupled with a genuine acceptance of public complaints as a valid tool to improve professionalism. This "willingness" is difficult to measure, but, at least in the Commission's view, ought to be evident in the following:

- Investigation quality;
- Priority given to resolving issues with members of the public;
- Evidence of recurrent creative resolution methods and use of a range of options from apology through to financial compensation; and
- Sustained, impartial and objective examination of the actions and behaviours of police personnel.

These aspects of complaints management and investigation will be examined in more depth in the Commission's next oversight report. PCAC has indicated it is currently working on developing Standard Operating Procedures for the quality assurance of complaints which will develop procedures for monitoring trends, issues and emerging and recurring issues in complaints investigations. The Commission looks forward to learning of the success of these new initiatives.

Apart from the raft of administrative improvements outlined earlier in this chapter, one of the main CP&I strategies to change culture and build corruption resilience has been the development of strategic and local level CPP. All personnel should now have been involved in the identification of misconduct and corruption risks in their own work environments. WAPOL hopes that internal investigators will no longer be working in a "*cultural vacuum*" in which they feel solely responsible for identifying, stopping and preventing misconduct (The CPP Plan is discussed in 3.1).

WAPOL identified problems in recent investigations as being due to delays in the districts, misunderstanding of the law, making the wrong recommendations, diluting findings in the desktop resolution process, and the lack of proper investigative process. In some cases, the Commission identified WAPOL investigations of police officers where *prima facie* evidence of criminal conduct was assessed as a disciplinary offence, or, in the absence of such a model from 1 November 2005, as a managerial issue.

There is still a fair way to go before the various reforms motivate all police officers to willingly challenge the unethical, criminal or unsavoury behaviour of their colleagues.

Investigative competence

Although perhaps a different issue to organisational culture, skill is closely related to the “willingness” issue identified above. It is a major factor in influencing both willingness and internal investigation quality. Internal investigators need to be sufficiently skilled to do the job properly and have appropriate particular skills to tackle the issues at hand.

Arising from KRC, police enlisted a training consultant to develop a professional internal investigations training course to be conducted at the Joondalup Academy. Based upon previous training course materials, the course, to be held over a five-day period every quarter, is designed for officers who work in or are aiming to work in an internal investigation capacity.

The course outline, materials, and resultant Internal Investigator’s Manual was completed but could not be initiated because materials in the package were rendered obsolete due to concurrent changes to the disciplinary system, and because of legislative changes in progress that will enable integrity testing, managerial options for discipline, and drug and alcohol testing. The course and the manual may require rewriting prior to being launched. Police do not intend progressing with this investigations training until the legislation is in place, which may be not be until late 2006. There is no apparent system in place to train internal investigators in the meantime.

Some progress has been made by WAPOL to ensure that the appropriate investigating officer is assigned to a complaint or an internal investigation. The Internal Affairs Unit conducts weekly meetings of a Tasking Coordination Group (TCG), which includes an officer of the Commission as an observer with no role in the decision-making process. The TCG assesses all matters and determines whether an investigation is required, and if so, at what level, and by whom.

Districts and divisions have been encouraged to set up their own Complaints Management Groups (CMG). It appears that there has been a mixed response to the practice. Some Districts delegate this role to the governance officer, or rely on the district superintendent to allocate investigation tasks, and decide the level of investigation.

What is still apparent to the Commission is that the variability of investigative skills highlighted by KRC is still a problem for WAPOL to some extent. Several recent cases have caused sufficient concern for the Commission to bring them to the attention of the Commissioner of Police. These cases also reflect varying degrees of a lack of willingness to investigate, supervise or control the quality of the investigation. It is pleasing to note that the recently appointed A/C of CP&I agrees with the Commission’s assessment of these cases and has decided that improvements to the quality assurance processes used in the districts and divisions to oversight investigations will be a priority for CP&I.

CP&I intends to implement an extensive quality assurance process for all complaints management processes. A recent investigation decision by a regional superintendent has been challenged by the recently appointed A/C CP&I because a potentially *prima facie* case of criminal conduct by an officer was overlooked in the

internal investigation phase. The Commission conducted an investigation into this case and, on 26 May 2006, charged the individual officer with unlawful assault. CP&I has recently appointed a full-time lawyer to assist with consistency and defensibility in decision making about internal investigations. Further steps are being taken to try to ensure that PCAC is not just a 'post office box' but an area that actively scrutinises files, quality assures investigations, and makes critical comment where appropriate.

For detailed examples of recent complaint files that have caused some concern to the Commission, refer to the five case studies in Appendix 2. These cases display varying degrees of a lack of willingness and investigative competence in the investigation procedures applied in each case. PCAC is reasonably confident that most problematic files would have been initiated prior to March 2005 when more stringent quality control procedures were introduced, however more recent cases referred to the Commission suggest there is still a need for continuous improvement in this area.

The detection of officers at risk of misconduct, corrupt and/or criminal behaviour

Much of the relevant information held on the complaints history of officers which would assist the Risk Assessment Unit (RAU) to decide whether a full risk assessment should be conducted, is stored on discrete stand-alone data bases in various parts of the organisation. For example, the Use of Force data base is held at the Academy in Joondalup. When CP&I implements its new case management system it should enable the RAU to be more proactive in the detection of officers at risk.

In the Commission's view the RAU does not appear to have a clear policy on the criteria used to determine when an individual officer is at risk and therefore when a full risk assessment should be conducted. According to CP&I, the existing policy at COPS AD-16.11 *Complaint Early Warning System* is outdated, inflexible and insufficient. A project is underway to develop appropriate behavioural indicators and thresholds for early warning advice and action and it is intended to amend the policy at AD-16.11.

Outstanding matters from KRC

As a result of KRC, the Commission forwarded in excess of 70 unresolved matters to WAPOL for investigation. WAPOL formed a Royal Commission Investigation Team (RCIT), as part of IAU, with sole responsibility for investigating these matters.

As investigations were completed, WAPOL forwarded these files to the Commission for review. The Commission has recently completed its review of the RCIT files. While the Commission has not discussed the outcome of this review with WAPOL at this stage, some concerns are held by the Commission about the efficacy and fundamental approach adopted by the RCIT. These issues of concern will be explored in further detail in subsequent Commission reports.

Conclusion

WAPOL claims there has been an improved focus on changing the mindset of officers working in the complaints management and investigation area. It appears there has been progress in encouraging a proactive attitude toward dealing with complaints against police officers as quickly as possible. PCAC claims its available information indicates there has been an overall improvement in the time taken to resolve complaints and a reduction in the number of complaint files on hand at any one time.

In a relatively small number of cases, the entire process is still far too protracted, which is of concern to the Commission (refer to Case Study 5 in Appendix 2 for an example of a protracted investigation which at the time of writing was not completed). Also, investigating officers dealing with some cases appear not to have considered the history of each officer when undertaking a complaint investigation, as Case Study 5 (Appendix 2) also shows.

As mentioned above, it is pleasing to note that CP&I generally agrees with Commission criticism of poorly managed cases. The recently appointed A/C of CP&I has made a commitment to improve quality assurance processes in the districts, divisions and within CP&I, as a matter of priority. Open, proactive discussion of appropriate strategies for resolving such cases takes place at the Joint Agency Steering Group meetings (see 3.5 Joint WAPOL and Commission initiatives).

The Commission and CP&I officers agree that while the Commission does not send many files back to WAPOL for further investigation, those files that are questioned and returned have been handled very poorly, and raise serious concerns with the Commission. In general, the Commission finds that WAPOL tends to deal with the less serious files in a continuously improving manner while the more serious cases are the ones that engender Commission concern. These are often characterised by:

- an avoidance of decision-making about whether allegations are founded;
- a consideration of specific allegations in a narrowly focussed, discrete manner without considering the individual officer's history;
- a focussed attack on the complainant rather than circumstances of the complaint; and
- inconsistent decisions across the agency about suitable outcomes for the officer concerned (refer case studies 1 – 5 in Appendix 2).

WAPOL has made significant efforts to respond to the recommendations of relevant reviews, including KRC and the Gordon Inquiry, and is continuing to refine its administrative systems. It is the Commission's view that district and divisional heads should be fully accountable for the decisions they make about the quality and validity of their internal investigations and complaints management generally. It would appear to be both impossible and undesirable for one or two superintendents to be held accountable for the quality control process centrally. The Commission looks forward in its next report to evaluating the success of more stringent quality control procedures for the various aspects of investigative quality raised in this chapter, particularly in light of the current transition to MDM.

3.3 The Transition from a Regulated Disciplinary System to a Managerial Discipline Model

KRC was critical of the complaints management and disciplinary systems in place at WAPOL and recommended a managerial based model be adopted, similar to the model advocated by the Fisher Review of the Australian Federal Police (AFP). Fisher commented:

It is essential that mechanisms exist to speedily resolve customer service type complaints and to investigate and deal with more serious matters of alleged misconduct. The current complaints management and disciplinary systems are founded on outmoded concepts such as 'defaulters' parades', fining staff members for misdemeanours and penalties in reduction of rank and salary. (2004:Vol. 2, p. 335).

KRC did not discuss the fact that chief executive officers (CEOs) elsewhere in the WA public sector also have the powers to fine staff, demote them and dismiss them if they choose to utilise their extensive investigative and disciplinary powers under the *Public Sector Management Act 1994* (PSMA) or other relevant legislation. No comparisons were drawn between the WAPOL disciplinary model and the investigative and disciplinary powers in the PSMA.

KRC recommended that WAPOL move to a managerial discipline model (MDM) of complaints handling and discipline advocated by the Fisher Review of the Australian Federal Police. This would mean that section 8 of the *Police Act 1892* would remain as the ultimate remedy for criminal or corruption matters, and the managerial approach rather than the existing disciplinary approach would apply as the remedy for most other cases. The major impediment to this occurring was seen as the requirement to abide by the legislative requirements of section 23 of the Police Act. KRC recommended the repeal of this section of the Act, together with the repeal of section 33E without prejudice to the fair treatment of police officers.

At the time of writing, the Police Administration Bill is estimated by senior officers to be up to two years away from being proclaimed.

The CP&I portfolio engaged several external consultants to assist them with this planned transition. Of itself, this willingness to engage external non-Police advice is commendable. Former Chief Commissioner of the WA Industrial Relations Commission (WAIRC) Bill Coleman and Bob George, former Commissioner of the WAIRC and the former Anti-Corruption Commission, were engaged to work on the project part-time.

WAPOL's rationale to the workforce on explaining the moratorium on section 23 of the Police Act appears reasonable:

This approach is about WA Police taking responsibility for addressing behaviour and conduct and no longer accepting that its responsibility has been discharged with the imposition of a penalty under section 23 (Newsbeat, Nov- Dec 2005, p. 2).

The managerial approach focuses on rectifying behaviour and developing potential, confidence and performance. As Bill Coleman commented:

The whole emphasis is now on the accountability of supervisors and managers to manage and develop their people and get them back on track if they fail to come up to scratch, or attract a justifiable complaint. People who aspire to be managers must now accept this responsibility (Newsbeat, November- December 2005, p. 3).

Such a system relies on an organisation having developed a mature performance management system characterised by high levels of trust, and managers who feel comfortable giving frank, constructive feedback both verbally and in writing. WAPOL's Developing People for Success (DPS) is not yet at that stage of maturity and most officers freely admit that giving constructive, honest performance feedback in writing is something on which WAPOL has much work to do. The requirement to give written feedback has recently been formalised by WAPOL.

Chronology of the reform initiative

- In November 2004, the project to “*Implement a Disciplinary System based on the Fisher model in the AFP*” was commenced as a corporate project indicating that, at the time, CET accepted the relevant KRC recommendation to move to the “*Fisher model*” and repeal section 23 of the Police Act.
- In March 2005, PCAC began encouraging the application of management solutions as outcomes of internal investigation matters in addition to the use of formal disciplinary charges and the defaulters’ parades and hearings. PCAC communicated with superintendents to prepare them for the forthcoming changes.
- In October 2005, the CET determined to impose a moratorium on the use of section 23 as a disciplinary outcome and to fully adopt the MDM.
- On 1 November 2005, the moratorium on section 23 commenced with the Commissioner of Police issuing an instruction entitled “*A Managerial Approach to Discipline without Utilisation of Section 23 of the Police Act*”. As the name implies, the instruction advised all police officers that it had been decided to move away from a formal, adversarial model of internal disciplinary regulation to a contemporary managerial or remedial approach. It was not intended that the provision of section 23 would be used any further, except for those matters that were already in progress.
- To assist staff in the implementation of this new system, it was announced that PCAC would continue to provide a central point of reference to support managers and supervisors in the formulation of appropriate managerial solutions should assistance be required.
- The CET met on 24 April 2006 to discuss all CP&I “dashboards” which included the proposed transition to an MDM. The decision in the instruction on 1 November was changed. A decision was made to retain the MDM but to expand it by lifting the moratorium on section 23 of the Police Act for matters the CET deemed appropriate. On 13 June 2006, the workforce was advised

of the decision to lift the moratorium on section 23 of the Police Act. This revised model is sometimes referred to as a “*hybrid model*” or a “*transition model*” though these are misleading terms as early indications are that the Commissioner of Police intends to retain sections 23 and 8 of the Police Act in the new Bill. According to CP&I there is no transition period or hybrid model. The Commission noted some confusion among officers about the meaning of these terms and the history of policy change in this area. According to CP&I, the Commissioner of Police is still committed to MDM and envisages that in the future, the use of adversarial disciplinary procedures will be minimised with only a small percentage of cases being dealt with under section 23, at his discretion. Corrupt or criminal conduct will continue to be dealt with under section 8 Loss of Confidence motions. Additionally, WAPOL deals with corrupt or criminal conduct by way of criminal charge.

