



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

**Report No. 12
March 2016**

Legislative Assembly
Parliament of Western Australia

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Presented by

Ms M.M. Quirk, MLA

Laid on the Table of the Legislative Assembly on 24 March 2016

Chair's Foreword

THIS is the final report on measures used by police to judge and evaluate its performance. In this report we have examined recruitment, training, internal investigations, and the treatment of officers considered medically unfit to continue in their role as a police officer.

In the past two reports it became readily apparent that the commitment to quality improvement and targeting more effective service delivery to the public did not feature prominently in priority setting.

In all three facets of this inquiry it has been strongly asserted that assessing police performance on crime statistics alone is crude and misleading. However alternatives which might more accurately reflect performance were not readily forthcoming.

The pursuit of more meaningful performance indicators is not an esoteric or academic exercise. It enables greater levels of accountability and the setting of goals and objectives which give all of the community a level of confidence they don't currently enjoy.

There is no question that policing presents many challenges. However in the absence of any objective measures of success or effectiveness shared collectively within the organisation it is little wonder that morale is flagging.

Likewise the *Frontline 2020* policing model the subject of this inquiry has been revised arbitrarily with minimal consultation in recent times, not least because it could not be objectively established that the model was working as intended.

In this report the Committee grappled with the, at best, perfunctory efforts made at recruiting a more diverse workforce. Leaving aside issues of discrimination and substantive equality, it is simply inefficient to automatically exclude one-third of the available talent pool. On a more philosophical level, policing requires a consensus from the community and broadly speaking composition of the police force should more closely reflect the make-up of the broader community. There are also sound operational reasons for greater diversity.

The Committee was also told of the lack of feedback given to auxiliary officers who sought to transfer into positions as fully sworn officers. Similarly, the impediments in the way of officers who may have left and wished to return was noted.

We also heard that demand for training outstrips supply and that so-called Blackboard e-training is a poor substitute in many areas. Throughout the 12 months of the Inquiry there was a recurring theme of the failure for training needs to be adequately addressed by management. It is not surprising that in various other fora such as coronial inquests, the CCC or the courts this lack of training in particular areas is often highlighted as a causal factor.

In terms of internal investigations it appears as if sincere efforts are being made to provide a level of procedural fairness to officers about whom allegations have been made. This is, however, a work in progress and the impetus for change was largely brought about by some recent high profile cases where fundamental elements of natural justice were lacking.

The final area of examination related to the treatment of those officers who were injured or psychologically impaired in the course of their work. The lack of a modern workers' compensation regime is not sustainable and must be remedied as a matter of priority.

Similarly, the Committee heard a number of accounts from medically retired police officers who laboured under the burden of post-traumatic stress disorder. Official acknowledgement of the nature and prevalence of this condition is shamefully low. Given this Committee reported on this issue in 2012 and the WA Police Union completed a substantial body of work through *Project Recompense*, it is highly disappointing that police management's response can best be described as sclerotic.

At the conclusion of this Inquiry it is open to form the opinion that there may be some utility and merit in imposing key performance indicators on the most senior levels of police to ensure a level of discipline and consensus on goals and objectives for the organisation. At present measures of performance are ill-defined and illusory.

Finally, the Committee had the benefit of submissions and evidence from WA Police management, members of the public who were stakeholders, others with professional expertise, the WA Police Union and both serving and retired police officers. As well, we used both national and international research. The ultimate findings were informed from all those sources and represent a synthesis of all these sources.

I thank Committee members Deputy Chair Dr Tony Buti MLA, the Member for Armadale, Mr Mick Murray MLA, the Member for Collie Preston, Mr Chris Hatton MLA, Member for Balcatta and Ms Libby Mettam MLA, Member for Vasse. The subject matter of this Inquiry had the effect of generating heated discussion. However I am gratified that all approached their role in a professional and conscientious manner.

The Committee is exceptionally fortunate in the calibre of its research staff. In the course of this inquiry Principal Research Officer Dr Sarah Palmer and Research Officer Ms Franchesca Walker integrated a large volume of written submissions, oral evidence and research into a seamless whole. At all times they undertook their role with timeliness, professionalism and cheerful patience.



MS M.M. QUIRK, MLA
CHAIR

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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 is (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 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.

Ministerial Response

In accordance with Standing Order 277(1) of the Standing Orders of the Legislative Assembly, the Community Development and Justice Standing Committee directs that the Minister for Police reports to the Assembly as to the action, if any, proposed to be taken by the Government with respect to the recommendations of the Committee.

Findings and Recommendations

Finding 1

Page 8

The WA Police recruitment website, stepforward.wa.gov.au, does not provide information specifically for potential Aboriginal and women applicants.

Finding 2

Page 10

The current WA Police recruitment campaign does not specifically target Aboriginal applicants or people from CaLD backgrounds.

Finding 3

Page 13

Piecemeal WA Police outreach to CaLD and Aboriginal communities means that suitable candidates from these groups are not necessarily exposed to positive role models who might encourage them to apply to join WA Police.

Finding 4

Page 14

WA Police does not run any recruitment programs specifically aimed at increasing the number of women or people from CaLD backgrounds in its frontline.

Finding 5

Page 15

WA Police has few initiatives aimed at increasing Aboriginal or Torres Strait Islander representation. The initiatives that they do have appear cursory, cater for a very limited number of people and thus far have had little impact on the diversity of its frontline.

Finding 6

Page 18

Evidence before the Committee demonstrated that WA Police management has an incomplete understanding of substantive equality and how its principles should be applied to ensure an equality of outcomes in the recruitment process.

Finding 7

Page 19

There is a perception amongst some youth from CaLD backgrounds that they would not meet the English language requirements of WA Police, which may be deterring otherwise suitable candidates from applying and ultimately impacting negatively upon WA Police diversity.

Finding 8

Page 20

WA Police does not provide a profile of its workforce by ethnicity in its annual report, which means information related to its diversity is not readily available.

Finding 9**Page 29**

People self-identifying as Aboriginal or as from CaLD backgrounds are underrepresented at some ranks:

- There have been no police officers identifying as Aboriginal or from CaLD backgrounds at the rank of Superintendent or above since 2013.
- The proportion of Aboriginal police officers at the lower ranks is decreasing or has experienced only minimal increases.

Recommendation 1**Page 30**

That WA Police use section 51 of the *Equal Opportunity Act 1984* to increase the diversity of its higher ranks.

Recommendation 2**Page 33**

That WA Police provide feedback to ex-police officers who seek to re-engage but whose applications are unsuccessful, outlining the criteria that they failed to meet and/or areas for improvement.

Finding 10**Page 34**

WA Police still has a high number of detective vacancies, despite having been alerted to the situation months before it became critical.

Finding 11**Page 34**

Evidence before the Committee is not consistent with what the Minister for Police told parliament and *The West Australian* newspaper in response to questions regarding detective vacancies.

Finding 12**Page 40**

There are currently no national police training standards to which WA Police must adhere.

Finding 13**Page 42**

Despite using a computer-based system (Blackboard) to train its workforce since 2006, WA Police is yet to assess whether that system delivers training effectively.

Finding 14**Page 45**

Developing in-field training in response to a recent training needs analysis is a positive development, indicating WA Police's ability and willingness to evaluate its performance and make changes accordingly in particular areas.

Finding 15 **Page 48**

Over-subscription to, and inadequate resourcing of, training programs has resulted in some police officers being deemed non-operational. This is inefficient and could create a cyclical effect, whereby training requests are rejected on the basis that it will reduce frontline capacity and yet failing to access training results in officers being taken off the front line.

Finding 16 **Page 49**

WA Police has rationed training, prioritising requests and restricting delivery of courses to those with an immediate need or to metropolitan-based officers. Many of these courses should be delivered across the board.

Finding 17 **Page 54**

Disability awareness training for WA Police is not always producing the intended results.

Recommendation 3 **Page 54**

That WA Police reviews the efficacy of disability awareness training and, if a lack of understanding of how to interact with people living with disabilities and their carers is found to be widespread, implement a more robust training program.

Finding 18 **Page 67**

The Managerial Intervention Model, instituted as the preferred method for dealing with police misconduct, is not delivering natural justice to officers. The Committee welcomes news that WA Police is reviewing the process.

Finding 19 **Page 70**

Under the Managerial Intervention Model, district detectives are required to investigate more internal misconduct investigations than they have the resources to manage.

Finding 20 **Page 71**

While oversight of misconduct in WA Police conforms with national practice, a more stringent quality assurance process would ensure consistency of outcomes between matters investigated by different divisions.

Finding 21 **Page 74**

The provision of publicly accessible Professional Standards data is commendable. However, the complexity of the complaints and disciplinary system makes it difficult to interpret.

Recommendation 4**Page 74**

WA Police should provide a description and analysis of the online Statistical Appendix of Professional Standards data, to provide the public with a better understanding of the performance and outcomes of the Professional Standards portfolio and misconduct investigations.

Finding 22**Page 87**

The willingness of WA Police to pay for external medical treatment for officers suffering from PTSD has improved. However, some officers are still reluctant to seek reimbursement due to the complex claims process and/or the requirement to divulge their condition.

Recommendation 5**Page 87**

WA Police should establish a memorandum of understanding with the Hollywood Clinic or an equivalent program to ensure its officers have the same access to PTSD programs as Australian Defence Force personnel.

Finding 23**Page 89**

The Mental Health First Aid training being offered to WA Police officers has been well-received but is not compulsory.

Recommendation 6**Page 89**

Mental Health First Aid training should be compulsory for WA Police officers (rather than voluntary, as it is at present) with additional resources allocated to ensure 100 per cent of the workforce receive the training as a matter of urgency.

Finding 24**Page 94**

Sworn officers do not trust and respect the Health and Safety Division which leads to a reluctance to seek help for psychological issues. This is attributed to the staff comprising mainly civilians who are perceived as not understanding the rigours of policing.

Recommendation 7**Page 94**

WA Police must establish within its Health and Safety Division practices which engender trust and address conflicts of interest. An analysis of cultural issues within the Division should be undertaken.

Finding 25**Page 94**

The Health and Safety Division employs fewer than 40 full-time equivalent staff to service more than 6000 police officers, of which fewer than six have psychology qualifications.

Recommendation 8 **Page 95**

The resources of the Health and Safety Division should be boosted to provide better service coverage for officers in all areas of the State.

Finding 26 **Page 98**

Some supervisors still exhibit a lack of empathy and understanding towards officers who express difficulty coping, which in some cases extends to bullying.

Finding 27 **Page 99**

Despite assertions that WA Police does not have a cultural problem in regard to acceptance of mental health issues, officers of various ages still report feeling stigmatised. Medical professionals also report that this is the case.

Finding 28 **Page 99**

The WA Police Union's substantial report into the impact of post-traumatic stress disorder on police officers, *Project Recompense*, has not received an adequate response from WA Police.

Recommendation 9 **Page 99**

Awareness training must be provided to all staff – from recruits through to those in leadership positions – to ensure that officers are able to reveal a mental health condition or an inability to cope, without the fear of being victimised or feeling stigmatised.

Finding 29 **Page 101**

Officers with PTSD have not been afforded the opportunity to return to work in the same or an equivalent position to the one previously held.

Recommendation 10 **Page 102**

In line with the *Expert Guidelines: Diagnosis and Treatment of Post-traumatic Stress Disorder in Emergency Service Workers*, WA Police must ensure that officers with PTSD are provided with positions that allow for rehabilitation and ongoing employment, commensurate with their experience, level of seniority and previous earning capacity.

Finding 30 **Page 105**

Police officers who have been removed from duty for medical reasons often report feeling abandoned by the police service and that their years of service are not valued.

Recommendation 11 **Page 105**

WA Police should implement a formal mode of recognition for officers who have been dismissed on medical grounds, acknowledging that their illness or injury was sustained in the line of duty.

Finding 31**Page 109**

Forms of compensation currently available to medically retired officers are inadequate and unfairly bestowed. In view of this, a statement by the Police Commissioner that a compensation scheme can be negotiated (without significant loss of leave entitlements) is a positive development.

