



Community Development and Justice Standing Committee

How do they manage?

An investigation of the measures WA Police has in place to evaluate management of personnel

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Executive Summary

THIS is the third and final report for the over-arching *Inquiry into Methods of Evaluating WA Police Performance*, established in November 2014. Given the share of the budget allocated to WA Police and the critical role police play in maintaining the safety of the community, rigorous evaluation of police performance is essential. This is even more critical following the introduction of a new operational strategy, such as the *Frontline 2020* model which was rolled out in December 2014.

This final report focuses on how WA Police measures its performance in relation to the management of its personnel, specifically in reference to: recruitment; training; misconduct; and employment-acquired medical issues, such as post-traumatic stress disorder.

In conclusion, the report also reflects on the earlier stages of the Inquiry (which focussed on traffic law enforcement and domestic violence) and whether the way the agency evaluates its performance has been instructive in assessing *Frontline 2020*.

Chapter Two: Recruitment

A police service which reflects the ethnic composition of the community not only increases its legitimacy but supports the notion that it is “policing by consent”. A police service recruited from a diverse range of ethnic groups can increase understanding of those communities and improve cooperation.

Performance measures that track whether WA Police is recruiting from across society and that identify indirect discrimination in recruitment are therefore important.

The Committee found that ethnic diversity within WA Police is currently low but its recruitment campaigns do not specifically address this. Active engagement with Aboriginal and culturally and linguistically diverse groups is piecemeal.

How WA Police manages recruitment

WA Police employs a number of recruitment methods, although they are not specifically aimed at attracting diverse applicants. The WA Police recruitment website largely adheres to best practice, but does not offer targeted information for Aboriginal or culturally and linguistically diverse (CaLD) applicants.

Increasing ethnic and cultural diversity also does not seem to be a major focus of the current recruitment advertising campaign, with only one person in the advertisements recognisably from a CaLD background.

Outreach is very important in increasing diversity with research indicating personal relationships play a significant role in attracting CaLD and Indigenous officers into policing. WA Police recognises the need for such face-to-face contact; however, evidence suggests that, in practice, with regard to recruitment, it is not engaging effectively with diverse groups.

WA Police has three recruitment initiatives for Aboriginal and/or Torres Strait Islander people: the Public Sector Aboriginal Traineeship Program, the Aboriginal community relations officer program, and the forthcoming Aboriginal cadetship program. The programs are small and only one – the cadetship – provides a direct pathway for Aboriginal people wishing to become sworn officers.

WA Police conducted a review that found CaLD and Aboriginal applicants were failing to meet the required standard in the Police Entrance Evaluation (PEE) due to cultural or language differences. Interviews with diverse applicants are now used to clarify issues that may have arisen during earlier assessments.

Despite this initiative, one witness told the Committee some CaLD youth believe it is pointless applying for WA Police as they would not pass the PEE. Others knew friends or family members who WA Police rejected for seemingly arbitrary reasons.

How does WA Police assess its recruitment process?

WA Police does not have any audited key performance indicators (KPIs) relating to the diversity of its workforce.

In relation to its recruitment process, it measures internally:

- The number of applications from particular applicant groups in comparison to other applicant groups and previous years;
- The success of each applicant group at various stages in the selection process;
- The overall success of each applicant group in the selection process.

Its annual report provides a profile of its workforce by gender, rank or salary classification, but not by ethnic or cultural group.

The Productivity Commission's *Report on Government Services*, which reports on the performance of public sector services across Australia, measures Aboriginal and/or Torres Strait Islander representation amongst police staff. This shows that the proportion of Aboriginal and/or Torres Strait Islanders in WA Police has declined since 2007-08.

WA Police also provides information about workforce diversity to the Director of Equal Opportunity in Public Employment, which indicates that most female and CaLD

employees in WA Police are police staff rather than sworn officers and that Aboriginal and/or Torres Strait Islander people are still significantly under-represented.

What other measures could WA Police use?

Perceived discrimination can dissuade people from minority groups from applying. Hence, recruitment is affected by WA Police policies and practices beyond recruitment methods (for example, promotion rates for women officers and officers from Aboriginal or CaLD backgrounds).