While section 23 will now be retained, the application of section 23 disciplinary provisions will be only at the discretion of the Commissioner of Police. The Commissioner of Police and the deputy commissioners will therefore be the “*gatekeepers*” of the revised MDM in that they would decide when section 23 disciplinary charges would be invoked in a particular case. Nevertheless, it is still the intention that any adversarial elements in the new model are to be minimised and line managers will be accountable for the decisions made about the appropriate resolution strategies in each individual case. CP&I plans to devolve more management responsibilities to the district superintendents in the near future.

- The integration of sections 8 and 23 was a recommendation of the Coleman report but CET has decided that that will not proceed.
- In the 13 June 2006 edition of *From the Line*, the Commissioner of Police announced his intention to retain the use of section 23 for certain matters. Those matters will be of a serious nature, but fall short of the need to address Loss of Confidence proceedings under section 8 of the *Police Act 1892*.

The reason for the decision not to implement this part of the KRC Key Reform Area 8 at this stage is that it is considered that current police culture, its complaints management systems and legislation are not yet ready for a full managerial discipline model. In addition, the Commissioner of Police considered that he needed more disciplinary options available to him in cases which were not serious enough to utilise section 8 but required more than a managerial solution.

The Commissioner’s recent decision at CET to move to a revised MDM which retains broader disciplinary powers appears to be judicious given the current lack of appropriate legislation, systems and cultural “*will*” to implement a fully managerialist model at this point in time.

When examining the proposed transition to a managerial discipline model, and the recent move to a “*hybrid model*”, the Commission has considered two questions. Firstly, would there have been any difference in outcome if a managerial model had been used to deal with complaints against officers, instead of a disciplinary model? Secondly, why did the Commissioner of Police find it necessary in April 2006 to reverse a decision he announced in November 2005 about the adoption of the managerial discipline model?

In relation to the first question, from the Commission's scrutiny of the handling of internal complaints resolution processes and internal investigations, the answer would appear to be "no". The case studies described in Appendix 2 of this report, reveal an inconsistent capacity on WAPOL's part to determine if allegations against officers are founded. In some instances, for example in Case Study 5 in Appendix 2, it took 12 months to determine if allegations were founded. The effectiveness of managerial action would be severely limited after such a prolonged period. Police officers have extensive discretionary powers entrusted to them by the community. If allegations of abuse of power are made about a police officer, either externally or internally, the WAPOL complaints management system needs to be able to resolve matters as quickly as possible. At this stage there is no indication that switching to a managerial model of discipline would address the issue of timeliness and effectiveness. The issues of investigative competence and willingness to investigate fully, identified in 3.2 of this report are issues which WAPOL needs to consider as a priority. As mentioned in 3.2, the recently appointed A/C CP&I is committed to improving the quality assurance standards used in internal investigations.

The historical tendency for policing organisations to close ranks and protect their own is well documented. In a small number of WAPOL cases, the Commission has reviewed allegations against individual officers with a substantial history of complaints against them, where each complaint tends to be treated in a discrete manner with a narrow investigation scope: the entire picture of an individual officer's history is not considered (refer Case Study 5 in Appendix 2).

In relation to the second question, it is the opinion of the Commission that the KRC recommendation to move to a full managerial model of discipline with no "*middle ground*" in terms of disciplinary options is a flawed recommendation. Presumably, the Commissioner of Police is modifying his policy position on this issue in recognition of this, albeit rather late in the day after 18 months of preparation for the full managerial model.

As discussed earlier in this chapter, CEOs elsewhere in the WA public sector have extensive investigative and disciplinary provisions available to them under the PSMA to deal with behaviour which may not be unlawful but may amount to serious misconduct and be potentially corrupt. These include powers to fine staff, demote them and dismiss them if they choose to utilise their extensive powers. Given that police officers possess considerable discretionary powers in comparison with most other public sector employees, why would WAPOL move to a model which gives them fewer disciplinary options than other WA public sector CEOs?

KRC drew no comparisons between its recommended managerial model for WAPOL and the strong "*middle ground*" of disciplinary and investigative powers available to other WA CEOs in the PSMA.

The repeated history of the past 18 months of this corporate reform priority has seen transition from a regulated disciplinary system to a "*Fisher management model*", with a moratorium on section 23 of the Police Act and then back to a "*hybrid model*" with a revised instruction on the application of section 23 going to managers on 13 June 2006. This suggests a lack of careful thought and planning in relation to what was best for WAPOL and what would work. It indicates a need to carefully explore and assess the repercussions of new policies, and their timing and suitability for WA police culture.

The implementation of the transition to the MDM appears to have been the victim of a “*tick things off the list*” approach to change management. An example of this is that a CET “*dashboard*” for the Streamlining Complaints Handling project included the development of a new manual and training package on “*How to do an internal investigation*” as recommended in KRC. It was managed by the PCAC within the CP&I Portfolio. External consultants were engaged to develop the package, which, though completed, has never been used. The implementation of the new manual and training package is said to have come to a grinding halt because it was recognised, too late, that it was inconsistent with the new managerial discipline model. As one officer observed “*there was no careful workshopping of the project. There was far too much politicking going on. It was a case of senior officers being too keen to get it ‘ticked off’ without any lateral thought about what it meant*”. Despite this, the MDM is a complex project which CP&I has attempted to scope comprehensively.

If the transition to MDM is going to work effectively in the majority of cases, WAPOL will need its line managers to be willing to tackle all issues relating to managing performance, including sub-standard performance. There appears to be some cultural resistance to implementing the Developing People for Success program (DPS), even at the senior levels, and recording any negative performance feedback in writing. A frank and unflinchingly fair approach to performance management is needed, especially in relation to committing performance feedback to paper. The organisation is intent on encouraging managers to use a contemporary managerial discipline system wherever possible. The MDM PCAC project team within CP&I have consistently argued that the overarching corporate priority is the DPS program and not the MDM project. CP&I advise line managers that a complaint is only one aspect in determining an officer’s performance. Manager and supervisors should not wait until they receive a complaint to properly manage their people. When making a decision on the outcome of a complaint, according to CP&I, superintendents have been directed to consider the officer’s DPS file holdings which should give a strong indication of how the officer is performing. To do that, any agency needs to be adept at the difficult task of performance management and WAPOL, by its own admission, is not yet at that stage of maturity.

Conclusion

It would appear that in its enthusiasm to embrace the relevant KRC recommendations, WAPOL had put on hold the old disciplinary system too soon without the requisite careful attention and reflection about whether KRC had recommended the most appropriate model for WAPOL at this point in time and, if so, how to go about the change management process. The latest decisions of the Commissioner of Police in relation to retaining section 23 appear to the Commission to be judicious, given the complexity of the discretionary powers available to police officers.

In the Commission’s view, WAPOL is wise to proceed with a model which provides it with a range of “*tools in the toolbox*” for dealing with disciplinary issues: at least as extensive as those available to CEOs elsewhere in the WA public sector.

3.4 DRUG AND ALCOHOL TESTING

In KRA 10 – Corruption Prevention Plan and Strategies, the KRC recommended that the proposed WAPOL Corruption Prevention Plan make provision for drug and alcohol testing as one of a raft of corruption prevention strategies the KRC called “*indicated strategies*” that were to be targeted at officers in high risk occupations or functions. KRC argues such testing was warranted in the interests of both the community and the broader population of WAPOL officers whose reputations stood to be tarnished by the actions of a few (KRC, Vol 2, p. 329). The Police Summary Report on reform progress, 2005, does not comment on drug and alcohol testing reforms.

History of reform activity

WAPOL started to examine its policy regarding the use of drugs and alcohol by police officers before the KRC. In 2001, WAPOL issued its “*Substance Abuse Policy*” which was dated as being effective from 6 July 2001 but was never implemented. That policy, and subsequent policy amendments in 2005, had always confined its focus on drug and alcohol abuse to that which occurred within the workplace. Correspondingly, the revised Code of Conduct, June 2005, focuses on the use of alcohol and drugs in the workplace. The Code of Conduct (2005) clearly refers to the use of alcohol and drugs on-duty. It states:

If you are affected by alcohol or drugs, including prescription drugs, you must not remain at work or undertake any work-related duties or attend any WA Police workforce unless a medical practitioner deems that you are competent (p. 9).

The 2001 Substance Abuse Policy could not be implemented because WAPOL considered it had no legislative power to test for drug use other than testing recruit applicants before they were recruited. After KRC, WAPOL sought the advice of the State Solicitor’s Office (SSO) to see if it could test for drugs and alcohol under the Police Regulations while it is waiting for the new Police Administration Bill to be drafted and passed. The existing policy was rewritten and revised regulations were sent to the then Police Minister for approval in 2005. Advice from a senior crown counsel at SSO was that WAPOL did have the right to test for substance abuse using the 1979 Police Regulations.

The original 2001 policy was rewritten and new 2005 regulations were drafted and sent to the then Minister for Police in 2005. The scope of the testing proposals was still limited to abuse within the workplace. The CET signed off on the drug and alcohol testing in the workplace policy in 2005. As early as 2002, SSO advice had stated that drug and alcohol testing could be conducted via the Police Regulations if they were amended. The Police Regulations do not cover civilian staff, special constables or aboriginal police liaison officers, so it was recognised that these staff could not be included in the policy until the new Police Administration Bill was passed. While it is proposed to include these staff in the testing program after the bill is passed, WAPOL acknowledges that negotiations are still underway with the CPSU.

The draft 2005 regulations were never signed off by the then Police Minister, as she was aware that WAPOL was still negotiating with the police union about aspects of the policy. In early 2006, WAPOL recalled the draft regulations from the Minister’s office to revise them so that the 2006 date was reflected in the draft regulations and

to examine any new legislation, which could impact on the draft policy such as Occupational Safety and Health legislation.

It is important to note that, until late April 2006, all WAPOL draft policy and regulations were confined to the random testing of police officers within the workplace, however CP&I advises that it intended that targeted testing in specific cases would be conducted outside the workplace and that such cases will need to be justified. The intention has always been, as a general rule, to deal with an officer who tests positive to prohibited substances through disciplinary means, not through taking civil or criminal action against an officer. The policy relates to all prohibited drugs, the use of prescription drugs over the prescribed limit and to a blood alcohol limit of over 0.02.

Until the CET of 24 April 2006, which was called to consider dashboards relating to the CP&I portfolio, officers in CP&I and Legal Services were of the opinion that the new Substance Abuse Policy was confined to testing within the workplace. The direction received from the A/C previously had been to follow the scope of the existing 2001 policy. At the CET meeting of 24 April 2006, the Commissioner expressed his desire to test police officers in and out of the workplace, and for there to be no amnesties in relation to the use of illicit drugs.

Current status

The latest CET policy decision poses new issues for the CP&I portfolio and Legal Services. They have now begun to consider the practical and legal issues concerned with testing outside the workplace. These include research findings that the small minority of police officers who are guilty of substance abuse know how to time their drug abuse carefully in relation to the timing of their shifts, and that officers in other jurisdictions have been known to leave their phones diverted to message bank mode and to resist a re-call to duty. In addition, it needs to be clarified whether the SSO advice, that the Police Regulations can be used for random drug testing, applies to out of hours testing. CP&I officers have expressed concern that if an officer ignored a recall notice, then to enter his/her premises would be trespassing. Clearly, given the recent policy direction from the Police Commissioner to proceed with testing in and out of workplace, and to have a "*no tolerance approach*" to illicit drug use by police officers, indicates there is much in the way of planning and legal clarification that needs to be done to ensure that the Commissioner of Police's policy direction can be acceded to.

Philosophically, the police union is not opposed to dismissing officers who abuse drugs, but have requested that the Police Act be amended so that their members have civil and criminal immunity from prosecution as in the Queensland and AFP legislation. It is not the intention of WAPOL to pursue either civil or criminal processes against those found guilty of substance abuse. The Commissioner of Police intends to follow a disciplinary path by proceeding to a section 8 Loss of Confidence motion, though drug use may not automatically result in such a nomination. This will depend on the facts of the case. The police union, however, wants legal reassurance of this in the form of an amended Police Act rather than a reliance on using regulations and waiting for a guarantee of such immunity when the Police Administration Bill is passed. At the time of writing, the latest 2006 version of the draft regulations are with Legal Services, for amendment to include random testing outside the workplace. It is intended the draft policy will also be amended as will the Code of Conduct.

Conclusion

The Commission is concerned that adequate clarity in policy direction has not been provided earlier in this project and that more careful planning and exploration is needed to assess the impact of such a policy on various initiatives in other parts of the organisation. For example, what impact, if any, would a “*no tolerance approach*” have on already high attrition rates and corresponding recruitment targets? CP&I estimates that from research elsewhere, between 1% and 2% of the sample testing population would test positive and that older officers are just as likely to be affected as younger officers. Also, the nature of the random structured sample and sample selection methods needs to carefully considered. Certainly, the Commission would anticipate that those officers in high risk business units and those who carry firearms would be included in a weighted sample of sworn officers to maximise the “*deterrence factor*” of the strategy.