Recommendation 12**Page 109**

That the Minister for Police works with the Police Commissioner, in concert with the WA Police Union, to institute a compensation scheme for medically retired officers and so bring Western Australia in line with the other States.

Finding 32**Page 110**

WA Police does not have any key performance indicators for work-related medical issues.

Finding 33**Page 111**

WA Police does not have an automated system for recording the number of officers suffering from PTSD at any given time, or for recording the number of officers who have retired due to PTSD. This is not conducive to monitoring trends. In relation to individuals this could amount to a breach of duty of care.

Finding 34**Page 112**

There is still no system for tracking officers' exposure to traumatic or critical incidents, despite this being a recommendation of The Toll of Trauma report in 2012.

Finding 35**Page 112**

WA Police seems unable and unwilling to find a way to record on a database the specific psychological condition or conditions associated with an officer's medical retirement.

Finding 36**Page 114**

Despite recommendations in 2011 to upgrade data management systems in the Health and Safety Division, data recording and analysis in this area is still sub-optimal.

Recommendation 13**Page 114**

WA Police should upgrade its data management systems in the Health and Safety Division to facilitate meaningful analysis of statistics related to sick and injured officers.

Chapter 1

Introduction

A brief background of the Inquiry, its key considerations, and the contents of the report.

THIS report is the third and final in a series produced for the *Inquiry into Methods of Evaluating WA Police Performance*. The over-arching inquiry was established in November 2014, partly in response to the introduction of the *Frontline 2020* police reforms.

Given the volume of taxpayer dollars 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 when a new operational strategy is introduced. How will the agency – and the public – know whether the reforms are delivering a better police service? Measuring performance should be a guide as to what strategies are working and what needs more attention.

This inquiry focuses on how WA Police measures its performance in relation to the management of its personnel. The Committee set out to investigate:

- ***How recruitment practices are managed, in particular in relation to developing ethnic and cultural diversity within the force.*** A police service should reflect the ethnic and cultural composition of the communities it is policing. Is this State’s police service diverse enough, and how does WA Police monitor its recruitment practices to ensure it is providing a culturally diverse service?
- ***How training is managed, both for recruits and on an ongoing basis.*** A well-trained police service is key to police performance. The effects of inadequate training are potentially disastrous, with shortcomings in some areas of training frequently cited in coronial and other investigations. Does WA Police have any way of measuring whether its training is adequate?
- ***How police misconduct is managed internally.*** The Committee is aware of a public perception that WA Police cannot be trusted to investigate its own personnel. How does WA Police ensure that its methods for dealing with misconduct are adequate? Is corruption and misconduct within the force decreasing?

- ***How employment-acquired medical issues, such as post-traumatic stress disorder (PTSD), are managed.*** A police service which values the service given by police officers ensures that they are well looked after in circumstances of illness and injury. Evidence to a previous inquiry suggested that this was frequently not the case for medically-retired officers of WA Police. The Committee was keen to find out how the agency is monitoring its management of officers with employment-acquired medical issues to ensure the situation is improved.

The importance of undertaking and reporting performance measurement was emphasised in the Committee's first report in this series.¹ WA Police fulfils its reporting obligations (according to the requirements of the *Financial Management Act 2006*, *Public Sector Management Act 1994*, Treasurer's Instructions and the Public Sector Commission Annual Reporting Framework) by reporting a core set of effectiveness and efficiency indicators in its annual report.

But as the Committee has noted previously, public agencies are encouraged to also report intermediate performance indicators as "unaudited information", to promote transparency, comparison, accountability and communication.²

The following four chapters will explore the extent to which WA Police embraces this recommendation, and what the implications of not measuring and reporting may mean for service delivery in each of the areas outlined above. The final chapter reflects on whether the way the agency evaluates its performance has been instructive in assessing *Frontline 2020*, and draws together observations made in regard to the new operating model in the 16 months since the Inquiry commenced.

1.1 Establishment of Inquiry

In accordance with its functions and powers (*see Appendix Two*), the Committee notified the Speaker of its intention to undertake an *Inquiry into the Methods Employed by WA Police to Evaluate Performance* on 26 November 2014.

The Committee resolved to produce a series of reports focussing on different aspects of police performance. The first, tabled in June 2015, focussed on traffic policing. The second, tabled in October 2015, focussed on family and domestic violence.³

1 Community Development and Justice Standing Committee (39th Parliament), *Are we there yet? How WA Police determines whether traffic law enforcement is effective*, Report No. 8, Parliament of Western Australia, Perth, June 2015.

2 *ibid.*, pp50-53.

3 Community Development and Justice Standing Committee (39th Parliament), *A Measure of Trust: How WA Police evaluates the effectiveness of its response to family and domestic violence*, Report No. 10, Parliament of Western Australia, Perth, October 2015.

On 23 September 2015, the Committee resolved to make the third focus area an investigation of *how WA Police evaluates its performance in regard to management of personnel*. An advertisement for submissions appeared in *The West Australian* newspaper on 3 October 2015.

The Committee received 12 submissions (*see list at Appendix Three*) and conducted 7 public hearings with 15 witnesses (*see Appendix Four*). The Committee also conducted a briefing with 9 participants at Balga Senior High School where a large cohort of students participate in a police cadet program.

Chapter 2

Recruitment practices

This chapter considers how WA Police manages recruitment in relation to its cultural and ethnic diversity. Drawing on evidence from people from Aboriginal communities and culturally and linguistically diverse backgrounds, it discusses existing recruitment practices and how WA Police measures their effectiveness. Other suggested measures are also considered. In conclusion, recruitment issues that do not necessarily relate to diversity are discussed.

A bridge between two worlds

African and Middle Eastern youth from one of Perth's northern suburbs were asked if they were interested in becoming police officers. They said no, they hated the police. They all had stories of being stopped and searched and told to move on. Even though some of those incidents occurred when they were younger and more likely to challenge the police, they still felt that they were being targeted at the age of 19 or 20.

According to Christina Ward, deputy director of the Edmund Rice Centre in Mirrabooka, the presence of culturally and linguistically diverse (CaLD) police officers in the community had made a big difference to levels of trust in the police. But since the community policing office had been closed and the two officers moved to a centralised city-based role, there had been little interaction with local police officers.

*"We struggle to get them into Beatball [a game run by Edmund Rice Centre]. In all fairness, they pop in, but they come in kitted up and they are not able to engage ... I think they would like to stay longer, but they say 'We are policing a lot of areas. We have to be dressed like this because we might get a callout to somewhere else.' I think they would like to support it, but they do not really have the opportunity."*⁴

2.1 Introduction

THE above case illustrates the importance of diversity in a police agency. Western Australia is one of the nation's most diverse states. Aboriginal and Torres Strait Islander people make up approximately 3.1 per cent of the total population and speak around 50 different languages. Almost one-third of Western Australians were born overseas

4 Ms Christina Ward, Deputy Director, Edmund Rice Centre Mirrabooka, *Transcript of Evidence*, 23 November 2015, pp2-3, 5.

while more than one-half have a parent or parents who were born outside of Australia.⁵

As it is generally accepted that a police service should reflect the composition of the community it serves, thereby increasing its legitimacy and supporting the notion that it is “policing by consent”,⁶ WA’s diversity creates a challenge for WA Police. How can it ensure that it is recruiting from a wide cross-section of society and that its recruitment practices are non-discriminatory?

The need for substantive equality in recruitment is further enforced by Australian and international research, which has found that individuals from marginalised groups can be drivers of organisational change.⁷

Police officers from Aboriginal or Torres Strait Islander backgrounds, for example, may create greater understanding of Indigenous cultures within a police service,⁸ gain increased cooperation from Indigenous communities (which may result in improved crime reporting and provision of intelligence from community members),⁹ and reduce Indigenous overrepresentation in the criminal justice system.¹⁰

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- 5 Office of Multicultural Interests, [*Cultural Diversity in Western Australia: A Demographic Profile*](#), Government of Western Australia, Perth, October 2013, pp2, 3.
 - 6 Crime and Misconduct Commission, *Restoring Order: Crime prevention, policing and local justice in Queensland’s Indigenous communities*, Crime and Misconduct Commission, Brisbane, 2009, p143; Johnson, E., [*Royal Commission into Aboriginal Deaths in Custody National Report*](#), vol. 4, Australian Government Publishing Service, Canberra, 1991, para 29.7.3; Rowe, M., ‘Race and Policing’, in J. M. Brown (ed.), *The Future of Policing*, Routledge, London and New York, 2014, p128.
 - 7 Schuck, A. M., ‘Female Representation in Law Enforcement: The Influence of Screening Unions, Incentives, Community Policing, CALEA, and Size’, *Police Quarterly*, vol. 17, no. 54, 2014, p55; Victorian Equal Opportunity and Human Rights Commission, *Independent review into sex discrimination and sexual harassment, including predatory behaviour in Victoria Police*, Phase One Report, Victorian Equal Opportunity and Human Rights Commission, Carlton, December 2015, pp17, 122; Shepherd, S. M., ‘[Why Diversity May Not Mend Adversity - An Australian Commentary on Multicultural Affirmative Action Strategies in Law Enforcement](#)’, *Current Issues in Criminal Justice*, vol. 26, no. 2, November 2014; Bowling, B. and C. Phillips, ‘Policing ethnic minority communities’, in T. Newburn (ed.), *Handbook of policing*, Willan Publishing, Devon, 2003, p18.
 - 8 Day, A., G. Giles, B. Marshall, and V. Sanderson, ‘The Recruitment and Retention of Indigenous Criminal Justice Agency Staff in an Australian State’, *International Journal of Offender Therapy and Comparative Criminology*, vol. 48, no. 3, 2004, p355.
 - 9 Crime and Misconduct Commission, *Restoring Order: Crime prevention, policing and local justice in Queensland’s Indigenous communities*, Crime and Misconduct Commission, Brisbane, 2009, p144.
 - 10 *ibid.*, p143; Fleming, S., T. Prenzler, and J. Ransley, ‘The Status of Indigenous Women in Policing: A Queensland Case Study’, *Current Issues in Criminal Justice*, vol. 24, no. 3, March 2013, p358.

Sworn and non-sworn officers from culturally and linguistically diverse (CaLD) backgrounds may reduce colleagues' misunderstandings of CaLD communities,¹¹ solve issues related to under-policing,¹² and assist in the gathering of intelligence from CaLD communities.¹³

Increasing the number of women police is seen as an indicator of a police service's commitment to equality.¹⁴ Women police have also been found to provide a friendlier, service-orientated approach to policing; are less likely to use threatening behaviour or deadly force in conflict management; and are less likely to abuse their power and attract complaints or allegations of misconduct.¹⁵

In this environment and with such impetus, performance measures that track the agency's progress and identify indirect discrimination are increasingly important. This chapter focuses on WA Police recruitment performance in relation to women, Aboriginal and Torres Strait Islander people and people from CaLD backgrounds. Due to a lack of evidence about their experiences, the recruitment of other unrepresented groups, such as people with a disability or people who identify as lesbian, gay, bisexual, transgender and/or intersex (LGBTI), are not considered. The Committee does recognise, however, that some of the issues identified in this chapter in relation to women, Aboriginal and CaLD applicants may also be shared by other groups.

2.2 How WA Police manages recruitment

According to a study by the RAND Centre on Quality Policing, the number and diversity of police recruits are influenced by two key factors: the communities from which potential applicants derive; and the recruitment practices of the police agency.

On the one hand, the communities of potential recruits determine their propensity to enter policing. This propensity is, in turn, influenced by factors such as the communities' views of police and the state of the labour market. Police services cannot directly control these environmental factors, but they can increase the level of

11 Cherney, A. and W. H. Chui, 'Police auxiliaries in Australia: police liaison officers and the dilemmas of being part of the police extended family', *Policing and Society*, vol. 20, no. 3, 2010, pp286, 287.