WA Police could limit public perceptions of discrimination by using gender and cultural/ethnic equity measures to identify and reduce areas of discrimination:

- Application and recruitment numbers by gender and ethnicity;
- Promotion application and promotion numbers by gender and ethnicity;
- Complaint or incident data, by gender and ethnicity, in relation to harassment, and the form of resolution;
- Separation numbers by gender and ethnicity and reasons for separation;
- Rates of deployment across sections by gender and ethnicity.

WA Police could also monitor the difference in the number of expressions of interest and application numbers from minority groups. Significant differences between the two may indicate problems within the recruitment process.

Section 51 of the *Equal Opportunity Act 1984* could also be used to set aside positions for particular groups which are under-represented.

Other concerns regarding recruitment practices

The WA Police Union (WAPU) submitted that police auxiliary officers (PAOs) seeking to transition into sworn officer roles and former police officers wishing to re-engage were not provided with feedback if their application was unsuccessful.

However, WA Police said PAOs wishing to transition were given feedback. They were not provided with remedial training to assist them to reapply but were provided with performance management that focused on areas identified during the recruitment process as requiring improvement.

The WAPU also raised concerns that there were still a high number of detective vacancies, despite alerting WA Police to the situation months ago. A report on the issues surrounding the lack of motivation to become a detective had not been released.

Chapter Three: Training

The areas in which WA Police is expected to train its officers is ever-increasing, yet its level of resourcing is not necessarily expanding. To ensure it is getting the most “bang for its buck”, WA Police should therefore constantly monitor, review and evaluate the efficiency and efficacy of its existing training programs.

The Committee found that WA Police was relying too much on online training courses without having evaluated the efficacy of this system, and that training was often prioritised or restricted based on need, rather than being delivered across the board.

How does WA Police train its police officers?

WA Police has a two-year cadet traineeship program for youth aged 16 to 18 years, during which their suitability for recruit training can be assessed.

Police recruit training is 28 weeks. Each recruit squad also receives 10 days of scenario-based training. Following Academy training, recruits become probationary constables for 18 months and undergo on-the-job and off-the-job training and assessments.

Police auxiliary officers (PAOs) complete a 10-week training course at the Academy. For most, this is followed by a nine-month probationary period consisting of on-the-job training and orientation.

To remain operational, all WA Police officers undergo regular mandatory training provided at the Academy or via computer-based courses (known as Blackboard training). Additional professional development is available but, unlike mandatory training, is not tied to police officers’ operational status.

How does WA Police know whether it is training its workforce well?

Australia does not have national training standards adhered to by all policing jurisdictions; however, WA Police: monitors the timeliness of training programs delivered and the number of people receiving training; reviews employment levels; and reports on the “currency of critical skill qualifications”.

WA Police said that guidelines developed by the Australia New Zealand Policing Advisory Agency were being “translated” into standards. WA Police currently uses these to guide and review its training and can presumably choose which to implement.

The WA Police Academy is required to record the number of students who enrol and successfully complete study programs and provides quality indicator data, reporting annually to independent agencies.

WA Police assesses the effectiveness of its training through internal and external reviews or investigations. Internal reviews are not generally released to the public,

limiting the extent to which WA Police can be held accountable to implement any recommendations.

External reviews are often publicly-available. Although WA Police are not required to accept any recommendations made by external agencies, Commissioner O'Callaghan said sensible recommendations were generally adopted. The Committee notes, however, that several training recommendations it has made in previous reports have not been acted upon.

It appears that, until recently, WA Police had no way of measuring the efficacy of its computer-based training. WA Police has only just established a Training, Education, Design and Development (TEDD) division, tasked with evaluating all training.

Are these measures leading to better training?

Almost half of respondents to a WAPU survey believed the Academy provided a good level of training, but others felt recruits were ill-prepared for the reality of policing. The prioritisation of some courses over others at the Academy was also a concern.

There were also concerns that auxiliary officers graduated with inadequate knowledge of WA Police processes and procedures, and many WAPU survey respondents said probationary constables received inadequate on-the-job training.

The Committee also received evidence that accessing ongoing mandatory and optional training is problematic, with insufficient time dedicated to certain critical skills (i.e. pursuit driving), and other courses taking up too much time.

Inadequate resourcing was also said to be a significant problem by the WA Police Union: regional members were hindered from attending courses due to budgetary limitations; inadequate numbers of instructors meant training demands were not met in a timely manner; and courses were not provided often enough.

