

## **Submission: To Standing Committee on Environment & Public Affairs**

### Re: Petition No.60 – Independent Accountability of Police

Signatories are asking for a single civilian oversight body entirely independent of police and ex-police, to replace WA Police Internal Affairs, the WA Ombudsman and the WA Corruption and Crime Commission.

The key issue raised by ordinary WA citizens – even by police themselves – who signed this ongoing petition aimed at improving the state, is lack of trust. A police force that has lost the people's trust gets less public intelligence, fewer leads, and antagonism instead of cooperation which means it is less effective than it should be in serving the citizens and the state.

In this vast state of 2.3m sq km where 35 metropolitan and 123 regional police stations operate, a long list of controversies publicly documented show how overt problems in police culture have become so embedded that police also suffer, not to mention the repeated injustices meted out to West Australians. Consensus from letters to me, the media, documentaries, discussions and factual accounts (eg: 'Broken Lives' & 'Murderer No More' ) is that it is impossible for individual citizens to 'take on' corrupt police.

When police investigate themselves or assist current oversight agencies, the result is always the same: responsibility and accountability are ignored or overlooked by police, the DPP, lawyers and the state. The people's perception is that a 'closed shop' of WA's elite power brokers decide which citizens are entitled to justice, and how much.

Ordinary people who have the temerity, persistence and funds to seek justice in the face of police assault, planting of false evidence, identical statements from police mates in court, serious wrongful convictions, clear practices of bigotry (eg, as publicly recorded by five external judges in the Rayney cases) rarely succeed. Recent statistics showing that 40% of police homicides nationally are of mentally ill victims demonstrates that the culture must change to protect our most vulnerable. Volunteer Aboriginal advocates in WA emergency wards have given up attempting to complain to anybody and wonder at the fact that their people's deaths appear to be treated no different than road kill in some parts of the state.

### ***There is a way to restore trust***

Wide and repeated research studies show that citizens are more likely to obey the law if they believe police are behaving legitimately and in line with rules and regulations. WA needs a police culture which engages rather than enrages, particularly as increasing powers are constantly being handed to the police force. There is abundant evidence that the most effective anti-terror intelligence gathering comes from members of community providing intelligence to the police. The well-spring of significant information dries up in line with loss of trust (see European Journal of Crime). Directly trying to increase trust in police among the

public merely by mission statement is a pointless task: trust must be earned, it cannot be dictated, as it is reliant on three distinct variables: competence, honesty and benevolence.

People believe most of WA' s police are competent. However citizens do not believe the police are honest. In WA there are 150 recorded, ongoing police controversies from recent decades (WAPOL Wikipedia) in addition to historical and recent police-related Aboriginal deaths.

For honesty to prevail, an entirely independent police oversight body is required to investigate suspect events in a fair, timely and efficient manner to reach the truth, and deliver justice. For WA' s Aboriginal people, the situation is particularly intolerable. Much of WA' s policing/justice budget has been spent over the past decade on locking up dispossessed Aboriginals, drug addicts and the mentally ill, keeping them on remand and detained without structured educational or health rehabilitation programs. That' s neither honest nor benevolent. Benevolence means police having the public' s best interests at heart, rather than holding their own personal and organisation' s interests above those of members of the public. A lack of benevolence and honesty within WA police culture demonstrates that police serve themselves (similar to how our banks operate) and not our communities, particularly the more vulnerable ones.

Much-needed improvements to police accountability and transparency through an independent oversight body will have a seismic positive impact on the parlous nature of police trust. The current system is flawed and designed to avoid or lessen police accountability. For example, the WA Ombudsman' s reports go to the Minister for Police and the Commissioner of Police and can only include recommendations, not firm corrective action. Also, many WA folk aren' t aware of the existence or whereabouts of an ombudsman or that office' s role.

The current oversight system can be seriously skewed by political appointment cycles, depending on who is in power, despite WA voters increasingly supporting apolitical decision-makers in the hope of seeing better justice. Excessive election promises also interfere with balanced supervision. As police powers expand, people increasingly fear police will assume a more dominant role in society, which would not be a problem if the people trusted the police, but they don' t. Only independent, non-political supervision offers protection.

My own family experienced WA police violence, abuse, covering up of evidence and threats of physical punishment (even death) shortly after we returned to Perth after 38 years away working in Europe. It was a 'first' for all of us and a colossal shock, contrasting with police cultures elsewhere.

Two unrelated incidents occurred; one in 2006, another in 2008. Both left my Asperger son severely traumatised and suffering PTSD. When I asked family, neighbours and friends where to go to report the incidents they advised us to 'suck it up' because we were back in WA

now, most isolated place on the planet. We were told that if we lodged reports anywhere they would go straight back to the police. So we did not approach an ombudsman or any other oversight agency. Two years later I was listened to by an assistant to an MP. He advised me that the incidents would be too difficult to pursue unless we hired a lawyer. You should not need to engage a lawyer to ensure that police in WA deliver justice.

In the years since, I have met many other WA citizens who have suffered similarly as a result of an unnecessarily aggressive and irresponsible police culture. It doesn't surprise me that young police recruits suffer severe stress. Learning to survive in such a hostile, rigid and flawed working culture must be debilitating psychologically and physically. Police are obliged to adhere to a self-selected code of unquestioning allegiance and illegal silence; conform to the poisoned culture, or leave.

### ***Other models that work***

WA could model its own Independent Police Complaints Commission on the NSW Law Enforcement Conduct Commission (LECC) which was created last year to replace the Police Integrity Commission, the Ombudsman and the NSW Crime Commission. Redfern Legal Centre's police powers solicitor (Sophie Parker) said it operates with a smaller budget and many fewer staff. It has so far found:

- a) that the Suspect Target Management Plan used by police disproportionately targets young and Aboriginal people, and results in oppressive policing practices, and
- b) has identified systemic sexual harassment, bullying and discrimination, derogatory and sexually explicit terms by male officers when referring to female officers, failure to maintain the confidentiality of the complainant and complainants being ostracised and bullied.

It is highly unlikely findings would be any less critical and unpleasant in WA. This state is experiencing the largest increases in the nation of victims of assault (up 10%) so independently assessing the white, male dominance of our own police culture would be an essential start to addressing the wider state issue.

The Independent Office of Police Conduct (IOPC) in the UK is another model for consideration, on a much smaller scale in WA. It can initiate its own investigations without relying on a force to record or refer, and has powers to determine appeals and recommend remedies. The IOPC also has a shortened process for deciding whether a case should go to a disciplinary hearing.

Crime in general in Australia is not rising in 2018. So now is the time to address the issue of a lack of trust in WA's police culture by the public, and for police under duress. True police transparency, accountability and responsibility are found in the way operational codes are observed, in the unbiased practices of external independent review bodies and in the 'culture' of our police. (Dr Rick Sarre: Professor of Law & Criminal Justice, University of SA)

A single civilian oversight body entirely separate from police will go a long way to solving all the problems. The petitioners and I believe WA must have an Independent Police Complaints Commission.

Margaret Howkins

END