12 Ben-Porat, G., 'Policing in Multicultural States: Lessons from the Canadian Model', *Policing and Society*, vol. 18, no. 4, December 2008, p420.

13 Cherney, A. and W. H. Chui, 'Police auxiliaries in Australia: police liaison officers and the dilemmas of being part of the police extended family', *Policing and Society*, vol. 20, no. 3, 2010, p284.

14 Schuck, A. M., 'Female Representation in Law Enforcement: The Influence of Screening Unions, Incentives, Community Policing, CALEA, and Size', *Police Quarterly*, vol. 17, no. 54, 2014, p58; Fleming, S., T. Prenzler and J. Ransley, 'The Status of Indigenous Women in Policing: A Queensland Case Study', *Current Issues in Criminal Justice*, vol. 24, no. 3, March 2013, p358.

15 Dick, P., M. Silvestri and L. Westmarland, 'Women Police: Potential and possibilities for police reform', in J. M. Brown (ed.), *The Future of Policing*, Routledge, London and New York, 2014, pp136-137.

propensity by building good relationships with communities and developing targeted recruitment resources (such as advertising and outreach programs).¹⁶

On the other hand, police agencies control their recruiting practices or policies. They determine – and can adjust – the standards that applicants must reach in the written, physical and background checks.¹⁷

2.2.1 Recruitment website

Websites are an important recruitment tool. Given that the main aim of recruitment websites is to convince people to apply, best practice suggests that they should be attractive and provide visitors to the site with adequate information.¹⁸

The WA Police recruitment website (stepforward.wa.gov.au) largely adheres to best practice. It contains examples of the Police Entrance Evaluation,¹⁹ which has been shown elsewhere to increase the success of applicants from minority groups.²⁰ In the past it also had a section specifically targeted at women, which addressed some of their potential concerns (i.e. flexible work options). This section seems to have disappeared during website upgrades in early 2016.

However, the website does not offer targeted information for Aboriginal or CaLD applicants. In the past it profiled an Indigenous officer, but this too has disappeared as a result of website upgrades. Michael Thorne of PEEDAC Pty Ltd, a company that specialises in Aboriginal employment, told the Committee that he went onto the website and searched the terms “Indigenous” and “Aboriginal” but “there was nothing there.”²¹

Finding 1

The WA Police recruitment website, stepforward.wa.gov.au, does not provide information specifically for potential Aboriginal and women applicants.

16 RAND Center on Quality Policing, *To Protect and to Serve: Enhancing the Efficiency of LAPD Recruiting*, technical report prepared by N. Lim, C. Matthies, G. Ridgeway and B. Gifford, RAND Corporation, Santa Monica, California, 2009, pp4-5.

17 *ibid.*

18 RAND Center on Quality Policing, *Strategies for Improving Officer Recruitment in the San Diego Police Department*, technical report prepared by G. Ridgeway, N. Lim, B. Gifford, C. Koper, C. Matthies, S. Hajiamiri, A. Huynh, RAND Corporation, Santa Monica, California, 2008, pp22, 30, 31, 32.

19 WA Police, [Police Entrance Evaluation \(PEE\) Examples](#).

20 RAND Center on Quality Policing, *Strategies for Improving Officer Recruitment in the San Diego Police Department*, technical report prepared by G. Ridgeway, N. Lim, B. Gifford, C. Koper, C. Matthies, S. Hajiamiri, A. Huynh, RAND Corporation, Santa Monica, California, 2008, p32.

21 Mr Michael Thorne, Manager, Indigenous Community Links Service, PEEDAC Pty Ltd, *Transcript of Evidence*, 25 November 2015, p3.

2.2.2 Advertising

The degree to which advertising campaigns increase the diversity of a police agency is contested,²² but targeted advertising is still accepted as a way of boosting the recruitment of individuals from marginalised groups. In its review of the recruitment strategies of the San Diego Police Department, for example, RAND recommended that, in order to attract more diverse recruits, it should profile its existing women police officers and those from racial or ethnic minorities.²³

The current WA recruitment campaign, which encourages people to “step forward and be the difference”, was launched in November 2015. With advertisements on television, radio, digital platforms and online, the campaign will run until June 2016.²⁴

BOX 2.1²⁵

Best practice: New Zealand Police advertising

In 2012, New Zealand Police and international advertising agency M&C Saatchi developed a recruitment campaign that sought to improve the diversity of the frontline. It had very clear targets: 25 per cent of recruits arising from the campaign were to be women and 25 per cent were to be Māori, Pasifika and Asian.

To target these audiences, the campaign used mainstream and niche media as well as a combination of traditional mediums (such as television, cinema and radio) and non-traditional mediums (such as Facebook and Twitter). In an attempt to “break the stereotype and turn perceptions of police work on its head by doing the unexpected”, the campaign also included three street art installations outlining the experiences of existing women, Pasifika and Indian police officers.

The campaign was a success. The interest shown in policing by Māori, Asian and women applicants surpassed all New Zealand Police targets, and led to the highest intake of female recruits in over a decade. So effective was the campaign at generating interest that advertising was put on hold for six months so the recruitment team could process all of the potential applicants.

22 Jaeger, S. and T. Vitalis, ‘Ethnic Diversity in the New Zealand Police: Staff Perspectives’, *Equal Opportunities International*, vol.24, no. 1, p17; RAND Center on Quality Policing, *Strategies for Improving Officer Recruitment in the San Diego Police Department*, technical report prepared by G. Ridgeway, N. Lim, B. Gifford, C. Koper, C. Matthies, S. Hajiamiri, A. Huynh, RAND Corporation, Santa Monica, California, 2008, p17, fn8.

23 *ibid.*, p31.

24 Hon. Liza Harvey MLA, (Minister for Police; Road Safety; Training and Workforce Development; Women’s Interests), [New WA Police recruiting campaign launched](#), Media Statement, Government of Western Australia, Perth, 22 November 2015.

25 See Appendix 10 for references.

Increasing the ethnic and cultural diversity of WA Police does not seem to be a major focus of the campaign. Although women feature in two of the three advertisements currently being aired, the Committee notes that only one person in the advertisements is identifiably from a CaLD background.²⁶

They also did not seem to target young people. High school student Abdullahi Farah, a police ranger at Balga Senior High School (Balga SHS), told the committee he had contemplated a career in policing but said that the advertisements did not inspire him to join WA Police because they did not stand out from other advertising. He also said that they seemed aimed at more mature applicants, rather than people of his age group.²⁷

Finding 2

The current WA Police recruitment campaign does not specifically target Aboriginal applicants or people from CaLD backgrounds.

2.2.3 Outreach

Factors within their CaLD communities may hinder CaLD candidates from applying to WA Police. Christina Ward, deputy director of the Edmund Rice Centre, a Mirrabooka facility providing educational programs and community development activities for refugee and Aboriginal families, told the Committee about a woman from a CaLD background who was accepted into the WA Police Academy but withdrew her application due to her fiancé's objections. This was despite being mentored by Zainon (Zen) Mohamad Kassim (now a senior constable)²⁸ and Don Emanuel-Smith (now an Inspector), community diversity officers with WA Police who were operationally active in Mirrabooka.²⁹

Experiences of police corruption and exposure to violence in their countries of origin may discourage others from considering policing as a possible career.³⁰

WA Police behaviour and recruitment practices also reduced the likelihood of people from CaLD backgrounds applying to WA Police. Some youth from CaLD communities believed they were disproportionately targeted and harassed by police, which Ms Ward

26 WA Police, [Step Forward: official website for WA Police Recruiting](#).

27 Mr Abdullahi Farah, Police Ranger, Balga Senior High School, *Briefing*, 24 February 2016.

28 Senior Constable Mohamad Kassim recently received a WA Multicultural Recognition Award for her contribution to the promotion of multiculturalism. See 'Awards recognise multiculturalism', *Esperance Express*, 18 March 2016, p6.

29 Ms Christina Ward, Deputy Director, Edmund Rice Centre Mirrabooka, *Transcript of Evidence*, 23 November 2015, pp7-8.

30 *ibid.*, p3; Mr Bejhan Alitovski, Police Rangers Unit Leader and Mr Geoffrey Harris, Principal, Balga Senior High School, *Briefing*, 24 February 2016.

suggested stopped them from considering policing as a career.³¹ Instead, they more often considered professions from which they had had strong and positive role models, such as teaching and community service.³²

Mr Thorne stressed the need for clear career pathways to attract some Aboriginal recruits but suggested that even if these were offered they – like non-Indigenous applicants – may still be put off by the challenging work conditions, including shift work and long hours.³³

The Committee heard of an instance in which an Aboriginal officer was forced to attend the house of a family with whom his own family was feuding, placing him in an awkward position.³⁴ Late last year, *The Sunday Times* also reported that an Aboriginal senior constable resigned from WA Police after experiencing repeated racism within the agency.³⁵

In the Committee's view, such occurrences influence the propensity for Indigenous communities to contribute recruits to WA Police. Under these circumstances, positive outreach becomes very important in increasing WA Police diversity. According to WA Police Human Resources director Renae Lavell, the agency regards face-to-face interactions as part of its recruitment strategy:

*[I]t is not something that you can put an advert out and you will fill your need and desire to attract diverse groups. Some of the things we have done are information sessions with different community groups, visiting local community groups, and getting more of that face-to-face with them.*³⁶

This follows best practice, which states that word-of-mouth or personal relationships play a significant role in attracting CaLD and Indigenous officers into policing.³⁷ In essence, every interaction that police officers have with members of CaLD or Indigenous groups influences their propensity to apply to WA Police. As Superintendent

31 Ms Christina Ward, Deputy Director, Edmund Rice Centre Mirrabooka, *Transcript of Evidence*, 23 November 2015, pp2-3.

32 *ibid.*, pp3-4.

33 Mr Michael Thorne, Manager, Indigenous Community Links Service, PEEDAC Pty Ltd, *Transcript of Evidence*, 25 November 2015, p2.

34 *ibid.*, p3.

35 Hickey, P., 'Cop: Why I had to quit', *Sunday Times*, 22 November 2015, p27.

36 Ms Renae Lavell, Human Resources Director, WA Police, *Transcript of Evidence*, 15 February 2016, p17.

37 Day, A., G. Giles, B. Marshall and V. Sanderson, 'The Recruitment and Retention of Indigenous Criminal Justice Agency Staff in an Australian State', *International Journal of Offender Therapy and Comparative Criminology*, vol. 48, no. 3, 2004, p351; Jaeger, S. and T. Vitalis, 'Ethnic Diversity in the New Zealand Police: Staff Perspectives', *Equal Opportunities International*, vol. 24, no. 1, pp17-18; Mr Michael Thorne, Manager, Indigenous Community Links Service, PEEDAC Pty Ltd, *Transcript of Evidence*, 25 November 2015, p2.

Raj Kohli of the Metropolitan Police Service, London, told the Committee, engagement *is* recruiting; every time he leaves the station, he sees himself as a recruitment opportunity waiting to happen.³⁸

Contrary to Ms Lavell's assertions, however, Mr Thorne said that existing WA Police staff were not fulfilling this role, possibly because they themselves do not regard WA Police as a good employer.³⁹

The failure of WA Police to engage comprehensively with minority groups was illustrated during the Committee's visit to Balga SHS. The school is extremely diverse – 57 per cent of the student population is from a migrant background. Around 16 per cent of the entire school participates in the police ranger unit, one of the cadet types offered under the Cadets WA program (see *Box 3.1*).⁴⁰ This would seem to be a culturally diverse cohort of students ripe for police recruitment. However, the Police Rangers Unit leader at Balga SHS, Bejhan Alitovski, Principal Geoffrey Harris and police ranger representatives told the Committee that WA Police had rarely visited the school to discuss career opportunities over the past decade. In contrast, Australian Defence Force (ADF) recruiters visited the school annually.⁴¹

In the absence of active WA Police recruitment, one of the seven students who met with the Committee was intending to join the ADF, while three others had toyed with the idea of applying for WA Police but ultimately decided against it. Had they had more interaction with WA Police, perhaps the reasons that dissuaded them from applying (parents' concerns and more attractive alternative career options) could have been overcome.⁴²

The importance of day-to-day interactions between WA Police and CaLD communities was also raised by Ms Ward, who told the Committee that the presence in Mirrabooka of Senior Constable Mohamad Kassim and Inspector Emanuel-Smith and Glynis Ozies (a former WA Police constable from an Aboriginal background) encouraged community members to consider careers in policing. For example, the officers regularly attended a basketball program run by the Edmund Rice Centre for Aboriginal and CaLD youth:

They umpired the games, they chatted to the kids and that did so much to build relationships with the police community and they saw

38 Superintendent Raj Kohli, Metropolitan Police Service, *Briefing*, 2 July 2014.

39 Mr Michael Thorne, Manager, Indigenous Community Links Service, PEEDAC Pty Ltd, *Transcript of Evidence*, 25 November 2015, p2.