WAPU said some members could not attend critical skills courses within the required requalification period and were deemed non-operational until training was completed, which the Committee found concerning.

WA Police has responded by prioritising requests for training according to how essential they are for the particular officer. The Committee is concerned that certain areas of training are only prioritised by WA Police when highly publicised incidents draw attention to the inadequacy of its training.

The reliance of WA Police on computer-based Blackboard training was also criticised by many police officers, with more than 65 per cent of survey respondents regarding it as an ineffective method.

WAPU was particularly concerned that Blackboard was used for operational skills such as emergency driving. WA Police acknowledged training should ideally be provided face-to-face or on-the-job, but it was expensive to do so and resources were limited.

Commissioner O'Callaghan suggested the proliferation of computer-based training was partly due to increasingly stringent compliance-based training requirements. But the Committee is concerned the reliance on Blackboard has developed without any evidence of its effectiveness.

WA Police provides disability awareness training and cultural awareness training to its frontline. But specialist support service providers provided several examples of substandard service from WA Police based on indirect discrimination or misunderstandings of other cultures or the specific needs of minority groups.

WA Police also provides training to its frontline that focuses on indirect discrimination and/or substantive equality. Questions were raised about the robustness of this training, given that WA Police had apparently not requested training on substantive equality from the Commission since 2004.

How should WA Police adapt its performance measures and evaluation methods?

WA Police does not appear to be using measurement to drive and implement meaningful change in regard to training. When reviews of WA Police training have resulted in change, this appears to be on an *ad hoc* basis (perhaps in response to publicity) and only when resources allow.

To increase its reporting capacity in relation to training, the Committee suggests drawing on information collected through the internal misconduct process to track instances in which lack of training is implicated in police misconduct or error.

The Committee also sees value in developing a training KPI, or at least internal performance indicators as in some other Australasian jurisdictions. The Committee acknowledges, however, that implementing, monitoring and reporting on such measures require adequate funding.

Chapter Four: Management of misconduct

Misconduct by police officers attracts considerable media attention and public scrutiny, if for no other reason than they are the ones citizens rely upon to enforce and uphold the law. It is essential, therefore, that the police service is seen to be dealing with aberrant officers in an appropriate way.

Police officers have raised concerns about the fairness of the misconduct management system currently in place and as a result management has agreed to conduct a review.

Public concerns about police investigating their own are addressed by a quality assurance process and a system of oversight, but public confidence might be enhanced if citizens had access to a descriptive analysis of Professional Standards portfolio data.

How the complaints process works

Complaints about police personnel conduct can be made by members of the public or police personnel. These are forwarded to the Police Complaints unit where they are recorded, assessed, allocated and monitored. Less serious cases are then allocated to the relevant District/Division and the serious misconduct cases are referred to the Internal Affairs Unit (IAU).

The two main processes for dealing with complaints are:

- Local Complaint Resolution (LCR), which aims to resolve the complaint at a local level by involving the complainant and officers involved; and
- Formal investigations, which are undertaken by investigators who report their findings to senior officers.

All investigations and complaint matters may be reviewed/examined by the Corruption and Crime Commission (CCC).

How WA Police deals with misconduct

WA Police deals with the majority of misconduct cases through the Managerial Intervention Model (MIM), which emphasises changing behaviour through agreed improvement strategies. The MIM is not used for the most serious complaints or allegations, and is typically used to deal with complaints arising from the LCR process.

Four managerial interventions can be applied according to the seriousness of the misconduct: verbal guidance; managerial notice; managerial action plan (MAP); Assistant Commissioner's warning notice.

Disciplinary offences can also be investigated under section 23 of the *Police Act 1892* and result in the officer being cautioned or punished by a reprimand, a fine, demotion, reduction in salary, suspension from duty or discharge/dismissal from duty. Section 23 has a provision to appeal the punishment. The MIM process does not provide this.

Criticisms of how misconduct is dealt with internally

The WAPU had a number of concerns with the MIM, including that it was inconsistently applied by different managers and that members being investigated may not be advised of the outcome for up to two years.

The majority of members also reported that they were rarely provided with opportunities to improve their performance, even though this was one of the main tenets of the MIM.