In this and several other projects, late changes in direction after considerable work has been undertaken by officers concerned suggests there is a need for a greater focus on developing an overarching change management strategy and clearly documented policy direction. As one officer commented,

We put a lot of work into something, then we hear by word of mouth of a change in direction, then it's back to the drawing board. We should be asking CET upfront what they want to happen then we should provide them with various options to make it work.'

While much progress has been made in developing what Bogan and Hicks termed greater ‘traction’, there is still a need for continued focus and improvement in managing change.

3.5 Joint WAPOL and Commission Initiatives

Joint Agency Steering Group

A *Joint Agency Steering Group* (JASG) was established in early 2005, to facilitate strategic consultation between WAPOL and the Commission. Members include the Commissioner of Police and the Executive Director of the Commission, as well as deputy and assistant commissioners and directors in the reform, operation and corruption prevention areas. The two agencies signed a Memorandum of Understanding, to formalise the relationship.

A subcommittee, the Operations Liaison Group was established for more detailed discussions on operational matters. The Operations Liaison Group reports regularly to the Joint Agency Steering Group. Both groups meet as needed, but at least bi-monthly.

Standard agenda items for the Steering Group include:

- An update on the Police Reform Program, including any proposed discipline related initiatives;
- A review of the police complaints and the timeliness and effectiveness of their management;
- Discussion of any collaborative and ongoing activities;
- Organised crime issues; and
- Corruption prevention issues.

The group sponsored a joint inquiry into the police management of property and are having ongoing discussions on the restructuring of the police discipline/misconduct management process, the proposed police drug testing program, and the security vetting of police personnel. Matters referred from the Operations Liaisons Group include organised crime and integrity testing.

Joint Inquiry into WAPOL Property Management Practices

Property management, storage and disposal are a major concern for police across jurisdictions. They often lack the facilities, the regulations, or the will to take this matter seriously and the result can be negative. In a first for this state, WAPOL and the Commission collaborated in a review of police management of property. Significant matters of concern were identified and recommendations made that, when implemented, will increase the effectiveness of the police service. The report was completed in December 2005 and tabled in Parliament.

The significance of this initiative was that the Commission and the police worked together to produce a comprehensive and critical report. The Commission has a mandate to work with agencies to improve integrity, but it is indicative of a cultural change that the police participated fully in such a venture. At no time were they defensive, nor did they ask that criticism be held back.

Police management of discipline and misconduct issues

One of the recommendations of the KRC was the adoption of a more managerial approach to dealing with misconduct. The Commission is concerned about some aspects of this change and the matter is explored more fully in 3.3 of this report.

The proposed Police drug testing program

A proposal for targeted or random testing of police officers, and possibly police staff, is being developed by WAPOL. This is a matter of significance to the Commission and one it will watch closely. It is more fully explored in 3.4 of this report.

Organised crime

The Commission has, as one of its purposes “*to combat and reduce the incidence of organised crime*” but the powers the Commission can authorise are dependent on an application from the Commissioner of Police. The technicalities around this have resulted in limited and less than effective application of these powers and this is a matter of ongoing discussion in the Joint Agency Steering Group and the Operations Liaison Group.

Integrity testing

The Commission has legislative powers to conduct Integrity Testing Programs (ITPs) in relation to police officers and public sector employees. These ITPs are issued pursuant to strict guidelines as specified by the Commissioner. During 2005, WAPOL and the Commission came together to form a joint Integrity Testing Unit that combined the experience and policies of WAPOL with the legislative authority of the Commission. A number of tests were conducted and a standing agreement now sets out future arrangements. These enable WAPOL and Commission to develop matters independently and then work together when appropriate or when required.

CHAPTER 4 - LEGAL REFORM

In KRA 12, the KRC identified significant areas for law reform to support the framework within which WAPOL undertakes policing. The KRC Final Report noted that this framework could contribute to ideological and procedural certainty within policing.

WAPOL and the State Solicitor's Office (SSO) are responsible for overseeing the relevant reform projects in relation to law reform outlined in the KRC Report.

The KRC Final Report identified the following areas for law reform:

Amendment of the definitions of “Organised Crime” and “Serious Crime” in the *Corruption and Crime Commission Act 2003*

The Commission, in conjunction with WAPOL, has submitted a proposal to the Attorney General's office and the Joint Standing Committee on the Corruption and Crime Commission (JSCCCC) about the proposed amendments to the *Corruption and Crime Commission Act 2003*. However, to date, no amendment bills have been drafted.

Detention of arrested person for a reasonable period of time prior to complying with the *Bail Act 1982*

The KRC Final Report recommended that police officers be given the power to retain arrested persons for a “*reasonable period*” of time before having to comply with section 6 of the *Bail Act 1982*. Section 6 of the Bail Act requires an officer to bring an arrested person before a bail-granting authority “as soon as practicable”.

It is intended that the *Criminal Investigation Bill* (the CIB) will be used as a legislative framework to facilitate this particular legislative objective⁵.

The Legislative Assembly passed the CIB in the week commencing 8 May 2006. The CIB will now go to the Legislative Council, however, the timing of this is unclear.

The SSO has advised that there is likely to be a delay on proclamation of at least parts of the CIB in order to arrange for the necessary regulations to be made. This will provide the necessary time for WAPOL to prepare the procedures required by the CIB. It is expected that the CIB will not become operational until at least the end of 2006.

Warrants to be issued by Magistrates, designated persons and certain Justices of the Peace

The KRC Final Report recommended that warrants should be issued by court officers (magistrates, registrars or persons designated by the Attorney General for that purpose) or designated and trained Justices of the Peace.

⁵ Sections 138, 140 and 141 *Criminal Investigation Bill*

This particular legislative amendment proposal was considered as part of the CIB project, coordinated by the SSO.

After due consideration of the proposal, it was found that it is impractical for magistrates and other designated persons to be available around the clock to issue warrants.

Execution of warrants by Police to be videotaped

The KRC Final Report recommended that the execution of warrants by police should be videotaped, to ensure the integrity of the process and minimise allegations of impropriety on the part of executing officers.

This legislative amendment proposal was also considered as part of the CIB project. It was found that the mandatory videotaping of warrant execution was both impractical and onerous. This proposal has not been adopted.

However, WA Police advised that its current policy states that, “*where practical, video recording of search warrants is to be considered*”.

The *Criminal Investigation Bill 2000* (CIB) be enacted as soon as possible

The Legislative Assembly passed the CIB during the week commencing 8 May 2006. The CIB will be progressed to the Legislative Council, however, a timeframe has not been set.

The *Police Administration Bill 2000* (the PAB) be enacted as soon as possible

The KRC Final Report recommended that the *Police Act 1892* be repealed and replaced with the *Police Administration Bill 2000 (PAB)*, which deals with the conduct and management of WAPOL.

WAPOL is currently preparing a cabinet submission for permission to draft the PAB. WAPOL has advised that the PAB should be introduced into Parliament by the end of 2006.

The *Criminal Investigation (Covert Operations) Bill 2000* be enacted as soon as possible

This recommendation is being considered by WAPOL as part of the Cross Border Investigative Powers project.

A number of discussion papers have been prepared in relation to the project and correspondence has been forwarded to the Minister for Police seeking his support for a formal cabinet submission.

A provision be inserted into the *Police Administration Bill 2000 (PAB)* to enable Commissioner of Police to charge fees etc. on a cost recovery basis

The KRC Final Report recommended that within the PAB, there should be provisions to enable WAPOL to raise fees and charges on a cost recovery and third party funding basis, with the Commissioner of Police given the discretion to waive fees and charges in appropriate circumstances.

As indicated in KRC KRA 12, WAPOL is preparing a cabinet submission for permission to draft the PAB. Within this submission, WAPOL is seeking provisions to enable the police to, *inter alia*, conduct integrity testing consistent with the KRC recommendation.

Due to potential time delays involved with the drafting of the PAB, police Legal Services has written to the Minister for Police seeking his agreement to an earlier cabinet submission. This submission requested a simple amendment Bill to the *Police Act 1892* be enacted so that the Commissioner of Police would be able to implement the fee-charging regime earlier than the enactment of the PAB. WAPOL is awaiting a response from the Minister's office.

The *Simple Offences Bill 2000* and the *Police Administration Bill 2000* be enacted as soon as possible

The *Simple Offences Bill 2000*, which has become the *Criminal Law Amendment (Simple Offences) Act 2004*, commenced operation in May 2005.

As discussed in KRC KRA 12, WAPOL is preparing a cabinet submission for permission to draft the *Police Administration Bill 2000*.

The *Prostitution Control Bill 2000* be enacted as soon as possible

The *Prostitution Control Bill 2000 (the Bill)* was introduced and passed by the Legislative Assembly on 26 June 2003 and Legislative Council on 12 August 2003, where debate was adjourned. The Bill has not been progressed any further at this stage.

The *Criminal Code* be amended to include an offence in similar terms to s.408D of the *Criminal Code (Qld)* and s.440A of the *Criminal Code* be repealed or amended to apply to computer hackers

The KRC Final Report identified that the *Criminal Code* (s.440A) included the unauthorised use of computers, however, did not consider the direct application to hackers.

Section 408D of the *Criminal Code (Qld)* includes unauthorised computer hacking and has application directly to computer hackers.

The recommended amendments have been incorporated into the *Criminal Law Amendment (Simple Offences) Bill 2004*, which was assented to on 8 December 2004 and came into operation on 31 May 2005.

The Security and Related Activities (Control) Act 1996 be amended to empower the Commissioner of Police to supply intelligence and other information to licence-issuing bodies

The *Security and Related Activities (Control) Act 1996* deals with, *inter alia*, the licensing of inquiry agents and private security personnel. The objective of the amendment is to empower the Commissioner of Police to supply licensing officers with criminal intelligence reports and/or other pertinent information. This information will assist them in their decision about whether an applicant is of good character and a fit and proper person for the purposes of granting a license.

The Industry Advisory Committee, which comprises industry, community and police representatives, is currently considering the Bill. Following this consideration, the bill will be introduced into Parliament which is likely to occur in mid 2007.

The Security and Related Activities (Control) Act 1996 be amended to provide that the Commissioner of Police is not required to provide reasons for non-granting of licence

The objective of this amendment bill is to avoid a situation whereby the Commissioner of Police is required to provide reasons for not granting an applicant a licence, where this would disclose the existence and/or content of criminal intelligence or other criminal information.

As discussed in recommendation 12, the Industry Advisory Committee is currently considering this bill.

The Security and Related Activities (Control) Act 1996 be amended to provide that applicants sign a waiver

This recommended amendment forms part of the amendment project being considered by the Industry Advisory Committee, discussed at recommendation 12 and 13.

The recommended waiver would involve the applicant waiving the right to have their complaint histories (sustained or not) not taken into account by licensing officers in deciding whether to issue a licence.

The amendment would also allow licensing officers the ability to refuse a licence where the applicant has had issues of integrity raised against them during a period of five years prior to the person leaving the police.

The Royal Commission Act 1968 be amended

The Department of the Attorney General⁶ and WAPOL have joint responsibility to progress the recommended amendments to the *Royal Commission Act 1968*.

The *Royal Commission (Powers) Amendment Bill 2005* (the Bill) was introduced into Parliament on 30 March 2005. The Bill has not progressed significantly through Parliament since this time.

⁶ Previously the Department of Justice

Conclusion

In summary, there has been satisfactory progress in relation to the Police's legislative reform program.

It is noteworthy that most of the KRC Final Report recommendations that are within the responsibility of WAPOL have been given appropriate attention and progressed to an appropriate stage.

However, there are notable delays with the progress of some of the recommendations, specifically recommendations two, seven and ten. These delays are mainly attributed to legislative amendment processes.

The Commission will continue to monitor WAPOL's compliance and implementation of the KRC recommendations regarding law reform.

CONCLUSION

The Corruption and Crime Commission acknowledges that reform is long term and complex, especially when the organisation is seeking to change its culture, as well as improve operational policing standards. WAPOL has invested significant energy and enthusiasm in planning and implementing the reform program since the KRC Final Report was released in January 2004.

WAPOL has undoubtedly made a solid start to the implementation of the reform program which incorporates KRC, *Frontline First* and other reform initiatives. This report acknowledges many of the positive achievements of the last two years and highlights areas the Commission is interested to monitor for its next oversight report. There is no doubt that WAPOL has gone some way toward building stronger organisational integrity and sound corporate governance systems and processes. This has been achieved, in part, through building a unified, strategically focussed corporate executive.

It is essential that *Frontline First* reforms continue to focus on building strong corruption resilience in all units and at all levels, as well as ensuring high standards of customer service delivery in operational policing roles.

A continued focus on what Bogan and Hicks called “*traction*” when designing, implementing and measuring corporate priorities will ensure the agency is capable of achieving long term, enduring results.

The challenges ahead for WAPOL should not be underestimated, particularly in relation to individual performance management, complaints and investigation management, the development of middle level managers and the senior executive, corruption prevention strategies, policy development and change management.

The Commission looks forward to working in partnership with WAPOL to enable the prevention of misconduct and corruption, and to provide enhanced service delivery to the community.