40 Mr Bejhan Alitovski, Police Rangers Unit Leader and Mr Geoffrey Harris, Principal, Balga Senior High School, *Briefing*, 24 February 2016.

41 *ibid*.

42 Miss Dayle Gregory, Mr Abdullahi Farah, Mr Doh Nay Taw Mya Tun, and Miss Solado Mohamed, Police Rangers, Balga Senior High School, *Briefing*, 24 February 2016.

*them as mentors and role models, I guess, because they were not seeing them in an official capacity.*⁴³

Many young Muslim women became interested in joining WA Police due to the example of Ms Kassim, who is Muslim and wears a hijab.⁴⁴ However, Ms Ward said that the community diversity officers were relocated under *Frontline* model, resulting in a significant decrease in such meaningful and positive interaction between youth and WA Police in Mirrabooka.⁴⁵ Senior Constable Mohamad Kassim now works as a senior community diversity officer while Inspector Emanuel-Smith is an assistant district officer. Both are now in the Community Engagement Division and based in a central Perth office.⁴⁶ They are therefore no longer acting in “frontline” positions.

In contrast, at various points over the past decade WA Police has made considerable effort to recruit police from the United Kingdom and Ireland to meet Government election promises to increase police numbers (*see chapter 3*).⁴⁷ By 2013, international recruits accounted for almost 10 per cent of WA Police.⁴⁸ Perhaps if WA Police had put as much effort into recruiting CaLD and Aboriginal applicants as it put into its international recruitment program, the diversity of the agency would now be more substantial.

Finding 3

Piecemeal WA Police outreach to CaLD and Aboriginal communities means that suitable candidates from these groups are not necessarily exposed to positive role models who might encourage them to apply to join WA Police.

2.2.4 Programs for Aboriginal and CaLD recruits

WA Police participates in the Public Sector Commission (PSC) Aboriginal Traineeship Program, an employment-based training initiative. The PSC recruits Aboriginal or Torres Strait Islander candidates (aged 25 years or under) and government agencies provide

43 Ms Christina Ward, Deputy Director, Edmund Rice Centre Mirrabooka, *Transcript of Evidence*, 23 November 2015, p4.

44 *ibid.*

45 *ibid.*, pp5, 6.

46 WA Police, Email, 9 and 10 March 2016.

47 Australian Labor Party (WA), *Labor’s plan for more frontline police*, [2005], pp2, 8; Government of Western Australia European Office, ‘[WAGO host WA Police for annual overseas recruitment campaign 2013](#)’, Hon Liza Harvey, Minister for Police, WA, *Legislative Assembly Estimates Committee B* (Hansard), 9 June 2015, pp5, 6.

48 Community Development and Justice Standing Committee (39th Parliament), [In Safe Custody: Inquiry into Custodial Arrangements in Police Lock-ups](#), Report No. 2, Parliament of Western Australia, Perth, November 2013, p98.

on-the-job-training for 12 months. At successful completion of the program, trainees are awarded a Certificate II, III or IV in Government.⁴⁹

Only seven Aboriginal trainees have been placed with WA Police since 2010. Of these trainees, only one secured ongoing employment with WA Police, presumably as a non-sworn staff member rather than a police officer given that the traineeship focuses on developing public administration skills. Three are still completing their employment contracts (which expire in July 2016).⁵⁰

Since early 2014, WA Police have also employed four or five Aboriginal community relations officers (CROs) in the Kimberley to liaise between police and Aboriginal communities.⁵¹ WA Police has not yet evaluated the effectiveness of the program, which needs to occur before it can be rolled out in other areas.⁵²

The Committee was told that WA Police is also hoping to launch a cadet program for Indigenous youth in August 2016. WA Police is planning to employ around 10 participants during their time with the program and, in partnership with the West Coast Institute, support them to gain the skills necessary to become a recruit (i.e. literacy and driving).⁵³ Such a program aligns with good practice, which has long advocated for peer support in the form of Indigenous intakes and bridging courses for suitable candidates who may not meet the educational standards.⁵⁴

WA Police provided no information on recruitment programs for women or people from CaLD backgrounds.

Finding 4

WA Police does not run any recruitment programs specifically aimed at increasing the number of women or people from CaLD backgrounds in its frontline.

49 Public Sector Commission, [Aboriginal Traineeship Program Policy](#), Public Sector Commission, [Perth, 2014].

50 Ms Rebecca Harris, Director of Equal Opportunity in Public Sector Employment, Public Sector Commission, Letter, 3 February 2016, table 2.

51 Hon. Liza Harvey, Minister for Police, WA, Legislative Assembly, *Parliamentary Debates* (Hansard), 1 April 2014, pp1805-1806; Jones, N., '[Aboriginal community relations officer program could be rolled out across WA: Police Minister Liza Harvey](#)', *ABC News*, 14 June 2015.

52 Ms Renae Lavell, Human Resources Director, WA Police, *Transcript of Evidence*, 15 February 2016, p20.

53 *ibid.*

54 Johnson, E., [Royal Commission into Aboriginal Deaths in Custody National Report](#), vol. 4, Australian Government Publishing Service, Canberra, 1991, recommendations 229, 230; [Pathway to police force](#), 30 May 2014; Hon. Joe Francis, Minister for Emergency Services, WA, Legislative Assembly, *Parliamentary Debates* (Hansard), 25 February 2015, p675; Barone, T., '[Firefighter dream step closer for Aboriginal cadet](#)', *The West Australian*, 16 December 2015; Mr Michael Thorne, Manager, Indigenous Community Links Service, PEEDAC Pty Ltd, *Transcript of Evidence*, 25 November 2015, pp2-3.

It is questionable whether the Indigenous recruitment initiatives will significantly increase the proportion of Aboriginal police officers in WA Police. The numbers involved in all programs are relatively small and only one – the cadetship – provides a direct pathway for Aboriginal people wishing to become sworn officers (CROs are unsworn).

In the past, WA Police seems to have encouraged Aboriginal participation through unsworn roles such as CROs rather than fully sworn police officers, emphasising the CRO program when questioned by the Committee on the diversity of its workforce.⁵⁵

Although such schemes raise awareness of disparity, in practice they may only result in a handful of recruits ultimately gaining entry to permanent employment. Cadetships similar to the one proposed by WA Police have had mixed results when it comes to increasing diversity. For example, only seven cadets graduated from the WA Department of Fire and Emergency Services' Aboriginal firefighter cadetship, a program which WA Police considered when developing its Aboriginal cadetship.⁵⁶ Only two subsequently applied to become trainee firefighters, although a further three cadets were subsequently employed with the Aboriginal advancement unit to educate Aboriginal communities about emergency management.⁵⁷

Finding 5

WA Police has few initiatives aimed at increasing Aboriginal or Torres Strait Islander representation. The initiatives that they do have appear cursory, cater for a very limited number of people and thus far have had little impact on the diversity of its frontline.

2.2.5 Recruitment process

To apply for WA Police, applicants must be at least 18 years old, be an Australian or New Zealand citizen, and hold a current manual 'C' class licence (or equivalent). The selection process takes three to four months and consists of three assessment stages:

Stage One:

- Integrity check: An applicant can be rejected when he or she has exhibited one or more of a broad range of behaviours including "socially unacceptable behaviour" and "offences involving dishonesty". Factors that influence the weight given to

55 Dr Karl O'Callaghan, Commissioner of Police, WA Police, *Transcript of Evidence*, 17 September 2013, p4; Mr Gary Dreier, Acting Commissioner, WA Police, *Transcript of Evidence*, 9 September 2015, p25.

56 Ms Renae Lavell, Human Resources Director, W Police, *Transcript of Evidence*, 15 February 2016, p19.

57 Barone, T., ['Firefighter dream step closer for Aboriginal cadet'](#), *The West Australian*, 16 December 2015.

these behaviours include how recently they occurred, how often the applicant exhibited them, and the applicant's age at the time.⁵⁸

- Police Entrance Evaluation (PEE): The PEE consists of three assessments, testing an applicant's verbal and abstract reasoning, and audio and audio/visual skills.⁵⁹
- Initial psychological evaluation.
- Physical performance evaluation: Applicants are allowed three attempts at passing this.
- Vision requirements.

Stage Two:

- Panel interview (including further psychological assessment).
- Review Panel outcome.

Stage Three:

- Final health/medical assessment.
- Identifying particulars – fingerprints and DNA.
- Bankruptcy check.
- Full background and integrity check.⁶⁰

Applicants who do not meet the requirements of stage one evaluations must wait six to 12 months before reapplying.⁶¹

Adhering to good practice, WA uses different standards to assess the physical performance of its male and female applicants (i.e. males aged 18-29 years must reach level 10.1 on the Beep Test whereas females of the same age must reach level 7.1).⁶²

The recruitment process has been assessed to ensure that it not only aligns with the Policy Framework for Substantive Equality, which requires government agencies to

58 *COPs Manual*, HR-15.02 – Integrity; Ms Renae Lavell, Human Resources Director, WA Police, *Transcript of Evidence*, 15 February 2016, p20.

59 See WA Police, '[Learn More About Stage 1](#)'.

60 *ibid.*

61 *ibid.*

62 Robinson, S., 'Rethinking Recruitment in Policing in Australia: Can the Continued Use of Masculinised Recruitment Tests and Pass Standards that Limit the Number of Women be Justified?', *Salus Journal*, issue 3, no. 2, 2015, p42; WA Police, '[Applicant Physical Performance Evaluation](#)'; WA Police, '[Recruit – Selection Process](#)'; WA Police, '[Learn More About Stage 1](#)'.

identify and address discriminatory policies and initiatives, but that it assists in increasing the diversity of the WA Police workforce and ultimately improves service delivery and community confidence in police.⁶³

Although analysis of the PEE in 2014 found that CaLD and Aboriginal applicants were failing to meet the required standard due to cultural or language differences,⁶⁴ WA Police did not consider reviewing the PEE to account for these differences. The explanation provided by Human Resources director Renae Lavell was that the tests were developed internationally rather than by WA Police and therefore could not be altered.⁶⁵

Instead, from February 2014 the executive manager of Police Recruiting considered all diverse applicants' test results on a case-by-case basis and determined whether they could progress. Since March 2015, WA Police has allowed CaLD and Aboriginal applicants to progress to the next stage of the recruitment process, regardless of their PEE results.⁶⁶

For these applicants, the interview stage of the process takes on greater importance as WA Police uses it to clarify some issues that may have emerged during the PEE and establish whether, in fact, a failure to meet the PEE benchmark was due to cultural or language reasons.⁶⁷ Interviews are conducted by a level 5 public servant and sergeant who has undergone interviewing training with SAFESELECT, an organisation that specialises in assessing the suitability of applicants for jobs related to public safety.⁶⁸

In the Committee's view, this process prevents the realisation of true substantive equality, which is not achieved by lowering standards for certain groups of people, but by adjusting practices or policies that may disadvantage certain groups of people.⁶⁹ The fact that CaLD and Aboriginal applicants were failing to meet the required PEE standard also suggests that there may be indirect discrimination issues in the tests that have not

63 Public Sector Commission, [*Public Sector Commissioner's Circular 2015-01: Substantive Equality – Implementation of the Policy Framework \(Addressing Systemic Discrimination in Service Delivery\)*](#), Public Sector Commission, Perth, 2015; Mr Allan Macdonald, Acting Commissioner for Equal Opportunity, Equal Opportunity Commission, *Transcript of Evidence*, 23 November 2015, p6; Submission No. 11 from Equal Opportunity Commission, 19 November 2015, pp1-2.