A key concern for the WAPU was what it described as a lack of natural justice in regard to the MIM, due to the lack of a right of review. While a right of review was afforded by section 23 disciplinary actions, section 23 was rarely applied.

Commissioner O’Callaghan said that in the future section 23 would be applied more often, particularly to cases that were too serious for a managerial intervention but not serious enough to warrant a Loss of Confidence notice (which is the most serious disciplinary action, leading to dismissal).

WA Police announced late last year that it would undertake a review of the MIM and the Loss of Confidence process.

While police officers are concerned that they may be being treated unfairly or too harshly, the public is more likely to be concerned that police are being too lenient when investigating their own.

Just over a year ago, WA Police attracted criticism for transferring responsibility for investigating officers involved in shootings or car crashes from the Internal Affairs Unit to the Major Crime Division or Major Crash Investigation Section. Internal Affairs was regarded as having a degree of independence while Major Crime and Major Crash officers were perceived as potentially too close to the officers involved.

The change followed an incident in which officers being investigated by Internal Affairs after a shooting had been poorly treated. The critical incident management policy now specifies that priority be given to the safety and welfare of officers involved.

The Committee is also reassured that the Professional Standards portfolio has in place a quality assurance and oversight system that features many of the elements of best practice, as well as analytical capability.

Despite this, WAPU noted some inconsistency between the management of complaints by supervisors at the district level and by Internal Affairs. There were concerns that Professional Standards was “handballing” half of the internal investigations to district detectives who did not have the resources to deal with them.

The WAPU was not in favour of district supervisors being required to investigate their own officers, but the Professional Standards Assistant Commissioner said that it was a nationally accepted principle for local misconduct matters to be brought to the attention of local supervisors.

Performance measurement

WA Police has one integrity-related KPI, which measures confidence in police – a reflection of “police professionalism, honesty, and treating people fairly and equally”.

WA Police does not report any other formalised internal performance measures for integrity/misconduct, however the agency provides statistics on the performance of the Professional Standards portfolio as supplementary information on its annual report webpage. The online data provided is extensive but because of the complexity of the complaints system it is difficult to make sense of the data on its own.

The Professional Standards portfolio monitors data collected by the agency (e.g. alcohol and drug use, declarable associations, use of force) which it uses to identify adverse patterns of integrity, honesty, behaviour, performance and/or ethical issues.

The head of the Professional Standards portfolio noted that it was starting to make better use of the data available. Where worrying patterns were identified an officer could be referred to the Early Intervention Program, which uses behavioural change strategies to manage at-risk behaviour.

Given that a review of the disciplinary system is underway, the Committee has held back from making recommendations in regard to this.

Chapter Five: Employment-acquired medical issues

Police officers report feeling that that they are not valued once they reveal a serious medical issue. This raises questions about the culture within the police service, as well as the provisions in place to compensate officers.

WA is the only State which does not have a workers’ compensation scheme for police officers, and it is rare to be awarded an *ex gratia* payment. Medically retired officers often struggle financially.

Several reports have been completed in recent years which have shone the spotlight on medically retired officers, particularly those suffering with post-traumatic stress disorder. In particular, the Committee has drawn on the WA Police Union’s *Project Recompense* report and a previous Committee report, *The Toll of Trauma on Western Australian Emergency Staff and Volunteers*, for this part of the Inquiry.

How WA Police deals with employment-related medical issues

More police officers are medically retired from WA Police due to psychological illness than for physical ailments or injuries. The most common psychological illness is post-traumatic stress disorder (PTSD).

Repeated exposure to the possibility of being injured or killed, as well as exposure to people who have been injured or killed, can cause some officers to develop PTSD. Symptoms/reactions include flashbacks and nightmares, avoiding reminders of the trauma, negative thoughts about the event or the inability to remember important details of the event, insomnia, irritability and difficulty concentrating.

The Committee has been provided with distressing accounts of poor management of officers with medical conditions – both while still serving and once retired.

According to the WAPU, officers had not accessed treatment due to bureaucratic difficulties with the claims process and concerns about disclosing particular medical conditions which might jeopardise their career. Until recently, WA Police had been unwilling to cover the cost of treatment under WA's leading program for PTSD (run by the Hollywood Clinic).