DOCUMENTS CONSIDERED

Aboriginal Corporate Development Team (2006) *Transition Update April 2006*
Western Australia Police

Australasian Police Ministers Council (2005) *Directions in Australasian Policing 2005 - 2008*

Adams, K. (2001). *Women in Senior Police Management*. Australasian Centre for Policing Research. Retrieved 2 May 2006 from www.acpr.gov.au

Bogan, R and Hicks, S. (2002). *WA Police Service – A Qualitative and Strategic Review of Reform – The Way Ahead* Business Improvements Pty Ltd and Stuart Hicks Management Pty Ltd

Bogan, R and Hicks, S. (2005) *WA Police Service – Evaluation of the Progress of Reform Corporacy and Traction* Business Improvements Pty Ltd and Stuart Hicks Management Pty Ltd

Boni, N. (2005). *Barriers and Facilitating Factors for Women in Policing: Considerations for Making Policing an Employer of Choice*. Australasian Centre for Policing Research. Retrieved 2 May 2006 from www.acpr.gov.au

Boni, N., Adams, K., & Cirecelli, M. (2001). *Educational and Professional Development Experiences of Female and Male Police Employees*. Australasian Centre for Policing Research. Retrieved 2 May 2006 from www.acpr.gov.au

Corruption Prevention and Investigation Portfolio (n.d). *Values*. Western Australia Police.

Institute for Service Professions, Edith Cowan University. (2005). *Survey Report on the Wellbeing of the Professions: Policing, Nursing & Teaching*.

HR Planning, Equity and Selection Branch. (2002). *Police Agencies HR Benchmarking Report 1 July 2000 to 30 June 2001*. Western Australia Police.

HR Planning, Equity and Selection Branch. (2003). *Police Agencies HR Benchmarking Report 1 July 2001 to 30 June 2002*. Western Australia Police.

HR Planning, Equity and Policy Branch. (2004). *Police Agencies HR Benchmarking Report 1 July 2002 to 30 June 2003*. Western Australia Police.

HR Planning, Equity and Policy Branch. (2005). *Police Agencies HR Benchmarking Report 1 July 2003 to 30 June 2004*. Western Australia Police.

HR Planning, Equity and Policy Branch. (2006). *Police Agencies HR Benchmarking Report 1 July 2004 to 30 June 2005*. Western Australia Police.

Lynch, J., & Tuckey, M. (2004). *Understanding Voluntary Turnover: An Examination of Resignations in Australasian Police Organisations*. Australasian Centre for Policing Research. Retrieved 2 May 2006 from www.acpr.gov.au

Office of Equal Employment Opportunity (2002). *Sworn Recruitment and Career Development for Women: An examination of the issues in the Western Australia Police Service*.

Office of Equal Employment Opportunity (1996). *The Aboriginal Police Aide Scheme: Review of the role and powers of arrest of Aboriginal Police Aides in the Western Australia Police Service*.

Police Public Affairs. (n.d). *Frontline First : A New Direction*. Western Australia Police.

Steering Committee for the Review of Government Service Provision (2006). *Report On Government Services 2006*. Productivity Commission, Canberra.

Western Australia Police Academy (2005). *Direct Entry, Accelerated Training Program : Procedures Manual*.

Western Australia Police (2005). *Newsbeat*. Issue 33 November - December 2005.

Western Australia Police (2004). *Newsbeat*. Royal Commission Edition April 2004.

Western Australia Police (2006). *Organisational Performance Report Card, October – December 2005*. Strategy and Performance Directorate

Western Australia Police (n.d). *Building and Sustaining Integrity : A Corruption Prevention Plan for the Western Australia Police Service*.

Western Australia Police (2005). *Progress of the Reform Program –Summary Report 2005 for the Key Reform Areas*. July 2005.

Western Australia Police (2006). *Royal Commission Report Status Summary for the Key Reform Areas*. March 2006.

Western Australia Police (2005). *Western Australia Police Service Governance Framework*.

Western Australia Police (2006). *Western Australia Police Service Governance Framework*.

Western Australia Police (2006). *Western Australia Police 2005-2006 Annual Business Plan*.

Western Australia Police (2005). *Code of Conduct - Western Australia Police*

GLOSSARY OF TERMS, ABBREVIATIONS AND ACRONYMS

A/C	Assistant Commissioner
AFP	Australian Federal Police
AIPM	Australian Institute of Police Management
ANCOR	Australian National Child Offence Register
APLO	Aboriginal Police Liaison Officer
ASPIRE	WA Police Academy training course for personnel aspiring to commissioned or leadership roles within WAPOL.
CCC	Corruption and Crime Commission
CCTV	Closed Circuit TV
CEO	Chief Executive Officer
CET	Corporate Executive Team (Formerly Commissioner's Executive Team, formerly Police Strategic Executive)
CIB	Criminal Investigations Bill (2000)
CMG	Complaint Management Group
Commission	Corruption and Crime Commission
COP	Commissioner of Police
CP&I	Corruption Prevention and Investigation portfolio (formerly the Professional Standards Portfolio)
CPP	Corruption Prevention Plan
CPSU	Community and Public Sector Union
CSMF	Commoner's Senior Management Forum
DEAT	Direct Entry Accelerated Training
DIMA	Department of Immigration and Multicultural Affairs
DPS	Developing People for Success Program
EBA	Enterprise Bargaining Agreement
ECU	Edith Cowan University
EEO	Equal Employment Opportunities
EOC	Equal Opportunity Commission
FTE	Full Time Equivalent
IAU	Internal Affairs Unit
IIU	Internal Investigations Unit (now the Police Complaints Administration Centre)
ITP	Integrity Testing Program
JASG	Joint Agency Steering Group
JSC CCC	Joint Standing Committee on Corruption and Crime Commission

KRA	Key Reform Area (usually a KRC recommendation)
KRC	Kennedy Royal Commission – Royal Commission into Whether There Has Been Corrupt or Criminal Conduct By Any Western Australian Police Officer
LCR	Local Complaints Resolution
MDM	Managerial Discipline Model
NCO	Non Commissioned Officer
OIC	Officer in Charge
OLG	Operations Liaison Group
OPM	Organisational Performance Management unit
PAB	Police Administration Bill (2000)
PAC	Police Assistance Centre
PCAC	Police Complaints Assessment Centre (formerly the Internal Investigations Unit)
PDP	Professional Development Portfolio
PELP	Police Executive Leadership Program
PMDP	Police Management Development Program
PO	Police Officer
PSMA	Public Sector Management Act
QSARP	Qualitative Strategic Assessment of the Reform Process (NSW)
RAU	Risk Assessment Unit
RSC	Reform Strategy Coordination unit
SOP	Standard Operating Procedures
SPD	Strategy and Performance Directorate
SSO	State Solicitors Office
TAFE	Technical and Further Education
TCG	Tasking Coordination Group
WAIRC	Western Australia Industrial Relations Commission
WAN	Women's Advisory Network
WAPOL	Western Australia Police
WAPS	Western Australia Police Service (Now Western Australia Police)

APPENDICES

Appendix 1 : PROMOTION

Table 1 – Breakdown of Applicants by Gender

VACANCY NUMBER	POSITION DESCRIPTION	APPLICANTS		TOTAL
		Male	Female	
2004/25	Sgt General (Job Category)	309	31	340
2005/01	S/Sgt SIS OIC Undercover Unit	-	-	-
2005/02	Sgt Equity Project Officer	5	10	15
2005/03	Sgt Prosecutor/Brief Manager	31	9	40
2005/04	S/Sgt Detective (Job Category)	79	9	88
2005/05	Sgt Detective (Job Category)	116	7	123
2005/08	Sgt Training (Job Category)	75	12	87
2005/09	S/Sgt Business Solutions Manager – Communications	4	0	4
2005/10	Sgt Forensic (Job Category)	15	3	18
2005/11	S/Sgt Senior Recruitment Consultant	13	3	16
2005/13	S/Sgt Prosecutor	18	5	23
2005/15	S/Sgt General (Job Category)	117	11	128
2005/16	Sgt General (Job Category)	223	21	244
2005/17	Sgt Radio & Electronics Services	3	0	3
2005/18	S/Sgt Radio & Electronics Services	3	0	3
2006/01	Sgt Snr Technical Operations Officer, Traffic Technical Unit	1	0	1
2006/03	S/Sgt Detective - Job Category	52	2	54
2006/04	Sgt Prosecutor	18	7	25
2006/05	Sgt Brief Manager	17	2	19
	Sgt	813 (74%)	102 (77%)	915
	S/Sgt	286 (26%)	30 (23%)	316

APPENDIX 2: CASE STUDIES

Case Study One:

In February 2005, the Commission received two related notifications that WAPOL had recommended for LCR.

The first notification involved a complaint from Mr & Mrs A about a traffic accident they were involved in on the Mitchell Freeway, just prior to the Narrows Bridge on 26 January 2005. Mr A sustained serious injuries to his right hand as a result of the accident. It is noted that these injuries were not documented on WAPOL's initial complaint advice to the Commission.

Mr A stated that he was riding his motorcycle with his wife as pillion passenger two lanes to the left of the right hand emergency lane before the Narrows Bridge. He believed he had slowed down from 80 kph to the new speed zone of 60 kph imposed for the Sky Show that night. A police officer stepped out of the emergency lane, walked across one lane into the lane Mr A was in, and flagged him to pull over. Mr A complied. As he was entering the emergency lane, a vehicle struck his bike from behind. His wife was thrown from the motorcycle without serious injury. He was pinned beneath it.

Mr A believed that the police officer, a senior constable, was responsible for the accident because he waved him into the emergency lane, indicating that it was safe to do so. Mr A also complained that the police officer had only estimated that he was speeding. He believed the officer pulled him over in circumstances where he would not have been able to issue an infringement.

The second notification received by the Commission involved a complaint from Mr B about a traffic accident he was involved in on the Mitchell Freeway near the Narrows Bridge on 26 January 2005. He alleged that a police officer behaved in an unsatisfactory manner by telling him, among other things, to shut up, that he had caused an accident, that he would be charged, and his motor vehicle licence would be cancelled.

Mr B wanted a written apology from the officer.

Mr B was the driver of the vehicle that struck Mr A's motorcycle from behind. This was not apparent from the Complaint Advice Note.

Several issues arise from these matters. Correct categorisation of Mr A's complaint would have ensured the complaint was properly addressed in a timely manner. Rather than being dealt with as an LCR, this matter should have been treated as an "*injury in police presence*". Such categorisation would have required a full inquiry that would have examined the officer's role in the accident. This includes a determination about whether or not the officer acted lawfully, exercised appropriate duty of care, and whether his actions contributed to the accident.

The LCR process, rather than shortening the time it took to resolve the matter, contributed to a protracted process that failed to adequately investigate all the issues. The complaint was received on 24 February 2005 and finalised some ten months later.

The Commission determined that the approach taken by Police was inadequate and returned the matter for further inquiries. The Commission has since received notification from WAPOL about the outcome of these inquiries. The Commission has also received a copy of a letter sent by Police to Mr A acknowledging that the police officer involved was partly, but not entirely, responsible for the crash and advice from Police that an ex-gratia payment to Mr A is under consideration.

It is interesting to note, from the information provided, the investigating officer who handled this matter was the same officer who was called to the scene and who was required to complete the necessary documentation relating to an attendance at a road traffic crash.

Mr B originally complained to WAPOL seeking an apology about how he was treated by the officer. The investigating officer acknowledged that the behaviour was unacceptable. The officer also recognised that his behaviour was inappropriate. The LCR form relevantly notes “*... whilst it may have been inappropriate to make such comments at that time, he determined such comments were made in the heat of the moment and police officer was given verbal guidance to that effect*”.

Mr B requested that he meet the officer face to face and receive a formal written apology from him. The investigation noted, “*Given the circumstances of the crash the police officer is not prepared to accede to either request*.”

The Commission noted that the same resolving officer handled both Mr A and B’s complaints. He was in possession of all of the relevant information and should have been able to find whether:

- The police officer directed Mr A across the path of Mr B,
- A crash resulted in which Mr A was seriously injured, and
- The officer abused and threatened Mr B.

The Commission does not contend that the crash was entirely the officer’s fault. The Commission considers that the police officer could have handled the situation more appropriately by using due caution. His outburst to Mr B (although perhaps driven by stress) was unacceptable.

At the end of this ten month investigation the officer’s performance had not been thoroughly examined and neither complainant had received an apology. Further work to resolve this matter is required.

CASE STUDY TWO

Mr C complained that in June 2004, a senior constable used excessive force when arresting him, and that the arrest was an abuse of police powers.

Police arrested Mr C at his home, following a complaint from his neighbour that Mr C had breached a misconduct restraining order by approaching him in an aggressive manner. Mr C informed the officers at his door that he had done nothing wrong, and walked away down the hall, stating that he was looking for photographs of the incident. When Mr C did not respond to the senior constable informing him (Mr C) that he was required at the station to discuss the matter, both officers entered the house uninvited.

According to the senior constable, he took hold of Mr C's arm, told him he had to go with the police officers and that he was under arrest. In the struggle that ensued, Mr C was placed in an arm lock and removed from the residence, struggling all the way to the van. He was taken to Fremantle Police Lockup where he was charged with two counts of breaching his misconduct restraining order and resisting police in the execution of their duty. He was later released on bail.