64 Mr Anthony Kannis, Executive Director, WA Police, Letter, 10 February 2016, attachment 1; Mr Anthony Kannis, Executive Director, WA Police, Letter, 1 March 2016, attachment 1.

65 Ms Renae Lavell, Human Resources Director, WA Police, *Transcript of Evidence*, 15 February 2016, p17.

66 Mr Anthony Kannis, Executive Director, WA Police, Letter, 10 February 2016, attachment 1; Mr Anthony Kannis, Executive Director, WA Police, Letter, 1 March 2016, attachment 1.

67 Mr Anthony Kannis, Executive Director, WA Police, Letter, 10 February 2016, attachment 1.

68 Ms Renae Lavell, Human Resources Director, WA Police, *Transcript of Evidence*, 15 February 2016, p17; Mr Anthony Kannis, Executive Director, WA Police, Letter, 1 March 2016, attachment 1.

69 Equal Opportunity Commission, [*What is substantive equality?*](#) Equal Opportunity Commission, Perth, November 2014.

been identified adequately. But, given the response from the Human Resources director, it seems that WA Police has little interest in examining the situation more closely.

Finding 6

Evidence before the Committee demonstrated that WA Police management has an incomplete understanding of substantive equality and how its principles should be applied to ensure an equality of outcomes in the recruitment process.

Despite the initiatives implemented by WA Police, at least one witness told the Committee that there is a perception amongst CaLD youth that it is pointless applying for WA Police as they would not pass the entrance evaluations:

*[W]hen it is something like a set exam and the answers are expected to be grammatically correct, I think some of the kids would fail miserably, which is unfortunate, because it does not reflect on their intellect, it is just their ability to write. They could probably articulate it really well, but they struggle to write it down.*⁷⁰

This perception is not helped by the fact that many people within minority groups have a story about a friend or family member who was rejected by WA Police for seemingly arbitrary reasons. One witness told the Committee of an applicant from China who passed every assessment but, at the 11th hour, was required to complete a spelling test. He failed and was consequently unable to join WA Police; he is now in the New South Wales Police Force.⁷¹ Balga SHS Police Ranger Unit leader Mr Alitovski spoke of a former student who was incredibly motivated to become a police officer, but was ostensibly rejected due to her English language skills.⁷²

The Committee acknowledges that unsuccessful applicants have a tendency to blame the recruitment process rather than admit they were correctly found to be unsuited to policing – and WA Police rarely provides detailed feedback to unsuccessful applicants, which allows such arguments to gain legitimacy.⁷³ But, as the research shows, perception is everything when it comes to the recruitment of minority groups, and in the vacuum created by the limited outreach undertaken by WA Police, such perceptions are allowed to flourish.

70 Ms Christina Ward, Deputy Director, Edmund Rice Centre Mirrabooka, *Transcript of Evidence*, 23 November 2015, p7.

71 Mr Geoffrey Harris, Principal, Balga Senior High School, *Briefing*, 24 February 2016.

72 Mr Bejhan Alitovski, Police Rangers Unit Leader, Balga Senior High School, *Briefing*, 24 February 2016.

73 Ms Renae Lavell, Human Resources Director, WA Police, *Transcript of Evidence*, 15 February 2016, p16.

Finding 7

There is a perception amongst some youth from CaLD backgrounds that they would not meet the English language requirements of WA Police, which may be deterring otherwise suitable candidates from applying and ultimately impacting negatively upon WA Police diversity.

2.3 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 its annual report, it provides a profile of its workforce by gender, rank or salary classification,⁷⁴ but not by ethnic or cultural group.

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.

WA Police said that the last measure had “some complexities” due to the ongoing nature of the recruitment process. Applications are continuously received and progressed so applications received in a year may not correlate with the success results for that year (i.e. a November 2015 application may not be finalised until early 2016).⁷⁵

Through this process, the Committee heard that WA Police can track the assessment stage at which people from particular backgrounds fail to progress. This information is used to identify areas of systemic discrimination and, as already discussed, has resulted in changes to the recruitment process.⁷⁶

2.3.1 Demographic information

Among police agencies, targets related to the proportion of staff from underrepresented groups are often used to track the effectiveness of recruitment practices in increasing workforce diversity. For example, the Public Sector Commission set a target of 3.2 per cent of public sector employment for Aboriginal employment in

74 WA Police, *Annual Report 2015*, WA Police, East Perth, 2015, p106.

75 Mr Anthony Kannis, Executive Director, WA Police, Letter, 10 February 2016, attachment 1.

76 Ms Renae Lavell, Human Resources Director, WA Police, *Transcript of Evidence*, 15 February 2016, p22.

2011, to be met by 2015. The public sector reached the target just once in the five years to 2015.⁷⁷

Unlike some Australian jurisdictions,⁷⁸ WA Police does not use targets to determine whether it is creating an increasingly diverse workforce, although it does provide a profile of police officers by gender and a profile of police staff by gender and classification in its annual report.⁷⁹ The ethnicity of police officers or police staff is not reported.

Finding 8

WA Police does not provide a profile of its workforce by ethnicity in its annual report, which means information related to its diversity is not readily available.

The *Report on Government Services* (ROGS), produced by the Productivity Commission, reports on the performance of public sector services across Australia, including police services.⁸⁰ It is released at the beginning of each year and published on the Productivity Commission website.

Police service performance is reported against four activity areas: community safety; crime; road safety; and judicial services. There is also a general section for performance across all police activity areas.

To measure the equity of police services, ROGS reports both the proportion of police staff in each Australian police service who self-identify as Aboriginal and/or Torres Strait Islander and the proportion of police staff who are female. The proportion of Aboriginal and/or Torres Strait Islander staff are compared with the proportion of the population who are from Aboriginal and/or Torres Strait Islander backgrounds and aged 20-64 years (i.e. of working age).⁸¹

ROGS data shows that Aboriginal and Torres Strait Islander representation in WA Police has declined since 2007-08. Significantly, even though the Aboriginal and Torres Strait Islander population of working age is increasing, there is no proportional increase in the number employed by WA Police (see *Figure 2.1*).

77 Public Sector Commission, [Aboriginal Employment Strategy, 2011-2015: Building a diverse public sector workforce](#), Government of Western Australia, Perth, 2011, p5; Mr M.C. Wauchope, Public Sector Commission, WA, *Legislative Assembly Estimates Committee A* (Hansard), 9 June 2015, p6.

78 NSW Police Force, [Annual Report 2014-15: Serving the State of New South Wales](#), NSW Police Force, [Sydney], October 2015, p84

79 Ms Renae Lavell, Human Resources Director, WA Police, *Transcript of Evidence*, 15 February 2016, p22; WA Police, *Annual Report 2015*, WA Police, East Perth, 2015, p106; WA Police, *Annual Report 2014*, WA Police, East Perth, 2014, pp118, 119.

80 Steering Committee for the Review of Government Service Provision, [Report on Government Services 2016, vol. A: Approach to performance reporting](#), Productivity Commission, Canberra, 2016.

81 *ibid.*, pp6.11-6.12.

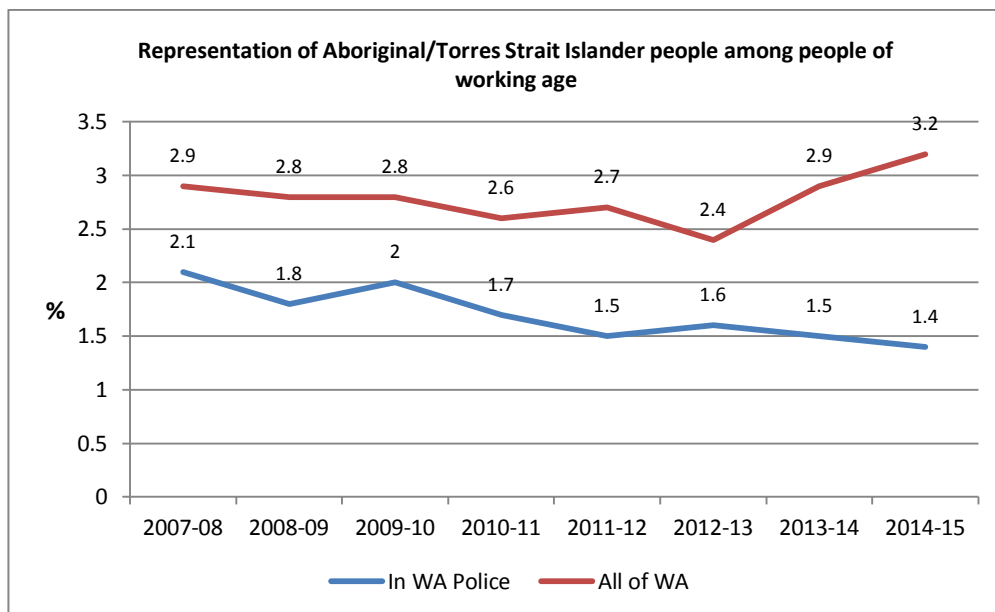


Figure 2.1: Representation of Aboriginal and Torres Strait Islander people among people aged 20-64 years, 2007-08 to 2014-15⁸²

WA Police also collects and provides information about the diversity of its workforce to the Director of Equal Opportunity in Public Employment in accordance with its obligations under section 146 of the *Equal Opportunity Act 1984*.⁸³ Some of this information is published in the Public Sector Commission's (PSC) annual *State of the Public Sector Statistical Bulletin*.⁸⁴

At the request of the Committee, the PSC provided additional data related to the diversity of WA Police (see Figures 2.2 to 2.4).⁸⁵ Figure 2.2 shows that the majority of female employees in WA Police are police staff and not police officers. It also shows that female sworn officers and police staff represent a much lower proportion of WA Police than they do in the wider WA public sector, suggesting that many women still do not regard WA Police as an employer of choice. The proportion of women police officers in WA Police has only recently experienced a significant increase.

⁸² Sourced from: the 2009-2016 *Report on Government Services*. See <http://www.pc.gov.au/research/ongoing/report-on-government-services>. Accessed on 29 February 2016.

⁸³ Director of Equal Opportunity in Public Employment, *Annual Report 2015*, Public Sector Commission, West Perth, 2015, p14.

⁸⁴ See Public Sector Commission, *State of the Public Sector Statistical Bulletin*, Public Sector Commission, West Perth, 2015.

⁸⁵ Note: there may be some differences between PSC data and data provided elsewhere by WA Police (i.e. budget estimates hearings) due to: calculation differences; data collection differences; the consideration of valid responses; and discrepancies in the measurement of police auxiliary officers.