WA Police has implemented a Mental Health First Aid training course to assist officers in identifying signs of mental health problems, possible risk factors and ways to provide support. But the course is not compulsory and at the time of writing only 10 to 15 per cent of employees had completed it.

Nearly two-thirds of officers surveyed by the WAPU could not recall receiving any training about stress, PTSD awareness and psychological health. WA Police needs to increase its effort in this area.

Services and support offered by the Health and Safety Division

As well as being regarded as under-staffed and ill-equipped, the Health and Safety Division is perceived as untrustworthy. This was due in part to the majority of its staff being civilian (and therefore regarded as unfamiliar with the rigours of policing) and in part to the dual role of reporting to the Commissioner as well as maintaining a relationship with employees.

The division was described as being unhelpful, only interested in saving money, forceful and not interested in pursuing treatment options or rehabilitation.

Support from other parts of the agency and the need for cultural change

While officers afflicted by physical trauma were apparently well-supported by peers and supervisors when on extended sick leave, the Committee heard that this was not the case for officers suffering from PTSD.

The Committee received submissions recounting bullying and humiliation that were said to be the result of ingrained cultural issues associated with psychological illness. There was even less likely to be support for officers who had been medically retired (or

notified that this would occur), with fewer than 10 per cent reporting their experience with management during the medical retirement process as positive.

PTSD experts from the Hollywood Clinic said that mental health conditions still carried a stigma in WA Police and there was a need for cultural change, from recruits through to the highest levels of the agency.

The Committee recommended that awareness training be provided to staff at all levels to ensure that officers will not be victimised or feel stigmatised if they reveal a mental health condition or an inability to cope.

Returning to work and lateral employment

While the recently released *Expert Guidelines: Diagnosis and Treatment of Post-traumatic Stress Disorder in Emergency Service Workers* make it clear that returning to work in a role commensurate with the worker's experience and seniority is an important part of recovery, evidence suggests that WA Police officers with PTSD are not usually offered this opportunity.

The opportunity for lateral movement was also hampered by police officers being under a different act from public sector workers, but WA Police said the agency was exploring ways to enable lateral employment for medically retired officers.

Removal from duty

An officer is medically retired by means of removal from employment pursuant to a Loss of Confidence notice issued by the Commissioner of Police under the provisions of section 8 of the *Police Act 1892*. Because section 8 is also used to dismiss officers who are guilty of criminal behaviour or serious misconduct, medically retired officers feel that they have not been able to retire with honour and dignity.

The Police Commissioner agrees that this is inappropriate and is investigating ways to modify section 8. Irrespective of the change, WA Police should ensure that officers are removed in a way that ensures officers are able to feel proud and respected for their years of service.

This has not been the experience of officers who described feeling abandoned and being treated as "scrap metal", while the process of retirement was described as convoluted and impersonal.

Leave entitlements, financial support and compensation

A WA Police officer is only covered by Workers' Compensation if he or she "suffers an injury and dies as a result of the injury". In lieu of Workers' Compensation, serving WA police officers have 168 days of sick leave per year and provision for work and non-work related medical expenses.

Former officers can access the Western Australia Police (Medical and Other Expenses for Former Officers) Scheme to claim medical and other expenses incurred on or after 1 July 2007. The expenses must relate to a work-related injury or disease sustained during their employment by WA Police.

An *ex gratia* payment is the only other of compensation, but the Police Commissioner concedes the *ex gratia* payment process is flawed and unfair.

The lack of a workers' compensation scheme for officers has resulted in considerable financial hardship for medically retired officers, who leave the service with four weeks' pay and their superannuation payout.

The Police Commissioner seemed confident that a scheme could be negotiated without police needing to give up "anything significant" in terms of their current sick leave provisions, which has been a concern of the WAPU. The Committee urges the Minister for Police to work with the Police Commissioner and the WAPU to negotiate a scheme.

Measuring performance

WA Police does not have any performance indicators for work-related medical issues. The agency is, however, required to have an occupational safety and health (OSH) policy and to report performance targets relating to occupational safety incidence in its annual report.

While this tracks lost time due to injury/illness and the number of workers who returned to work within three or six months, the data does not reveal the proportion related to psychological illness.