In May 2005, Mr C appeared in Perth Magistrates Court. The magistrate heard all the evidence and dismissed the charges, including the alleged breaches of the misconduct orders. The Magistrate also found that the senior constable's arrest of Mr C was an abuse of power, that Mr C was entitled to resist it, and awarded Mr C \$2,750.00 in costs. Mr C's complaint was received by the Commission in September 2004 and forwarded to WAPOL for internal investigation. The internal investigation found that:

- The allegation of excessive force was not sustained.
- The alleged abuse of power was sustained, albeit that the arrest of Mr C was lawful. This apparent contradiction is not explained.
- The letter to Mr C misquoted the Magistrate insofar that it stated the Magistrate had found that Mr C had resisted the senior constable in the execution of his duty. The Magistrate, however, actually found that Mr C was entitled to resist the senior constable because the exercise was not his lawful duty at the time.
- The senior constable was lawfully entitled to use sufficient force to overcome Mr C's resistance, in contradiction to the comment by the Magistrate that Mr C was entitled to resist an unlawful arrest.
- No apology was offered to Mr C.

The Commission was concerned that the transcript outlining the Magistrate's finding was not included with the WAPOL investigation report (although it was listed in the Appendix). A copy was provided to the Commission on request.

Legislation relating to the right, or otherwise, to arrest and/or enter onto private property is both long settled and the subject of basic police recruit training. These are, after all, fundamental aspects of policing. The magistrate's findings were entirely predictable.

This case study clearly illustrates the issue of competency and willingness. It appears that the investigating officers and superintendent were unwilling to accept the Magistrate's finding and did not conduct a satisfactory investigation.

CASE STUDY THREE

The Aboriginal Legal Service contacted the Commission, as they were dissatisfied with the outcome of a police internal investigation involving Mr D. Mr D complained to WAPOL about injuries he sustained when he was arrested and unlawfully detained at East Perth Police Station and subsequently at Rangeview Remand Centre. At the time of the arrest Mr D was aged 15 years.

Two police officers approached Mr D in Northbridge, on advice from an operator at the City Watch Camera Room. After attracting Mr D's attention, a police officer sprayed Mr D in the face with oleoresin capsicum spray (OC spray), causing Mr D to turn away from the officers, bend over and place both hands on his face. The police officer approached Mr D from behind, sprayed him again in the face, and then attempted to kick his legs from under him. Mr D reacted violently towards the officers, and after being subdued by a number of officers, was forced to the ground and handcuffed. Mr D was taken to the Perth Watch House where he was charged with Disorderly Conduct (by fighting), Resist Police and Fail to Provide Personal Details. He was transferred to the Rangeview Remand Centre.

This matter went to trial. After hearing the officer's evidence and viewing the CCTV footage of the arrest, the Magistrate dismissed the charges of Disorderly Conduct and Resist Arrest. The Magistrate noted that the CCTV footage of the incident was inconsistent with the officers' account. The charge of failure to provide personal details was dealt with by way of no further punishment pursuant to section 67 of the Young Offenders Act. The Magistrate awarded costs of \$1 000 against police. A Post Prosecution report was prepared, which outlined the inconsistencies in the officers' evidence and information presented in the CCTV.

Following an internal investigation, the investigating sergeant found the officer's use of the OC spray was not excessive, and that the second spray was accidental. It was also found that the variance between the officers' evidence and the CCTV footage was an "*honest mistake*", rather than an attempt to provide misleading information. It was recommended that the officers be more closely supervised when preparing their evidence.

The Commission conducted a review of WAPOL's internal investigation, which included viewing an enhanced copy of the CCTV footage. The footage revealed that in the first instance the CCTV operator wrongly identified Mr D to the officers. The footage shows that Mr D had been agitating the situation, but had not attempted to assault anyone. He walked away when confronted by a security officer. It was one of his companions who tried to punch one of the nightclub patrons. The operator also suggested that Mr D was attempting to pick fights outside Rosie O'Grady's, however, given the quality of the video footage, it is doubtful that he could reliably identify Mr D as the offender.

The officers maintained that they were following advice received from the City Watch Camera Room when they approached Mr D walking along James Street. One of the officers stated that he placed his right hand on Mr D's left shoulder, Mr D swung around violently and assumed a fighting stance. The officer also stated that Mr D swore at the officers, approached them and swore again, throwing several punches. It was at this point that the officer sprayed Mr D in the face. Both officers tried to restrain Mr D but he resisted and broke free. Other officers assisted in arresting Mr D by forcing him to the ground where he was handcuffed.

The video footage revealed a contrary story. The footage showed that Mr D did not adopt a fighting stance and his hands remained near his waist while he backed away from the officers, and he did not throw any punches before he was sprayed. Footage showed that the officer sprayed Mr D when he turned to face the officers and used the spray twice, rather than once as the officer stated. Mr D can be seen to have reacted violently only after being sprayed on the second occasion and following the attempt by an officer to kick his legs from under him.

At no time did the officers warn Mr D that he was going to be sprayed with oleoresin capsicum (OC) spray.

After reviewing the WAPOL internal investigation, the Commission recommended that a senior officer from the IIU, now known as PCAC, be appointed to determine whether or not criminal or disciplinary charges should be laid against the officers involved. The inspecting officer from the IIU viewed the CCTV footage and did not support the claims made by Mr D, the Magistrate or the Commission. The investigating officer did not challenge the inaccuracies provided in the officers' statements or seek a response about the Magistrate's adverse comments.

It is reasonable to assert that the investigating officer lacked the competency or willingness to conduct a satisfactory investigation.

CASE STUDY FOUR

Mr E was arrested at his residence by two police officers following a complaint from his former defacto, Ms F, who alleged that he had assaulted her. Mr E was taken to Mirrabooka Police Station where he was charged with Assault and Resist Arrest and was released on bail.

Mr E complained to the Commission about the conduct of police officer one (PO1) including:

- He had been assaulted without provocation by PO1.
- PO1 denied him access to his epilepsy medication, resulting in him having a fit at the police station.
- PO1 would not allow him to return to his house to collect his keys before he was taken to the station.

The Commission reviewed the internal investigation conducted by WAPOL. It was apparent to the Commission that there were significant flaws in the WAPOL investigation.

The Commission's review of the WAPOL investigation found that the investigation report failed to include significant information that impacted upon the integrity of the investigation. In order to properly form the view to charge Mr E, the prosecutor and the brief manager would have been required to consider the significant information that was not included in the brief.

For example, the investigating officer included the second officer present at the arrest of Mr E (PO2) as a subject of the investigation, when it was clear that Mr E had no complaint against PO2. This informed the terms of reference of the investigation and impacted the consideration of, and reliance on, PO2's statement.

Much of the undisclosed information, discussed above, involved evidence provided by PO2 about PO1's conduct during the arrest of Mr E. PO2 stated that the officer was agitated by Mr E's delay in answering the door to them. This escalated into a shouting argument where the officer told Mr E he was under arrest for stealing a car and for assault.

PO2 also stated that he stepped between PO1 and Mr E and asked the officer to stand back and calm down.

PO2 spoke with his supervisor about the arrest of Mr E and the conduct of PO1. From the information provided to the Commission, it appears that the supervising sergeant did not address the issues raised.

There were numerous inaccuracies and discrepancies in the way in which the IIU investigating officer (a senior sergeant) collected and used the available information. For example, he attributes the comments of PO2 to a personality clash between the two officers, overlooking PO2's assertion that he had never worked with PO1 before. The senior sergeant also relied on information provided by Ms F, who stated that Mr E was very aggressive towards police during the arrest, despite the fact that she was not present at the time. Conversely, the investigation did not consider further evidence provided by Ms F, who claimed that PO1 took her into the house and asked her to find "any drugs or needles or anything to convict Mr E". Similarly, he did

not take into account evidence provided by an independent witness, who stated that he heard two police officers having a heated conversation, with one accusing the other of making a “*false arrest*” and advising that he intended speaking to the sergeant when they returned to the station.

The investigator also relied on the advice of Ms F who claimed that Mr E’s epilepsy was “*an excuse for not doing things*”. Based on this information it was found, that the allegation that Mr E suffered a fit because he was denied medication, to be not sustained.

It is also noted that the investigating officer was aware that the court proceedings against Mr E had been adjourned on a number of occasions pending the outcome of the internal investigation. It is further noted that the investigating officer did not provide significant evidence that may have assisted Mr E’s defence.

The Commission considers the analysis and handling of this complaint to be unsatisfactory.

In April 2005, the Commission wrote to the Commissioner of Police about its concerns regarding the quality and integrity of this internal investigation. The Commission recommended that a brief manager examine the Court Brief relating to the charges against Mr E.

Following examination by a brief manager, the charges against Mr E were withdrawn.

CASE STUDY FIVE

In 2004 and 2005, the Commission received a number of notifications about matters relating to a female police sergeant's ongoing conduct from 2003. In the background to most of these matters was a hostile and bitter breakdown of the marriage between the sergeant's close friend at the time and his wife. The wife, former neighbours of the wife, and the wife's relatives made a number of allegations against the sergeant about her conduct while off duty. Those allegations included drug taking, drink driving, harassment, unauthorised accesses to police records, and divulging of confidential information.

In addition to allegations from these sources, the Commission was also notified of allegations about the sergeant that were generated internally. Those allegations included unauthorised accesses to police records, lying to internal investigators, being a possible party to a criminal act and breaching an instruction given to her by a superior officer.

Police internal investigators examined the allegations. A number of the allegations against the sergeant were sustained. Notably, those sustained included inappropriate behaviour, unauthorised accesses to the police computer system and lying to internal investigators.

Some allegations against the sergeant were not pursued because the complainant did not want them proceeded with and others were not sustained due to insufficient evidence.

The sergeant faced various disciplinary sanctions relating to her conduct. She was the subject of four unfavourable reports (one of them being for conduct in May 2005 and the remainder for conduct in 2002 and 2003) and she faced disciplinary charges for which she was reprimanded by an assistant commissioner (December 2004 for conduct which had occurred in 2003). It is important to note that some senior officers within the district and within the Investigations Unit had felt at the time that the sergeant should have faced a loss of confidence nomination because there was clear evidence of the sergeant's involvement in criminal offences, unequivocal evidence of her lying to an internal investigator, clear evidence of her disregarding police procedures and evidence of her disregarding an instruction. However, that position was not supported by the assistant commissioner Corruption Prevention and Investigation on the basis that the delay by investigators in completing their investigation into the complaints concerning the sergeant was unlikely to be successfully defended if the loss of confidence was appealed to the Western Australian Industrial Relations Commission (WAIRC).

In May 2005, the sergeant was involved in an off duty motor vehicle accident. She was charged with driving under the influence of alcohol at the time of the accident. On the night of the accident the sergeant had taken prescribed medication and consumed alcohol. An internal investigation by the west metropolitan district office was conducted into the accident, resulting in a recommendation that the sergeant face a disciplinary charge. The issue for investigation was whether the sergeant had acted in a manner likely to bring discredit to police. Concurrently, the Corruption Prevention and Investigation Portfolio had commenced a loss of confidence process against the sergeant in respect of a number of incidents including the driving under the influence of alcohol matter and other matters dating back to 2003. The Commissioner of Police issued a stand down notice.

Subsequent to this, the assistant commissioner North Metropolitan Region intervened in the matter. He made representations to the Commissioner of Police on the sergeant's behalf. The loss of confidence process was abandoned and the disciplinary charge was downgraded to an unfavourable report. The Commissioner of Police directed that the sergeant return to duty in June 2005.

In September 2005 further allegations were generated internally relating to the conduct of the sergeant as a result of matters that came to light in the course of another internal investigation being conducted at the time. The new allegations were that the sergeant had made a false and misleading statement in an email to the Commissioner of Police, that she had lied during disciplinary interviews conducted in relation to the other internal investigation and that she had inappropriately used the police email system.

The Internal Affairs Unit investigated the allegations. All of the allegations were sustained in this instance. In November 2005 a loss of confidence nomination was made. In January 2006 the sergeant was served with a Notice to Remove. At the time of writing the Commissioner of Police is still considering the matter.

The Commission reviewed the police internal investigations relating to the sergeant referred to in this case study.

In the Commission's view, the case study illustrates the reluctance of senior and local managers to take decisive and appropriate action against errant officers. The reluctance in this case may be attributed to a number of causes including a lack of will, the time taken to finalise the internal investigations, the competence of the investigators, and an inability to identify and act on organisational risk. Another possible cause of management's reluctance to deal with the sergeant's conduct in a stricter and more appropriate manner was the sergeant's personal situation. Concerns were often expressed about the sergeant's health and mental state by officers of the Health and Welfare Branch and officers working with her. It is possible that these considerations overtook other important considerations such as the risk to the community and WAPOL.