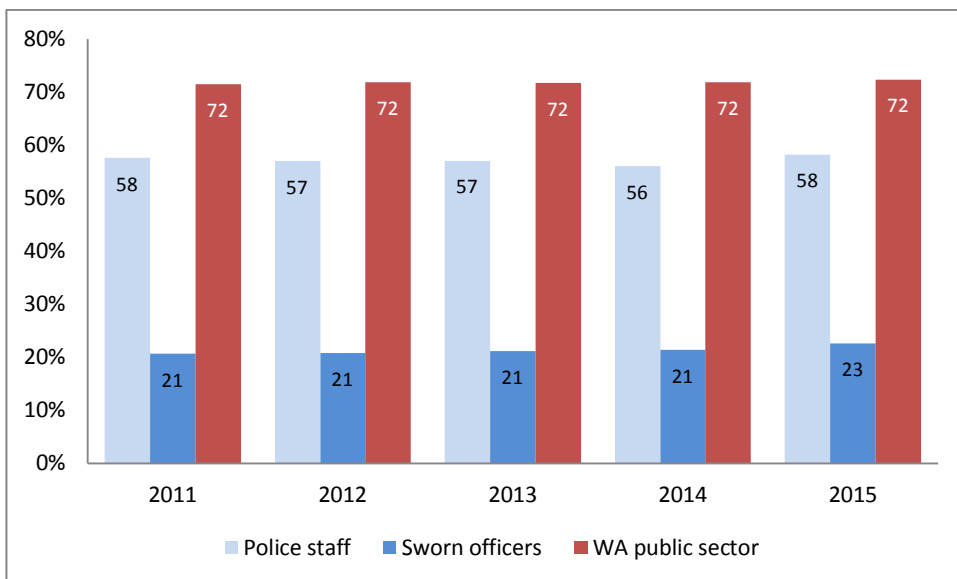


Figure 2.2: Proportion of female employees within WA Police, 2011-2015⁸⁶

Figure 2.3 shows that the proportions of Aboriginal police officers and Aboriginal staff are declining. Although a similar decline has occurred across the WA Public sector, it is particularly worrying in WA Police as Aboriginal representation in its workforce was low to begin with.

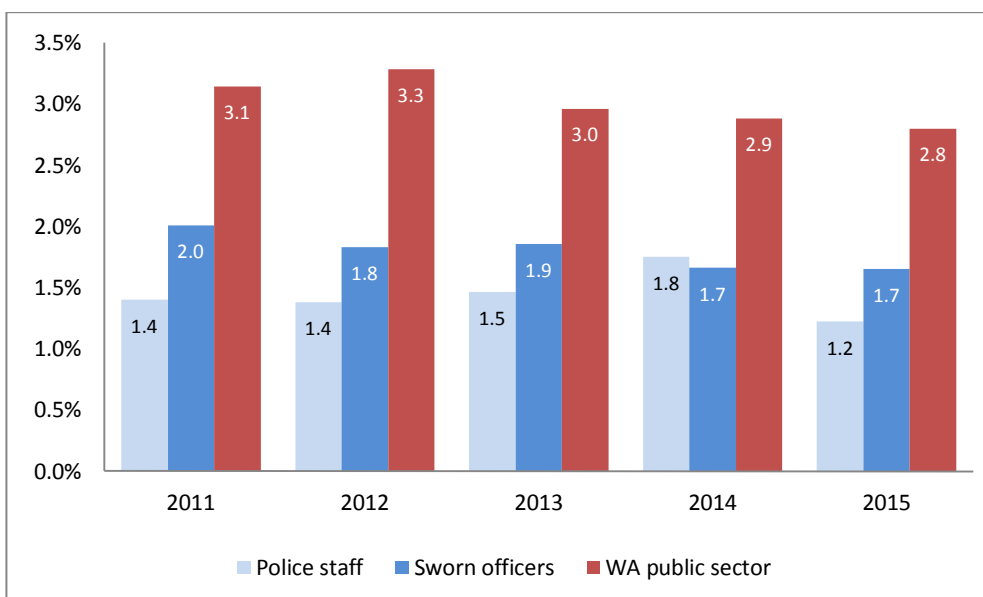


Figure 2.3: Proportion of Aboriginal employees within WA Police, 2011-2015⁸⁷

⁸⁶ Source: Ms Rebecca Harris, Director of Equal Opportunity in Public Sector Employment, Public Sector Commission, Letter, 3 February 2016, table 1. Rounded to the nearest per cent.

Figure 2.4 indicates that CaLD representation amongst sworn officers has hovered around five per cent for the past five years. This is not necessarily an indictment on the substantive equality recruitment policies implemented by WA Police, given that these have only been adopted over the past two years which may not be enough time to be reflected in the statistics. However, the fact that only five per cent of its sworn officers are from CaLD backgrounds suggests that WA Police is not adequately representing the community that it serves, especially considering the overall diversity of WA's population.

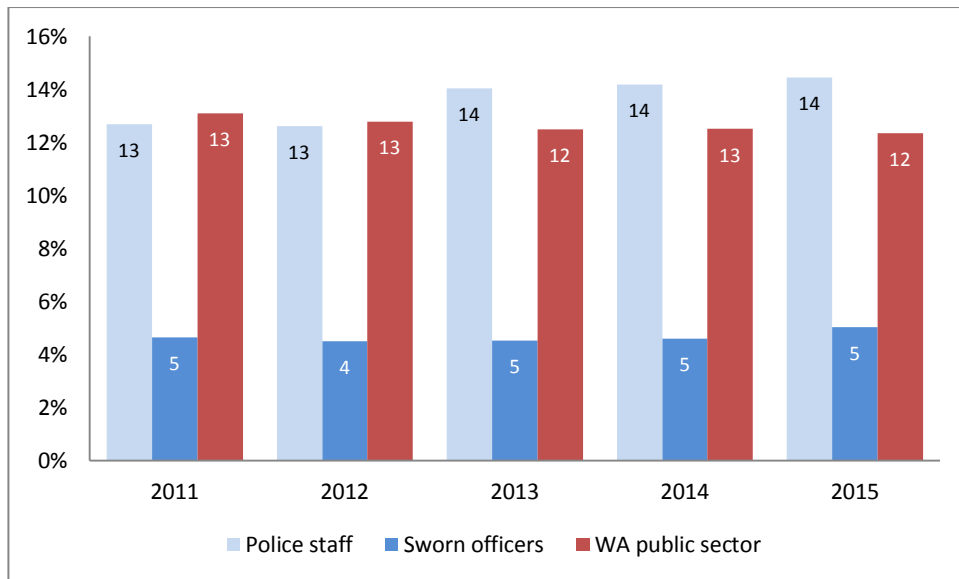


Figure 2.4: Proportion of CaLD employees within WA Police, 2011-2015⁸⁸

The PSC data indicates that most female and CaLD employees in WA Police are police staff rather than sworn officers and Aboriginal and/or Torres Strait Islander people are still significantly under-represented in WA Police. It is possible that, as a result, marginalised groups may still perceive WA Police as discriminatory because those policing WA are not representative of the entire WA community.

2.4 What other measures could WA Police use?

The internal measures used by WA Police to evaluate its recruitment process, while identifying obstacles to CaLD and Aboriginal in the PEE assessments, may not adequately measure whether other barriers to diversity exist in WA Police. Given that *perceived* discrimination can dissuade people from minority groups from applying, recruitment is affected by other WA Police policies and practices, such as promotion

87 Source: Ms Rebecca Harris, Director of Equal Opportunity in Public Sector Employment, Public Sector Commission, Letter, 3 February 2016, table 1. Rounded to the one decimal place.

88 Source: Ms Rebecca Harris, Director of Equal Opportunity in Public Sector Employment, Public Sector Commission, Letter, 3 February 2016, table 1. Rounded to the nearest per cent.

rates for women police and police officers from Aboriginal or CaLD backgrounds. In other words, if minority groups believe that individuals from their communities will experience discrimination once they become police officers, they will be less likely to support their members in applying.

2.4.1 Equity measures

In co-authored studies on the progress of gender equity in policing led by policing expert Tim Prenzler, the ongoing performance of Australasian jurisdictions in reducing discrimination was evaluated using five key performance measures.⁸⁹ These could be used as a guide for WA Police when measuring its equity and diversity (replacing the study's focus on gender with gender and ethnicity/culture):

- 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

The Committee notes that WA Police already uses the first of these measures to assess the success of recruitment practices in developing a culturally diverse police service.⁹⁰ It is possible that some of the others, such as complaint or incident data, are measured internally, although this was not confirmed.

WA Police data provided to the PSC can be used in relation to some of the measures (see *Figures 2.5 to 2.9*), but has limitations. The PSC has separation data by ethnicity and gender, for example, but includes retirement, death, dismissal, and redundancy as well as resignation in these statistics.⁹¹

89 Prenzler, T., J. Fleming, and A.L. King, 'Gender equity in Australian and New Zealand policing: a five-year review', *International Journal of Police Science and Management*, vol. 12, no. 4, 2010, p586; Prenzler, T. and H. Hayes, 'Measuring Progress in Gender Equity in Australian Policing', *Current Issues in Criminal Justice*, vol. 12, no. 1, July 2000, p23.

90 Mr Anthony Kannis, Executive Director, WA Police, Letter, 10 February 2016, attachment 1.

91 Ms Rebecca Harris, Director of Equal Opportunity in Public Sector Employment, Public Sector Commission, Letter, 3 February 2016, table 6.

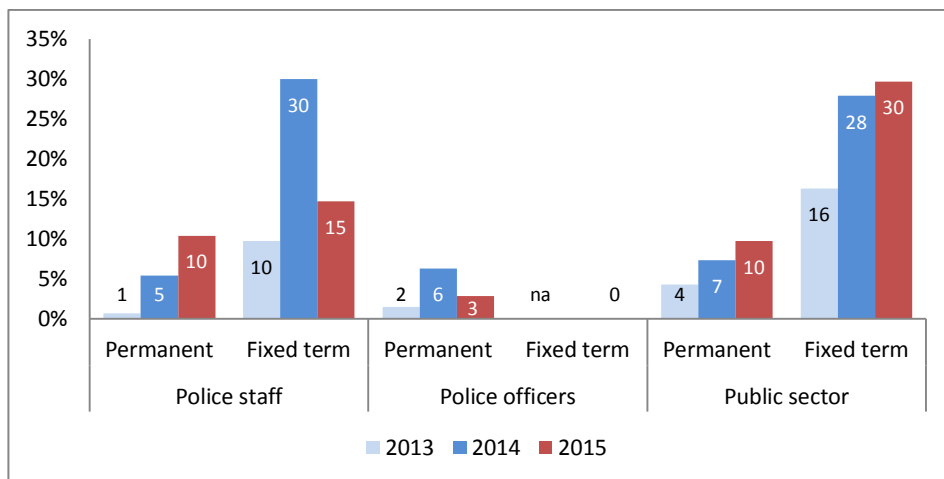


Figure 2.5: Separation rate of WA Police workforce and WA public sector self-identifying as from CALD backgrounds⁹²

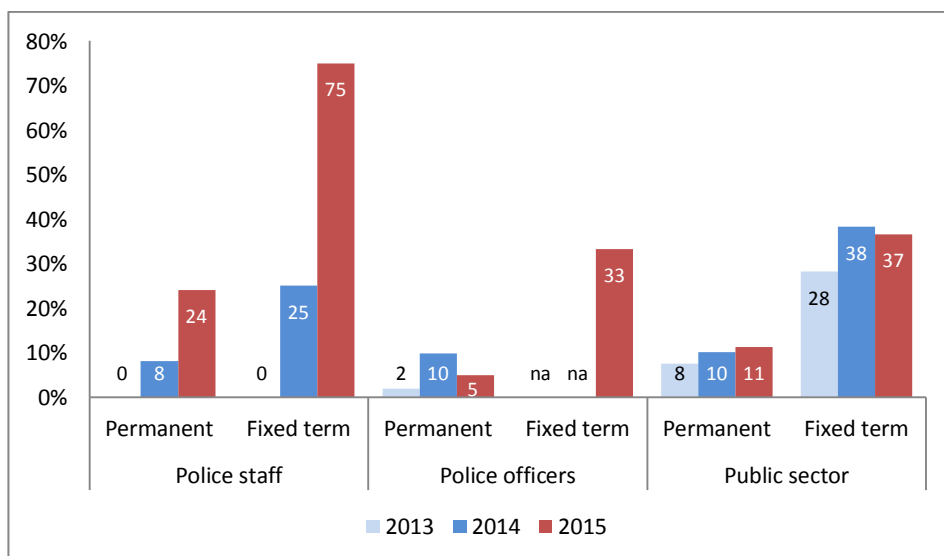


Figure 2.6: Separation rate of WA Police workforce and WA public sector self-identifying as Aboriginal Australian⁹³

The PSC does not collect the reasons given for resignation,⁹⁴ which means that it is difficult to assess whether some factors (i.e. family commitments and a lack of flexible work policies) are disproportionately affecting women. Nevertheless, the data shows

⁹² Source: Ms Rebecca Harris, Director of Equal Opportunity in Public Sector Employment, Public Sector Commission, Letter, 3 February 2016, table 7. Rounded to the nearest per cent.