The agency could not say how many currently serving officers have been diagnosed with PTSD without manually surveying individual case files to count them. There is also no automated reporting system that can provide the number of officers suffering from PTSD, or the number who have retired due to PTSD.

A computerised system for tracking officers' exposure to traumatic or critical incidents, as recommended in *The Toll of Trauma* in 2012, has still not been established but was apparently being investigated as part of the agency's Workforce Optimisation Project.

A report from 2011 into Health and Welfare Services (now the Health and Safety Division) described the record keeping system as cumbersome and recommended the division develop an analytic capability for monitoring trends and enabling earlier intervention in health and welfare issues.

Nevertheless, the police executive seemed satisfied during the Committee hearing that processes for recording and tracking current and former PTSD cases were adequate.

Several organisations have recommended that WA Police embed health and welfare outcomes into its KPIs to make management more accountable. These could include: the number of police officers who have remained in/returned to the workforce after being diagnosed with a medical issue; the number of police officers who have been medically retired who were satisfied with the way they were retired from duty; the income of medically retired officers post retirement; and the number of officers completing Mental Health First Aid training.

Chapter 6: How does WA Police measure up?

This chapter probes the role of performance measures in our State's police service and whether they have assisted WA Police in evaluating its performance and assessing the success of its new policing model, *Frontline 2020*.

It also reviews the three focus areas that made up the inquiry (traffic enforcement, domestic violence and personnel management), identifying three recurring themes: limited measurement and indicators which could be used to evaluate the success of strategies and current practice; a reactive rather than proactive approach to policing; and lack of resources.

In regard to measuring the success of traffic enforcement, the Committee agreed that police should not be entirely responsible for the road toll. However, they should be trying to influence the attitudes and behaviour of road users. Research to assess whether WA Police was on the right track in terms of behaviour change was flagged but has not materialised.

With regard to the collection of data on family and domestic violence, the Committee found that better demographic data would help to determine where to target resources and training and to identify patterns of violence in particular communities.

Community workers on the front line of domestic violence were not convinced of the merits of the *Frontline 2020* model. Given that family and domestic violence is now one of the four areas of volume crime being targeted under the February revisions to *Frontline 2020*, it may be the case that the original model was not succeeding in providing a better response to victims.

Throughout the Inquiry, the Committee has heard that WA Police lacks the capacity to conduct the kind of detailed analysis that is required for evaluation and to support an intelligence-led approach. It was suggested that the agency needed to change its attitude to data.

Lack of data and analysis (intelligence) discourages proactive strategies, although the difficulty of evaluating such strategies is also a barrier to implementation.

The proactive capability of the local policing teams – the teams of police officers tasked with getting to know the local community – has been reduced since the Police Commissioner’s announcement that LPT officers would be diverted to assist the response teams and controlled centrally (rather than locally).

When there are not enough resources to respond to crime, the preventative roles of policing are sacrificed. Quick results are the focus.

Throughout this Inquiry, the Committee has heard consistently that WA Police does not have enough resources – both for frontline policing and for support services. Officers have apparently been reporting to the WAPU for a year that they are overworked and fatigued because of the shift structure and because they are relentlessly busy.

Commissioner O’Callaghan conceded that the *Frontline 2020* model “does need the right sort of resourcing levels” to work effectively. He said it was now clear that the four metropolitan policing districts (which were amalgamated from seven) needed more officers and an extra 80 officers were to be assigned to the response teams.

Crime statistics as a performance measure

Numerous limitations of using crime statistics to measure performance have been identified, including manipulation of statistics and neglecting the side-effects of strategies to lower crime. Furthermore, other important police duties are not captured through crime statistics or in measures of enforcement output.

Nevertheless, WA Police appears to be focussed on crime statistics as the main indicator of its success. WA Police amended its operational strategy (*Frontline 2020*) immediately following a period of increasing crime which was showing no sign of abating and was attracting negative media commentary.

While saying initially that a range of measures were taken into account in relation to the decision to amend the strategy, the Police Commissioner said WA Police would focus on whether there was a drop in raw crime figures for the volume crime types between February 2016 and June 2016, when the amendment would be assessed.

Effective management is in fact dependent on a range of performance indicators. It also demands vision statements that outline a cohesive direction for the agency. These should be in the public domain, along with a much more detailed account of how the agency is performing.