APPENDIX 3: WAPOL AGENCY PROFILE

Police Employees Headcount by Region/Portfolio as at 31 March 2006

	Region /Portfolio	Police Officers	Police Staff	Total Personnel
	Office of the Commissioner	7	1	8
	Deputy Commissioner (Operations)	2	1	3
	Deputy Commissioner (Specialist Services)	2	1	3
	Executive Director	1	17	18
	Media & Public Affairs	7	22	29
	Strategy & Performance	11	30	41
	Corruption Prevention & Investigation	71	28	99
	Asset Management	0	35	35
	Corporate & Community Development	39	42	81
	Corporate Programmes & Development	41	230	271
	Finance	0	39	39
	Human Resources	26	119	145
	Temporary Holdings & Others	23	19	42
	Professional Development	5	11	16
	Police Academy	107	37	144
	Recruit Courses (incl APLO Transitional)	166	0	166
	Specialist Crime	481	104	585
	Traffic & Operations	497	328	825
	Counter Terrorism & State Protection	101	6	107
	Metro Regional Support	196	9	205
	North Metro	970	98	1068
	South Metro	1046	108	1154
	Regional WA	1388	148	1536
	Wages	0	108	108
	TOTALS	5187	1541	6728

Police Employees FTEs by Region/Portfolio as at 31 March 2006

	Region / Portfolio	Police Officers	Police Staff	Total Personnel
	Office of the Commissioner	5.39	1.03	6.42
	Deputy Commissioner (Operations)	2.01	1.00	3.01
	Deputy Commissioner (Specialist Services)	2.00	1.00	3.00
	Executive Director	0.03	15.85	15.88
	Media & Public Affairs	7.00	20.74	27.74
	Strategy & Performance	10.85	32.22	43.07
	Corruption Prevention & Investigation	69.78	22.59	92.37
Executive Director	Asset Management	0.00	34.72	34.72
	Corporate & Community Development	38.71	41.03	79.74
	Corporate Programmes & Development	40.24	219.16	259.40
	Finance	0.00	36.64	36.64
	Human Resources	21.05	102.76	123.81
	Temporary Holdings & Others	15.78	2.00	17.78
Specialist Services	Professional Development	5.00	9.18	14.18
	Police Academy	98.49	36.64	135.13
	Recruit Courses (incl APLO Transitional)	169.48	0.00	169.48
	Specialist Crime	465.74	97.81	563.55
	Traffic & Operations	485.30	264.36	749.66
	Counter Terrorism & State Protection	99.35	5.15	104.50
Operations	Metro Regional Support	191.59	9.35	200.94
	North Metro	949.06	84.18	1033.24
	South Metro	1017.28	97.70	1114.98
	Regional WA	1363.19	108.73	1471.92
	Wages	0.00	34.65	34.65
	TOTALS	5057.32	1278.49	6335.81

APPENDIX 4: KRC KEY REFORM AREAS

(KRC Report, Volume 2, Chapter 13)

Right People for the Right Jobs

Key Reform Area 1 - Recruitment

Reform Context:

The process of recruitment determines the quality, integrity, maturity, skills base, experiences, and diversity of the people who comprise an organization and who ultimately will lead the organization in the achievement of its vision. There are changes that WAPS needs to make to the recruiting process to ensure the continual improvement of the standard of recruits attracted to the organization.

For more detail see Chapters 3, 4, 5, 7 and 8.

Core Changes:

- Selection of police officers be based on a combination of:
 - life skills,
 - education, and
 - physical ability,where, beyond the minimum standard, selection is a competitive process based on the aggregate assessment from each of the three categories.
- The minimum entry age be increased to 21 years.
- The minimum education be Year 12, however, applicants with advanced qualifications should be preferred.
- The minimum physical standard be a general level of fitness. However, applicants with superior fitness are preferred. Restrictive essential criteria relating to swimming and unaided vision need to be removed, although they may be retained as desirable attributes.
- Specific selection criteria be developed for the recruitment of specialist positions.
- Strategies be developed to continue to improve the current ratios of under-represented groups, including women, entering the organization.

Key Reform Area 2 – Civilianization

Reform Context: The separation of staff into sworn and unsworn is anachronistic and does not reflect the change from the authoritarian approach of previous centuries to the contemporary requirement for a police service comprising a wide variety of skill sets and professions. It is necessary, therefore, to redefine the partnership between sworn and unsworn members and to implement an approach that enables WAPS to gain from the range of expertise that can be brought to bear on policing issues, and to ensure that police officers engaged in operational activity are provided with adequate civilian support.

For more detail see Chapters 3, 4, 5 and 7.

Core Changes:

- 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.
- Improved administrative and technical support be provided for operational functions, including development of the concept of multi-disciplinary teams.
- The Police Service be released from its agreement as to the minimum number of sworn officers it is to engage.
- The Commissioner of Police be free to deploy staff as operationally appropriate, and in response to changing demographics and circumstances, including the closing, downgrading, amalgamating and opening of police stations and units.
- Greater unity be sought between the current separations of sworn and unsworn staff by removal of disparities of employment such as separate performance management requirements, conditions of employment, and with similar pay for similar work.

Key Reform Area 3 – Lateral Entry

Reform Context: In keeping with recommendations regarding issues like promotion, education and training, and recruitment, the Royal Commission recommends that WAPS incorporate lateral entry of both police and civilian staff as part of the process of attracting high quality individuals into the organization. This will ensure that the person best suited for the position does in fact occupy the position, and also broaden the pool of applicants from which to select, thus increasing the likelihood of attracting top applicants. A policy of lateral entry will also broaden the diversity of skills, ideas and experiences within the organization.

For more detail see Chapters 3, 5, 7, and 8

Core Changes:

- All impediments to lateral entry be removed.
- A “recognition of prior learning” programme to be developed to identify training requirements for lateral entry appointments.
- The benefits of having worked in other jurisdictions be recognized and valued.
- All vacant commissioned officer positions to be advertised Australia-wide and applications sought from police from other jurisdictions, suitable non-police and re-engagees.
- Suitable employees wishing to re-engage at ranks below that of inspector should be able to do so, and policy be developed to enable this to occur more readily.

WAPS use its best endeavours to accelerate the programme for providing national accreditation and uniform standards of training, and allocate greater resources to the discharge of its obligations under the programme.

Key Reform Area 4 – Education and Training

Reform Context: Education and training have significant implications for building a corruption-resistant organization and the Royal Commission recommends the following modifications to WAPS education and training requirements.

For more detail see Chapters 7 and 8

Core Changes:

- The benefits of the co-location of Edith Cowan University (“ECU”), West Coast College of TAFE (“TAFE”) and the Police Academy be maximized through the development of a partnership relationship in the development and delivery of education and training at tertiary level.
- The attainment of a tertiary qualifications by officers be encouraged and assistance schemes be developed.
- Where appropriate, students at the Academy should participate in joint study with students from ECU and TAFE to gain additional perspectives and experience a diversity of views.
- The delivery of educational and training programmes make use of mixed modes of delivery to better cater to the needs of those police in non-metropolitan locations and those performing shift-work.
- Ethics training feature in every aspect of recruit training and as a specialist module of study. This training should stress corruption prevention and utilize the examples discussed in Volume 1 of the Report as case studies.
- Civilian educators be used to a greater extent in the delivery of education and training programs.
- Police trainers should attain the relevant training qualification prior to commencing as a trainer.
- The position of head of the Academy be opened up to civilian appointment.
- The establishment of a Professional Development Directorate, involving curriculum development and assessment, strategic co-ordination and planning as recommended by Bogan and Hicks.
- There be a requirement for compulsory continuing education for all staff.
- Staff at the Academy be free from rotation obligations associated with limited tenure.

Key Reform Area 5 – Management and Leadership

Reform Context: WAPS must develop managers and leaders who are capable of taking the police service into a new era of professionalism and into new relationships with the community. Outmoded management styles of command and control need to be replaced with a more inclusive style that seeks and values the opinions and expertise of others, both within the Police Service and the broader community.

For more detail see Chapters 8.

Core Changes:

- Leadership of WAPS to be strengthened through the creation of an additional deputy commissioner position tasked with strategic management and reform implementation:
- There be a review of the District Office system with a view to inspectors being in charge at large police stations and senior sergeants at medium-sized stations.
- The system of performance assessment “Developing People for Success” be upgraded by the inclusion of requirements for the documentation of assessments and acknowledgements, and by the specification of time periods for steps to be taken, with sanctions imposed on supervisors who do not meet those obligations
- There be instituted an Executive Development Programme with provision for attendance at external management courses, and for secondment, placement or transfer to other public sector agencies or police services in Australia.
- There be instituted a system of accountability in managers and supervisors for failure to implement or adhere to strategies and policies, or to adequately supervise officers who are found to have engaged in corrupt or criminal conduct.

Key Reform Area 6 – Human Resource Management

Reform Context: The management and deployment of employees of the Police Service needs to recognize the changing nature of society and the requirements to implement more family-friendly policies. Recognition also needs to be made of the changing nature of employment and the trend away from life-long careers to having several careers during one’s working life. In this changing environment, WAPS needs to ensure that it is competitive in attracting employees of high calibre.

For more detail see Chapters 3, 5, 7 and 8.

Core Changes:

- There be a scheme of incentives similar to that in use in NSW to attract staff to relocate to designated “hardship posts” as opposed to their being “press-ganged” to do so, and the satisfaction of a minimum tenure should attract a completion payment.
- The tenure policy be revised with risk management review undertaken to identify an appropriate maximum/minimum tenure for all positions. Maximum tenures should be of two, five, or seven years, or open.
- The current arrangement for recognition and rewards needs to be reviewed to reflect the increased expectations as to qualifications, commitment and expertise. This may well require a reshaping of wage levels and other conditions to recognize the differing standards and competencies in the various branches of the Police Service.
- The process of change is driven by middle managers and the middle management structure of WAPS requires review to overcome the low number of commissioned officers against sworn members.
- The Women’s Advisory Network (WAN) be acknowledged for its contributions and efforts made to garner support for its ideals at all levels of the organization.

Doing the Job Right

Key Reform Area 7 – Information Management and Technology

Reform Context: The collection of information and intelligence, and the ability of police officers to access it, is an essential part of policing. However, much of the information gathered is private and personal and should remain confidential. Unauthorized access and disclosure is a serious matter.

WAPS staff are deserving of a communications system that is integrated and reliable, provides a secure network for exchanging information and which provides for their safety by locating their position whilst in vehicles and on foot. The system needs also to be fully auditable to an extent in excess of the current Auditrak system in order that unauthorized use be eliminated.

The records maintained by police officers in journals and other records are inadequate and officers should be compelled to maintain comprehensive records of their attendances to allow for adequate supervision and accountability.

For more detail see Chapter 11

Core Changes:

- The use of electronic journals such as used by SA Police be considered but otherwise there be a requirement for all officers to maintain comprehensive records of their daily duties, to be checked by their supervisors.
- Access to computer systems be stringently controlled, including the requirement for a reason to be recorded when accessing data bases.
- A review be undertaken to determine whether information held on police databases can be released to classes of persons or organizations under controlled circumstances.

Key Reform Area 8 – Complaints Management and Discipline

Reform Context: It is now recognized that the relationship that the Police Service has with the community is of prime importance in maintaining the confidence of the community and in gaining their partnership in crime prevention. It is also accepted that the nature of the powers exercised by police makes for their employment relationship with the Commissioner of Police to differ from that of other public sector employees. To this end it is essential that mechanisms exist to speedily resolve customer-service type complaints and to investigate and deal with more serious matters of alleged misconduct. The current complaints management and disciplinary systems are founded on outmoded concepts such as “defaulters parade”, fining staff members for misdemeanours and penalties of reduction in rank and/or salary.

For more detail see Chapter 9

Core Changes:

- A managerial based model of complaints handling and discipline advocated by the Fisher Review of the Australian Federal Police be adopted.
- Section 23 of the *Police Act* should be repealed and replaced with a contemporary management-based system, together with the repeal of s. 33E without prejudice to the fair treatment of police officers.
- There be true devolution of minor complaints management to District and Portfolio level, provided that allegations of criminality, corruption or involving internal complainants be investigated by IAU or under its direction.
- Procedures for referring investigation reports be streamlined to reduce the number of administrative delays that do not add value to the final outcome. In particular, the requirement for reports to be referred up a chain of command, with consequent delays, should be rationalized.
- A permanent arrangement be established to enable the Legal Aid Commission to provide representation of police officers and public sector employees who are summoned to appear before the CCC.

Key Reform Area 9 – Internal Investigations

Reform Context: Investigation of police by police has quite rightly received criticism in the literature and elsewhere . The Royal Commission saw sufficient examples of unwillingness, inexperience and incompetence by internal investigators to warrant that concern. There has been change following the establishment of the Professional Standards Portfolio, but there is still a demonstrable need to further ensure the professionalism and standing of this unit.

For more detail see Chapters 9 and 10

Core Changes:

- Allegations of criminality, corruption or involving internal complainants be investigated by IAU, and under its direction.
- For other than criminal/corruption matters, a managerial rather than disciplinary approach be adopted, with removal under s. 8 being the ultimate remedy.
- Legislation be introduced to give IAU power to conduct integrity testing programmes involving controlled operations and assumed identities.
- There be a significant increase in IAU resources, to ensure that efficiency and effectiveness are achieved and also to signify the strong commitment that WAPS has to investigating allegations of police misconduct.
- WAPS offer incentives for officers who work in IAU in order to encourage the best possible investigators to apply for the unit and to counter perceived, and real, disincentives.