⁹³ Source: Ms Rebecca Harris, Director of Equal Opportunity in Public Sector Employment, Public Sector Commission, Letter, 3 February 2016, table 7. Rounded to the nearest per cent.

⁹⁴ Public Sector Commission, [Human Resource Minimum Obligatory Information Requirements \(HRMOIR\): Data definitions user guide version 1.5, 2012/13 Financial Year](#), Public Sector Commissioner, [Perth, 2012], p19.

that female and male employees are separating at around the same rate, with the exception of fixed term police staff (all years) and fixed term police officers in 2015.

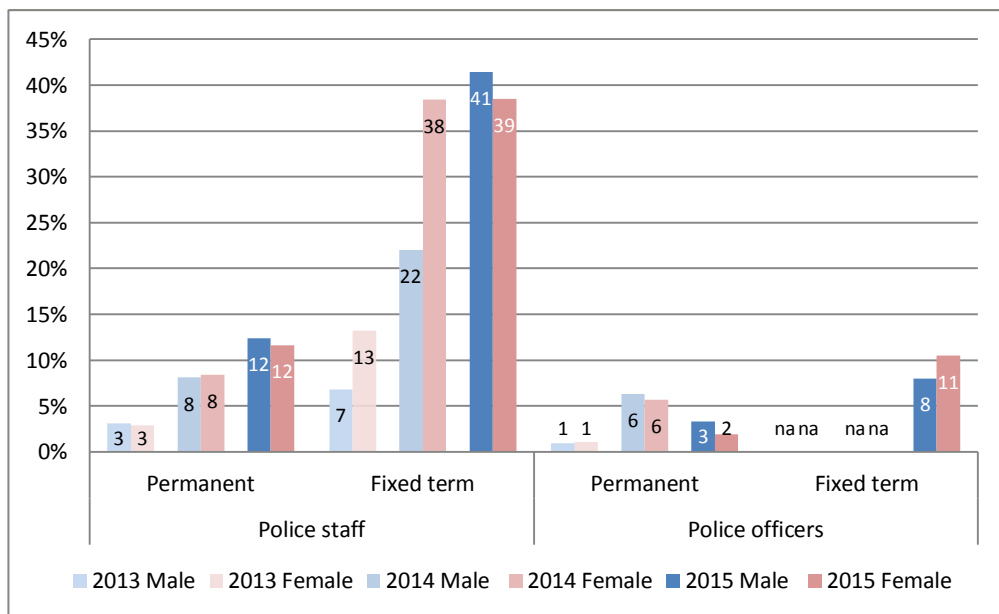


Figure 2.7: Separation rate of WA Police workforce by gender⁹⁵

The PSC also collects information on the rank of police officers by ethnicity. This shows a small but steady increase in police officers from CaLD backgrounds at the lower ranks (see Figure 2.8). In contrast, the proportion of Aboriginal police officers at the lower ranks is decreasing or has experienced only minimal increases. This may impact the promotion rates of Aboriginal police officers in the future due to the smaller pool of Aboriginal candidates (see Figure 2.9).

⁹⁵ Source: Ms Rebecca Harris, Director of Equal Opportunity in Public Sector Employment, Public Sector Commission, Letter, 3 February 2016, table 6. Rounded to the nearest per cent.

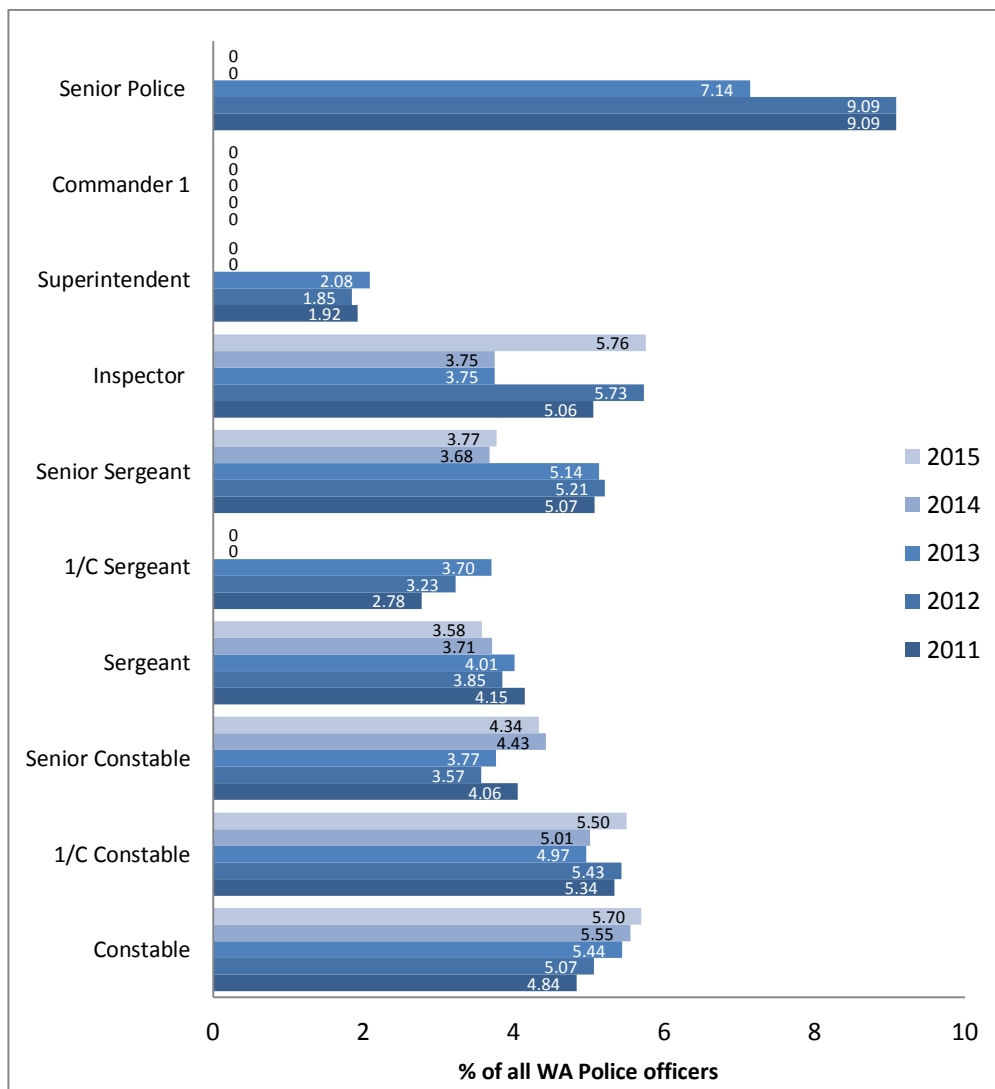


Figure 2.8: Proportion of all WA Police officers self-identifying as from CaLD backgrounds, according to rank⁹⁶

96 Source: Ms Rebecca Harris, Director of Equal Opportunity in Public Sector Employment, Public Sector Commission, Letter, 3 February 2016, table 4.

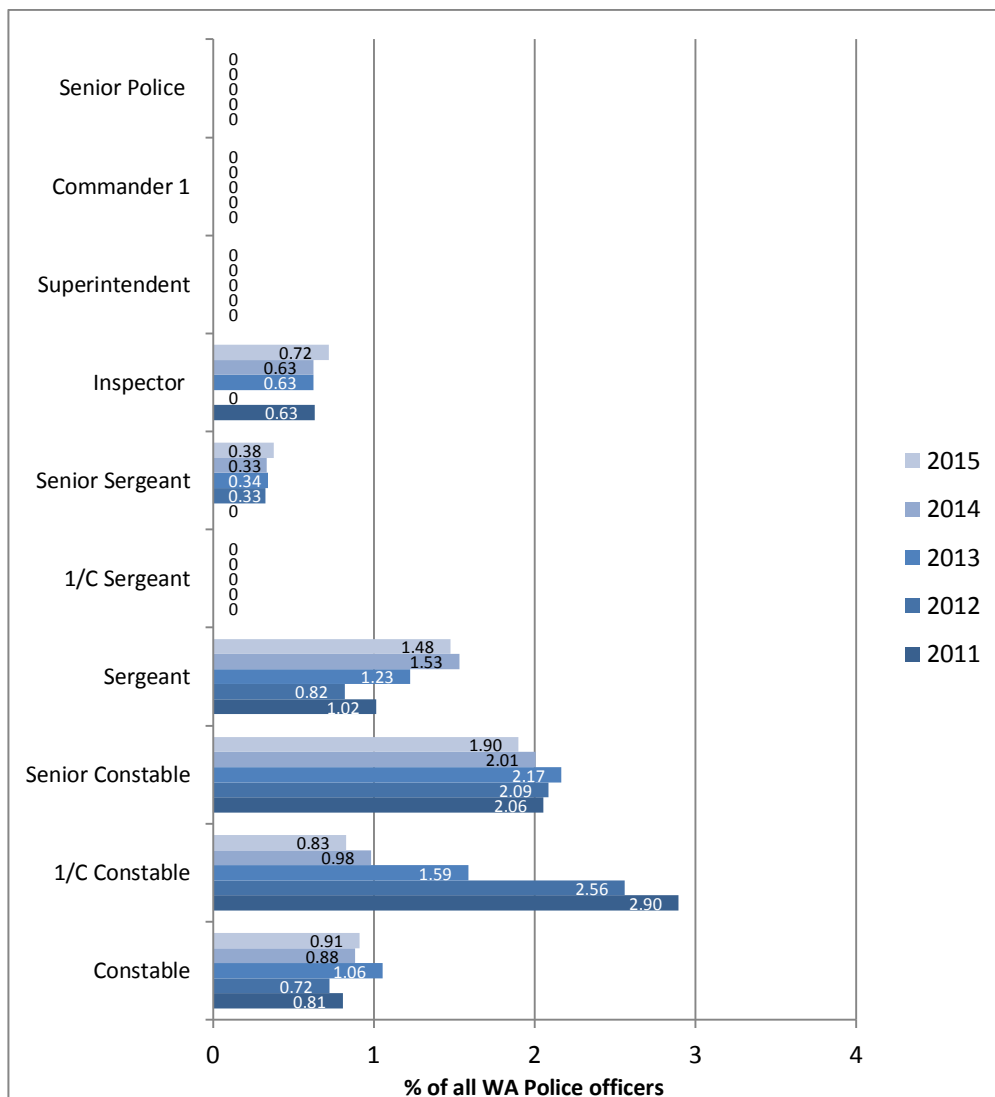


Figure 2.9: Proportion of all WA Police officers self-identifying as Aboriginal, according to rank⁹⁷

There have been no police officers identifying as Aboriginal or from CaLD backgrounds at the rank of Superintendent or above since 2013. The importance of perception in increasing the propensity of certain communities to join WA Police means that this discrepancy could directly affect the ability of WA Police to attract recruits.

Perhaps in recognition of this relationship, in 2014 New Zealand Police restructured the membership of its executive: 25 per cent of its membership is now female; 25 per cent are Māori; and one-third are non-constabulary staff.⁹⁸ New Zealand Police Commissioner Mike Bush explained the reasons for the change in a 2014 interview:

⁹⁷ Source: Ms Rebecca Harris, Director of Equal Opportunity in Public Sector Employment, Public Sector Commission, Letter, 3 February 2016, table 4.

⁹⁸ J. Bourke, [A year of accelerated change](#), Deloitte, October 2014.