Key Reform Area 10 - Corruption Prevention Plan and Strategies

Reform Context: To confirm that proper measures are in place to ensure that all personnel within WAPS display high standards of ethical behaviour and integrity, it is necessary that a Corruption Prevention Plan (“CPP”) be developed to co-ordinate intervention strategies and enable monitoring and evaluation. An effective CPP must operate at all levels of the Police Service. It must be a tiered system to deal with issues from the broadest corporate level to the most specific action of individuals, yet have the flexibility necessary to render it applicable to the huge range of diverse functions carried out by police officers. The objectives of the CPP are to reduce corruption, reduce misconduct and increase ethical behaviour.

For more detail see Chapters 6 and 7

Core Changes:

- The CPP should:
 - Define corruption;
 - Describe objectives and rationale;
 - Describe processes required to achieve objectives; and
 - Assign responsibilities for implementation and monitoring.
- The CPP should be integrated into the corporate management framework such that it becomes integral to, and a component of, every aspect of policing.
- The CPP should include a multi-pronged approach, with the philosophy in use by ICAC (Hong Kong) - investigation, prevention and education – considered as suitable.
- The CPP should involve universal, selected and indicated intervention strategies:
 - Universal strategies include interventions that are directed at the entire police service or large aggregations of officers who have not necessarily been identified on the basis of individual risk.
 - Selected strategies include interventions that are directed at high-risk groups or activities of general involvement, which call for specific corruption-control measures.
 - Indicated strategies include interventions that are directed at specific individuals with known or suspected risk factors, and involve risk identification and remedial action at individual and workplace levels.

- The CPP include provision for more extensive integrity checks on recruits.
- The CPP include provision for a system incorporating the Personnel Vetting system of the Australian Government with immediate application to members of:
 - Police Senior Management Group;
 - Organized Crime Investigations;
 - Bureau of Crime Intelligence;
 - Tactical Investigations Group; and
 - Professional Standards Portfolio
- The CPP make provision for a programme of Target Hardening in relation to accountable documents, cash and valuables handling, and other property of value.
- The CPP make provision for the maintenance of a Register of Associations to record compulsory disclosure by officers of associations or relationships with known or suspected criminals.
- The CPP make provision for drug and alcohol testing.

Making it Happen

Key Reform Area 11 – Reform Agenda Implementation and Change Management

Reform Context: The causes of the corrupt or criminal conduct by police officers are now reasonably well known and the principles of management necessary to improve the corruption or criminal resistance of a police service have been defined. What remains outstanding is the formulation of a process which has a greater assurance that proposals for reform become effective, particularly with regard to the change in culture and improvement in management.

Consultants Bogan and Hicks were engaged in April 2002 to undertake a review of the WAPS reform since the implementation of the Delta Programme in 1993. Bogan and Hicks identified a lack of traction in change management in the extant WAPS strategic reform programmes.

There is a need for external assistance in this respect and the recommended course is to involve external consultants in the formulation and implementation of the change process, as well as providing for an external audit such as the QSARP process in relation to the NSW Police – as recommended by Wood (1997). The recommendations contained within this Report require a significant and long-term commitment to the reform programme.

For more detail see Chapters 6, 7 and 8

Core Changes:

- The Delta Reform Programme having ended, a new reform programme be commenced under the responsibility of a newly created Deputy Commissioner position.
- WAPS engage external experts in change management to assist internal change agents in the implementation of the reform programme.
- The CCC retain consultants to carry out a function similar to QSARP in independently monitoring and assessing the reform process including auditing of the areas of:
 - Organizational culture;
 - Management and leadership;
 - Human resource management and development;
 - Audit, measurement and evaluation;
 - Corruption prevention and risk assessment; and
 - Information management

Key Reform Area 12 – Law Reform

Reform Context: The laws that govern police conduct in Western Australia serve not only to provide the framework within which WAPS undertakes policing but, in addition, can contribute to ideological change in policing. Regulation does not only imply restricting and constraining of policing, but rather a regulatory framework that can bring procedural certainty to policing.

Reform should not merely impose negative prohibitions, but provide a clear and concise framework that informs officers as to the manner in which they should undertake policing in society. An appropriate framework ensures that officers have sufficient powers and that officers cannot justify acting unlawfully by pointing to the inadequacy or ambiguity of their powers and by insisting that the end justifies the means. If adequate and certain powers are given to the police, excursions outside the rules are not necessary, and are also less ideologically attractive.

For more detail see Chapters 11 and 12.

Core Changes:

- Consideration be given to amending the *Corruption and Crime Commission Act 2003* by extending its jurisdiction from investigation of “Organized Crime” as defined in s. 3 of the Act, to “Serious Crime” involving a single s. 5 offence, without the requirement for involvement of two or more persons.
- That legislation be enacted authorizing officers to detain an arrested person for a reasonable period prior to complying with s.6 of the *Bail Act 1982*, in order to undertake necessary further investigations. Part 9 of the Criminal Investigation Bill provides an appropriate regulatory framework.
- That legislation be enacted to provide that only Magistrates and other designated persons, rather than all Justices of the Peace, issue search warrants.
- That legislation be enacted to provide a requirement that the execution of search warrants be videotaped, before any evidence obtained during the search is admissible in evidence.
- That the Criminal Investigation Bill 2000 be enacted as soon as possible.
- That the Police Administration Bill 2000 be enacted to establish the role and functions of the Commissioner of Police to empower the Commissioner of Police to approve and conduct programmes to test the integrity of any particular police officer or class of police officers and that acts carried out in pursuance of an approved programme are lawful. Sections 207A(7) and 207A(8) of the *Police Act 1990* (NSW) provide appropriate reform precedents.
- That the Criminal Investigation (Covert Operations) Bill 2000 be enacted as soon as possible.
- That a provision be inserted in the proposed *Police Administration Bill* 2000 that empowers the Commissioner to charge fees for services, cost recovery, and third party funding for police services (i.e. for special events). A discretion should be reposed in the Commissioner to waive the fees and charges in appropriate circumstances.
- The Simple Offences Bill 2000 and the Police Administration Bill 2000, be enacted as soon as possible.
- A Prostitution Control Bill 2003 be enacted as soon as possible.
- That *The Criminal Code* be amended to include an offence in similar terms to s. 408D of the *Criminal Code* (Qld). That s. 440A of *The Criminal Code* (WA) be either repealed or amended to apply to computer hackers.

- That the *Security and Related Activities (Control) Act 1996* relating to inquiry agents and private security personnel be amended to empower the Commissioner of Police to supply to licensing officers criminal intelligence reports and/or other pertinent information to aid the determination of whether an applicant is of good character and is a fit and proper person to hold a licence.
- That the *Security and Related Activities (Control) Act 1996* be amended to provide that the Commissioner not be required to provide any reasons for not granting a licence if the giving of those reasons would disclose the existence or content of any criminal intelligence report or other criminal information.
- That the *Security and Related Activities (Control) Act 1996* be amended to provide that applicants be required to sign a waiver to have their complaint histories, sustained or not sustained, to be taken into account by the licensing officer and that the Act be further amended to allow a licence to be refused where issues of integrity in respect to the applicant were raised during the period of five years prior to the police officer leaving the WAPS.
- That the *Royal Commission Act 1968* be amended to include the powers currently provided in the *Royal Commission (Police) Act* in Part 3 [arrest], and Part eight [use of surveillance devices] for use by Royal Commissions generally. Given that the powers may not be appropriate for all Royal Commissions to exercise, the availability of electronic surveillance powers for particular Royal Commissions, may be governed by a provision in the *1968 Act* requiring the terms of appointment or in an instrument made by the Governor to provide that the powers are to be expressly declared to apply.
- A provision be enacted to improve procedures for dealing with contempt in the face of the Royal Commission, similar to the provisions in part 10 of the *Police Integrity Commission Act 1996* (NSW).

APPENDIX 5: WAPOL GOVERNANCE FRAMEWORK



FINAL

WESTERN AUSTRALIA POLICE GOVERNANCE FRAMEWORK

(MARCH 2006)

Table of Contents

	Page
Executive Summary	3
▪ Introduction and Model	4
Commissioner's Advisory Committees	5
Corporate Executive Team	5
Commissioner's Executive forum	6
Portfolios	6
Audit and Risk Management Committee	7
Commissioners' Forums	7
Internal Compliance Functions	8
Oversight Agencies	8
▪ Accountability	8
Decision Making	8
Financial and Administration Delegations	9
▪ Operational Performance Reports	10
▪ Code of Conduct	10
▪ Appendices	
1. Corporate Executive Team – Ground Rules for Meeting Arrangements	11
2. Overview of CET Meetings and Decision Communication Process	15

Executive Summary

The Western Australia Police (WAPOL) Governance framework describes how WAPOL directs and controls its functions in order to achieve corporate goals. It is not so much about what WAPOL does, but how it does it, to ensure accountability, transparency and integrity in conducting its business.

While these principles are built into and underlie the framework, it is the effectiveness of the Services leadership that ensures the governance principles are embedded into everyday management and decision making. Therefore, considerable emphasis is placed on the role and decision making accountability of the Commissioner and the Corporate Executive Team.

The Governance framework makes reference to the *Commissioner's Orders and Procedures (COPs)* manual, the *Financial Management Policies and Guidelines* manual, and the *Code of Conduct*, as key governance documents.

It is recommended that these documents be maintained and continue to be promoted, so members of the Western Australia Police can make decisions and be accountable for their actions in accordance with their responsibility and delegated authority.

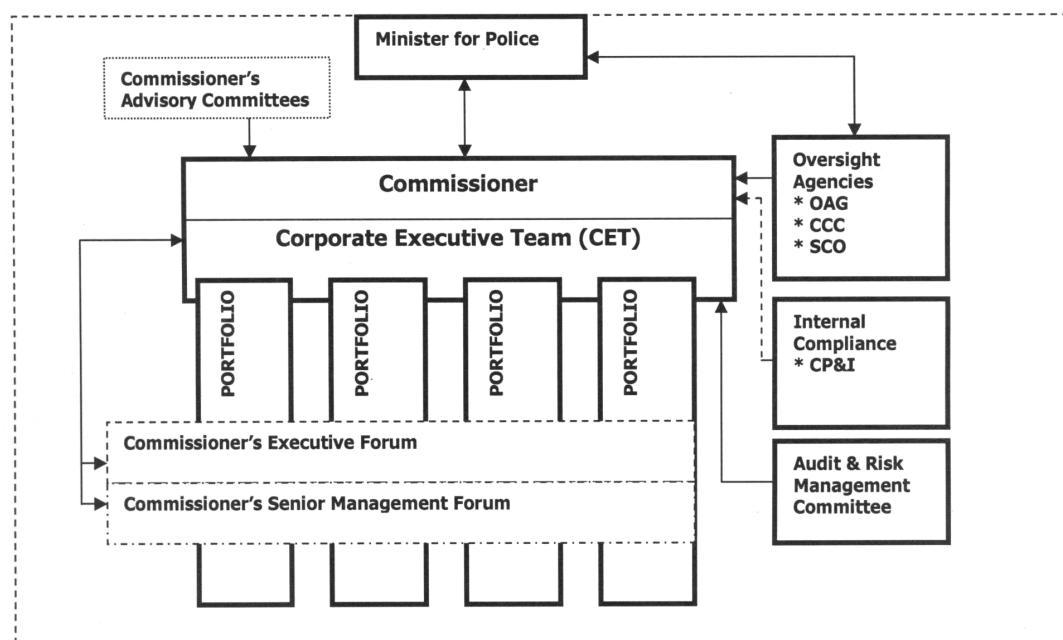
Western Australia Police Governance Framework

The Western Australia Police (WAPOL) Governance Framework describes how WAPOL directs and controls its functions in order to achieve corporate goals. It is not so much about what WAPOL does, but how it does it. The essential elements of governance include:

- Setting clear corporate goals, policies and strategies;
- Establishing internal control / accountability mechanisms to ensure that the goals and strategies are met;
- Establishing clear accountability and responsibility for decision making;
- Ensuring compliance with laws regulations, policy and processes;
- Accepting responsibility and accountability for corporate performance, through clear disclosure to oversight agencies; and
- Establishing and maintaining appropriate ethical standards.

To facilitate and demonstrate the achievement of 'good governance' the Corporate Executive Team (CET) approved the following framework to assist members of the WAPOL carry out their responsibilities:

Figure 1. Western Australia Police Governance Framework



The framework comprises of the following elements:

- Commissioner's Advisory Committees
- Corporate Executive Team (CET)
- Commissioner's Executive Forum
- Portfolios
- Audit and Risk Management Committee
- Commissioner's Forums
- Internal Compliance Functions
- Oversight Agencies

Commissioner's Advisory Committees

The role of these committees is to provide high level advice to the Commissioner on various community initiatives when required. The committees are convened when required and membership is determined at the Commissioner's discretion. Composition may include internal and external stakeholders.

Corporate Executive Team

The CET maintains the highest level focus on the policing environment and the strategic direction that the WAPOL should follow. Specifically the role of the CET is to:

- Develop corporate goals and strategic direction
- Approve corporate policy
- Monitor and evaluate corporate performance against targets and expectations
- Endorse the annual budget and monitor financial performance
- Monitor and evaluate compliance with internal and external requirements
- Oversight reporting to the Minister for Police, Government and external agencies
- Maintain the Governance Framework
- Approve strategic resource requests

The CET meets every second Friday. In addition to regular meetings, the CET may meet to discuss specific strategic and critical issues. These meetings will focus on strategies and initiatives to improve service delivery, concentrating on looking forward, taking into consideration Government initiatives and the National Policing Agenda.

Meeting structure, membership and arrangements of CET are detailed in the document titled *Corporate Executive Team (CET) – Ground Rules for Meeting Arrangements* (see Appendix 1).

Commissioner's Executive Forum

The Commissioner's Executive Forum consists of the Assistant Commissioners and Directors who will meet with CET members on a bimonthly basis. The meetings may be based on a specific issue, a set agenda or as a general discussion. Assistant Commissioners and Directors will be given the opportunity to nominate items for the agenda if that is the type of meetings to be held.

Portfolios

CET members are to hold Portfolio meetings by the Wednesday following a CET meeting. Outcomes of CET meeting are discussed at the portfolio meetings to ensure that the decisions made by CET are directly communicated to portfolio heads - Assistant Commissioners / Directors. It is the responsibility of the CET member to make sure that there is a direct contact with portfolios for all decisions made at CET.

Portfolio members are responsible for the implementation of policies and decisions made by CET and for providing feedback and regular reports on the achievement of corporate and strategic goals. Specific responsibilities include:

- Develop and implement action plans to achieve standards and targets for performance in the delivery of services on a sustainable basis.
- Put in place sound systems for providing management information for performance measurement purposes.
- Report performance against agreed standards and targets and develop comprehensive and understandable performance plans.
- Put in place arrangements to allocate resources according to organisational priorities and to ensure requests for resources are submitted in the approved Resource Allocation Panel (RAP) format.
- Respond positively to the findings and recommendations of internal and external auditors and put in place arrangements for the effective implementation of agreed actions

Portfolio members are also responsible for communicating CET policy and operational decisions to personnel within their directorates and regions.

Audit and Risk Management Committee

The Audit and Risk Management Committee (Chaired by the Commissioner of Police) ensures that there are adequate and satisfactory internal and external controls and compliance of operations, within the WAPS.

Commissioner's Forums

To facilitate communication across all levels of management within WAPOL, the Commissioner has established regular information and discussion forums. These forums not only enable the CET to communicate directly with all levels of management across divisions, it also provides an opportunity for Assistant Commissioners / Directors and Superintendents / Assistant Directors to have input to policy and strategic direction matters.

These forums are designed as follows:

- **Commissioners Senior Management Forum (CSMF)**

Every four months, the CET, Assistant Commissioners / Directors and Superintendents / Assistant Directors meet to discuss and workshop strategic and corporate issues. Whilst CSMF will generally be for one day, business may be carried over to a second day if necessary.

The Director Strategy and Performance has corporate responsibility for setting the program for the CSMF.

Informal fellowship is held after the meeting, to promote internal networking and communication.

- **Other Specific Forum – Inspector, Sergeants, Detectives, Constables and Police Staff**

These are scheduled on a regular basis to enable direct access and communication at all levels.

Internal Compliance Functions

Two functions within the WAPOL have specific responsibilities for compliance and quality assurance.

- **Internal Audit**
Reports to the Commissioner and the Corporate Executive Team and conducts financial, thematic and system audits to ensure that risks are found and managed, and instructions and policies are complied with.
- **Corruption Prevention and Investigation (CPI)**
Investigates police corruption and serious misconduct and develops professional standards for members of the WAPS. The Director CPI reports directly to the Commissioner on a weekly basis.

Oversight Agencies

The Minister for Police is accountable to Parliament for the performance of the WAPOL. The Commissioner of Police keeps the Minister informed of the operations of the WAPOL and provides reports and advice on the agency's performance as required by the Minister.

WAPOL understands the important role external agencies have in monitoring and reporting on how the WAPOL conducts its business. Important agencies include:

- Office of the Auditor General (OAG)
- Corruption and Crimes Commission (CCC)
- State Coroner's Office (SCO)
- Equal Opportunity Commission
- Ombudsman
- Public Sector Standards Commissioner

Accountability

The Commissioner of Police is accountable to the Minister for Police for corporate performance and meeting Government requirements.

Decision Making

The Commissioner and the Corporate Executive Team (CET) make decisions at the highest strategic level.

Decisions made by the Commissioner of Police

The Commissioner relies on CET and individual CET members to bring to his notice any issues of an exceptional nature. The Commissioner individually makes decisions:

- On those matters for which he has a statutory obligation
- On those issues he has specifically requested to be referred to him for decision
- On those matters that are likely to be the subject of significant political, Government, industrial, legal, media or community interest
- To review, amend and endorse those decisions referred to him for information that have been made by delegated officers in WAPOL

Decisions made by the Corporate Executive Team

CET only makes decisions on high order issues of the broadest corporate and strategic significance, or which have significant cross divisional impact. CET only considers for decision those matters:

- That have significant corporate policy, strategic or operational implications or are identified as being of significant risk to WAPS
- That have significant WAPOL-wide implications; i.e., impacts across divisions or on external agencies
- That significantly impact on corporate management and performance
- That involve significant resources or a reallocation of resources (including human, financial and assets)
- That are likely to be the subject of significant political, Government, industrial, legal, media or community interest
- That require significant legislative amendment, especially for legislation that is the administrative responsibility of the Minister for Police
- That cannot be made by the relevant CET member or lower

All other WAPOL decisions are made by WAPOL personnel in accordance with their delegation and authority as detailed in the Commissioners Orders and Procedures (COP's) manual.

Financial and Administration Delegations

Key financial and administration delegated authority under the Financial Administration and Audit Act 1985 are set out in the WAPOL *Financial Management Policies and Guidelines* manual.

Organisational Performance Reports

Chain of command reporting is a fundamental concept within any policing environment. Therefore reporting by areas will continue to be to the next level of command as it should be.

The new system of a "Report Card" format is WAPOL's current method of performance reporting against key outcomes. The Report Card utilises data from our central systems including RMIS, IMS, CAD, Briefcase, TEACEIS, and Census data. The objectives of this reporting system are to:

- Provide both CET and managers with a reporting tool to monitor performance.
- Coordinate information from various data systems to assist managers in the resource allocation decision making process.
- Implement a reporting framework incorporating accountability and shared organisational learning.

The Report Card reporting concept provides CET with performance data from the corporate level to that of sub-districts and business units. It is the role of the Strategy and Performance Directorate to analyse corporate level performance and report to CET on issues as necessary. While the aim of the Report Card is to provide useful information to managers they will likewise be asked to explain significant variations in performance either to be held accountable or to share wider organisational learning.

The minimum Report Card timeframe is quarterly. Other levels of reporting will be made according to type of data and organisational levels to which that data applies.

Code of Conduct

The WAPOL *Code of Conduct* applies to persons employed under the WA Police Act 1892, persons employed by the Commissioner of Police under the Public Sector Management Act 1994 and other wages employees.

The Code expects members of the Service to act in accordance with the law, and with the utmost integrity and ethical standards.

All CET decisions made are to be considered as being joint decisions and members are required to take shared responsibility. Ownership and mutual support is needed in implementing these decisions.

Appendix 1

Commissioner's Executive Team (CET) – Ground Rules For Meeting Arrangements.

1. Preferred meeting day, time, place:

Fortnightly, on alternate Fridays, generally from 9:00 to 15:00.

If a scheduled meeting date is a public holiday then the meeting is held on the preceding Thursday or following Monday.

Venue is generally the Executive Lounge 6th Floor Police Headquarter, on an opportunistic basis, meetings may occasionally be held in the regions.

2. Length of meeting:

Generally 5 to 6 hours, depending on the volume of business to be dealt with.

3. Chairperson, deputies for absences, sponsors and scribe:

The Chairperson is the Commissioner or in his absence, a permanent member of the CET nominated by the Commissioner.

There are no deputy chairpersons.

Acting members' of CET automatically act as team members.

A proxy for any CET member has to be at the substantive rank of Assistant Commissioner / Director. Proxies may only attend when the officer is acting in a CET member's position.

- **Sponsors.** Although the Commissioner chairs the meetings, each permanent member of the Executive Team sponsors and is accountable for components of the meeting that directly relate to their line management responsibilities.

The scribe is the Executive Officer.

4. Membership

Membership of the Corporate Executive Team includes:

- Commissioner (Chairperson and permanent member)
- Executive Director (permanent member)
- Deputy Commissioner, Specialist Services (permanent member)

- Deputy Commissioner, Operations (permanent member)
- Director Strategy & Performance(ex officio member)
- Subject expert advisors: as required

Direct support to the meeting is provided by an Executive Officer, who attends all meetings to takes minutes, assist sponsors, and manages the action list.

Note:

Assistant Commissioners / Directors can be invited to observe the CET at times where the discussion involved matters of relevance to their area.

CET meetings – Corporate Executive Team membership cannot be deputised – except when the member is on scheduled leave. If a team member is away on urgent/critical business on a scheduled meeting day, the member is to ask another person on the Executive Team for his/her proxy to carry his or her agenda items and brief the absent team member on their return.

Specific meetings - Executive Team members must attend the specific meetings as they would regular CET meetings. Attendance at these workshops cannot be deputised – except when the member is on scheduled leave.

5. Visitors

CET members may invite other officers for discussion on particular items of the agenda, and this should be advised when papers are submitted for the agenda.

6. Facilitator

A facilitator is not generally utilised for regular meetings, but may be called on to assist on a needs basis as determined by the Commissioner.

7. Sub-committees:

There is currently one Corporate Committee which reports to CET through the Chairperson of the Committee: the Audit and Risk Management Committee.

CET may establish sub-committees as the need arises.

8. Meeting Records / Communication:

Minutes of meetings are prepared by the Executive Officer. These are distributed in draft form to Executive Team members for comment on the Monday or Tuesday following CET prior to confirmation. One business day is given for return of comments and if no comments are received minutes will be taken as accurate.

Once confirmed, the minutes are:

- Distributed electronically to CET members together with action sheets for follow-up actions.
- Distributed electronically to all members of portfolios and executive officers.
- Distribution is to be limited to only Portfolio Heads.
- Stored on PC disk and held by the Executive Officer

Extracts from the minutes are prepared and attached to the original agenda submission and forwarded to the appropriate officer for actioning.

9. Actions and Accountabilities:

Action lists will be kept and updated for all meetings and for decisions made and actions initiated by the Commissioner outside CET meetings.

Action lists are to keep track of who is to do what by when.

- Meeting action plan – actions from the meeting just held. This list is reviewed at the next meeting under the standing agenda item Review Action Lists

10. Standing Agenda Items:

The Director Strategy & Performance has responsibility for final agenda setting of CET. The agenda is compartmentalised as follows:

- Agenda summary
- Progress of actions from the previous meeting
Matters carried over from the previous meeting are dealt with under this standing item, as are action plans from earlier meetings.
- New critical issues
- CAT issues
- RAP
- Items for Decision
- General Business

14. Presentations and Submissions:

Proposals for the meeting agenda must be reviewed by the meeting sponsor to ensure they are within the meetings role and terms of reference.

Each sponsor is to ensure that business submitted to a meeting is appropriate and in the correct format. The CET agenda cover sheet should be accompanied by all necessary paperwork.

For a resource bid a CET Resource form is to be used and approved by the CET Owner and is to be submitted to the Resource Allocation Panel which then submits it to CET for final decision. Any portfolio head submission requesting a resource bid must have consultation with the Finance, Asset, IT and HR Directorates prior to submitting the proposal to CET for approval.

Long reports are to be accompanied by a 1 to 2 page executive summary.

Power point / visual presentations are to be limited to 10 minutes and must be accompanied by a submission summary sheet and a 1 to 2 page executive summary.

15. Timing for agenda, minutes and action plans:

Papers for the agenda close 5 days prior to the Friday meeting and will be distributed the next day.

As far as possible, minutes with action plans are completed and confirmed by close of business on Tuesday following the meeting.

The timetable for all steps in the process is brought forward by one day when the meeting is scheduled for a Thursday or Monday.

16. Arrangements for distribution of papers:

See Meeting Records (8) above.

Appendix 2

Overview of CET Meetings and Decision Communication Process

Submissions prepared for CET consideration	Submissions must be prepared according to CET meeting guidelines. CET meetings are held every fortnight.
Sponsor endorses submissions for CET	Submissions / agenda items close 10 days prior to the next meeting.
CET Meets	CET meets every second Friday at Police Headquarters from 9:00 to 1500. Superintendents and Managers meet every four months, following the Commissioner's Forum if necessary.
Draft Minutes distributed to CET members	On the Monday or Tuesday following a CET meeting, a set of draft minutes will be emailed to CET members for endorsement, and confirmed minutes distributed to CET and Portfolio Heads by close of business on Tuesday.
	Director (Strategy & Performance) on behalf of COP approves CET minutes. The minutes and updated action lists are emailed to CET and Portfolio Heads once completed.
CET minutes discussed at Portfolio meetings	Portfolio Heads meet on the Wednesday following a CET meeting. CET minutes are discussed with Portfolio Heads, so decisions made at CET are communicated to AC's and Directors within three business days after CET meets.
Distribution of CET minutes / decisions and action lists	AC's and Directors receive a copy of the minutes. Distribution is to be limited to only Portfolio Heads and discussions can be held with Superintendents and Managers.