*We want a diverse Executive so it mirrors our organisation, and our organisation should mirror the community. Before the changes, we were a group of older white males with little diversity. Now the Police Executive is more diverse ... The second reason we want a diverse Executive is to get better decisions. We want diverse views so we can challenge each other's thinking and therefore make better decisions – which will lead to better outcomes for the community we serve.*⁹⁹

The Committee cannot see any reason why WA Police could not attempt to implement similar change. There is a range of ways that this change could occur. For example, some United Kingdom forces now offer a direct entry program whereby individuals with leadership experience outside of policing can become a superintendent, which is regarded as a way of diversifying police services.¹⁰⁰ The Committee also heard from Acting Commissioner of Equal Opportunity Allan Macdonald that WA Police could use section 51 of the *Equal Opportunity Act 1984* to set aside positions for particular profile groups:

*[A]n employer, for example, recognising that there is underrepresentation of a particular ethnic or racial group, in the interests of actually increasing the profile in that agency for that employer, can actually go about implementing measures to either make applying for a position more attractive or, if they wanted to, they could actually quarantine positions for those particular profile groups. It is a very broad provision and it is a defence to a claim of discrimination under the act.*¹⁰¹

To the Committee's knowledge, WA Police does not currently make use of section 51 provisions.

Finding 9

People self-identifying as Aboriginal or as from CaLD backgrounds are underrepresented at some ranks:

- There have been no police officers identifying as Aboriginal or from CaLD backgrounds at the rank of Superintendent or above since 2013.
- The proportion of Aboriginal police officers at the lower ranks is decreasing or has experienced only minimal increases.

⁹⁹ *ibid.*

¹⁰⁰ Sir Bernard Hogan-Howe, Metropolitan Police, '[Direct Entry Superintendents](#)'.

¹⁰¹ Mr Allan Macdonald, Acting Commissioner of Equal Opportunity, Equal Opportunity Commission, *Transcript of Evidence*, 23 November 2015, p3.

Recommendation 1

That WA Police use section 51 of the *Equal Opportunity Act 1984* to increase the diversity of its higher ranks.

2.4.2 Expressions of interest and application numbers

Rather than beginning the measurement of recruitment practices at the application stage, there is a suggestion that police agencies should begin measuring earlier – when minority groups first get in contact with police agencies.

According to Superintendent Kohli, significant differences between the number of expressions of interest and application numbers from minority groups could also indicate systemic problems within the recruitment process. He told the Committee that delayed responses to expressions of interest may disproportionately affect minority groups, who were already sensitive to discrimination from police. They may regard delayed responses as confirmation of a discriminatory culture and seek other avenues of employment.¹⁰²

2.4.3 Perceptions within WA Police

Surveys of serving police officers can also provide an insight into matters affecting the efficiency and efficacy of an agency's workforce. Internal surveys have many benefits, including focusing on matters over which police have direct control (i.e. the behaviour of its staff).¹⁰³

Officer surveys could be used to assess and inform changes to recruitment practices. For example, a 2008 survey of Indigenous women officers in the Queensland Police Service (QPS) found that over three-quarters of respondents viewed the QPS recruitment process as culturally appropriate, while 14 per cent did not. Feedback from the officers also highlighted the need for greater mentoring of Indigenous women officers.¹⁰⁴

The Committee does not know whether WA Police currently surveys its employees on matters of diversity, particularly in relation to recruitment processes. This may be something that WA Police could consider implementing, perhaps drawing on the example of New Zealand Police, which carries out an annual workplace engagement survey. Respect and integrity-related indicators include:

102 Superintendent Raj Kohli, Metropolitan Police Service, *Briefing*, 2 July 2014.

103 RAND Center on Quality Policing, [*Selected International Best Practices in Police Performance Measurement*](#), technical report prepared by R. C. Davis, RAND Corporation, Santa Monica, California, 2012, pp4, 13.

104 Fleming, S., T. Prenzler, and J. Ransley, 'The Status of Indigenous Women in Policing: A Queensland Case Study', *Current Issues in Criminal Justice*, vol. 24, no. 3, March 2013, pp365, 369, 370.

- Staff in my team respect employee diversity;
- I am confident that I could raise concerns I had related to workplace harassment, bullying or discrimination without fear of reprisal;
- I know who to contact to report instances of workplace harassment, bullying or discrimination; and
- I am confident that any concerns I may need to raise regarding harassment, bullying, discrimination or other inappropriate conduct would be dealt with appropriately.¹⁰⁵

2.5 Other concerns regarding recruitment practices

Recruitment practices relating to ethnic and cultural diversity were not the only recruitment issues of concern to WA Police personnel. The WA Police Union (WAPU) submitted evidence that focused on the experiences of police auxiliary officers (PAOs) seeking to transition into sworn officer roles and former police officers wishing to re-engage.

In 2015, 37 PAO cadets and 27 PAO Custody Support Officers applied to become a police recruit. At the time of writing, about two-thirds of PAO cadets had started their recruit training and about a third had been unsuccessful in their applications. Of the PAOs working in custody support, six were unsuccessful in their applications and six had been accepted. Another 11 applications were still being processed (*see Table 2.1*).

Table 2.1: Outcomes of PAO applications to transition, 2015

Category	Started recruit training	In selection pool awaiting recruit training	Applications being processed	Unsuccessful	Withdrew
PAO – Cadet	24	1	-	12*	-
PAO – Custody Support	6	3	11	6	1

*3 were diverted to PAO Custody Support role

Source: Correspondence from WA Police, 1 March 2016.

The WAPU told the Committee that PAOs and ex-police officers had to apply through the same avenues as other applicants. Those who were unsuccessful or failed to meet the minimum standard:

¹⁰⁵ New Zealand Police, [Annual Report 2014/2015](#), New Zealand Government, New Zealand, 2015, p134.

- Were not provided with feedback explaining the reasons for the failure of their application; and
- Had to wait six months before re-sitting the Police Entrance Evaluation.

WAPU said that this was “incredibly frustrating” as the applicants had previously met the standards set by WA Police. Some ex-police officers had resigned believing that it would be a straightforward process to re-enter the service.¹⁰⁶

Because many PAOs are from CaLD backgrounds,¹⁰⁷ they are disproportionately affected by the lack of feedback, which then impacts numbers of CaLD fully sworn recruits.

WA Police refuted that PAOs wishing to transition did not receive feedback, saying that they were provided information relating to the five police recruit criteria:

- Analytical, comprehension and problem solving skills;
- Communication and interpersonal skills;
- Team work
- Adaptability and judgement; and
- Personal drive and integrity.¹⁰⁸

Human Resources director Renae Lavell acknowledged that unsuccessful PAOs were not provided with remedial training to assist them to reapply. But she said that they were provided with performance management that focused on areas identified during the recruitment process as requiring improvement.¹⁰⁹

Given the conflicting reports on WA Police practices in relation to the feedback provided to unsuccessful applicants, it may be that WA Police has only recently implemented this process. The Committee cannot see any reason why this practice could not be extended to ex-police officers who wish to re-engage, if it has not already.

¹⁰⁶ Submission No. 12 from WA Police Union, 16 December 2015, p16, pp5-6.

¹⁰⁷ Mr Brandon Shortland, Senior Vice President, WA Police Union, *Transcript of Evidence*, 17 February 2016, p23.

¹⁰⁸ Mr Anthony Kannis, Executive Director, WA Police, Letter, 1 March 2016, attachment 1; Ms Renae Lavell, Human Resources Director, WA Police, *Transcript of Evidence*, 15 February 2016, p16.

¹⁰⁹ Ms Renae Lavell, Human Resources Director, WA Police, *Transcript of Evidence*, 15 February 2016, p16.

Recommendation 2

That WA Police provide feedback to ex-police officers who seek to re-engage but whose applications are unsuccessful, outlining the criteria that they failed to meet and/or areas for improvement.

The WAPU has also raised concerns about recruiting detectives to vacant positions. A newspaper report in September 2015 suggested that WA Police had been “caught short” because it had an “unprecedented” 50 detective positions vacant.¹¹⁰ However, WA Police executive director Anthony Kannis said that some of these were newly created positions.¹¹¹

While WAPU conceded that this may be the case, the union believed a contributing factor was a lack of motivation by constables to complete detective training courses. WA Police had apparently been unable to fill the courses for some time.

WAPU senior vice president Mr Shortland said the reluctance to apply for detective positions was due to perceptions that the position had been devalued, that there were limited promotional opportunities, and that detectives had to spend time on menial tasks which diverted them from core duties.¹¹²

Mr Shortland said the union had attempted to bring the situation to the attention of police management for some time. Despite the Minister for Police asserting in parliament in September 2015 that no member of the police union had raised the issue of detective shortages with her at any time,¹¹³ the WAPU was able to provide the Committee with an extract from a recording of a union board meeting on 13 May 2015:

*... [which] the Police Minister attended and spoke with the board, and one of our directors raised directly with the Minister and her chief of staff issues regarding detectives and detective vacancies.*¹¹⁴

The conversation lasted approximately four minutes. The union representative raised the issue of newly-trained detectives having no say in where they were posted, which resulted in them having to travel large distances to work from home. Some chose to return to uniform roles, immediately after completing training, because of this. The Minister said she would raise this issue and would also find out where WA Police was up to with applications and graduates.

110 Emerson, D. and G. Taylor, 'Police caught short: winter crime surges but detective positions vacant', *The West Australian*, 23 September 2016, p1.

111 Mr Anthony Kannis, Executive Director, WA Police, *Transcript of Evidence*, 15 February 2016, p7.

112 Mr Brandon Shortland, Senior Vice President, WA Police Union, *Transcript of Evidence*, 17 February 2016, p6.

113 Hon L.M. Harvey, Minister for Police, Western Australia, Legislative Assembly, *Parliamentary Debates* (Hansard), 23 September 2015, p6892c-6893a.

114 Mr Brandon Shortland, Senior Vice President, WA Police Union, *Transcript of Evidence*, 17 February 2016, p6.

In that conversation the Minister made reference to additional detective positions being created and that it was her intention they be deployed in the regions, but that ultimately there had been no such qualification put on deployment. The implication from this exchange is suggestive of a level of Ministerial involvement in operational matters not consistent with information supplied to Parliament.

Mr Tilbury said that an over-supply of detective vacancies had been a longstanding issue, but the WAPU had had trouble obtaining an itemised list of exactly where the vacancies were and whether they could be attributed to current vacancies that could not be filled.¹¹⁵

WA Police had apparently undertaken a review of the issues surrounding the lack of motivation to become a detective and produced a report, but this had not been released, according to Mr Shortland.¹¹⁶

Finding 10

WA Police still has a high number of detective vacancies, despite having been alerted to the situation months before it became critical.

Finding 11

Evidence before the Committee is not consistent with what the Minister for Police told parliament and *The West Australian* newspaper in response to questions regarding detective vacancies.

115 Mr George Tilbury, President, WA Police Union, *Transcript of Evidence*, 17 February 2016, p6.

116 Mr Brandon Shortland, Senior Vice President, WA Police Union, *Transcript of Evidence*, 17 February 2016, pp5-6.

Chapter 3

Training

What WA Police does in relation to training, how it measures its training, and whether this process is creating improved training programs are the key considerations of this chapter. The training experiences of police officers are used to identify areas of concern, and suggestions are made for ways performance measurement could be improved.

Conflicting perspectives on training

WA Police said... *[W]e have a pretty tight timetable in terms of training and most of the training courses are well subscribed, so we do not have a situation in which we have empty desks.*¹¹⁷

Police officers said... There was simply insufficient staff [at the Academy] to provide enough training opportunities in a timely manner.¹¹⁸

[There is] competition for places in a limited (by budget) number of courses being run.¹¹⁹

WA Police said... *[Particular districts] get a budget that is appropriate for their circumstances. If they need to include accommodation and travel for training, their budget settings would have taken that into account.*¹²⁰

Police officers said... If you are from regional WA, your respective district is responsible for all travel and accommodation expenses. Each district has a training budget which does not necessarily account for optional courses.¹²¹

WA Police said... *Blackboard [online training] is a good option when you need to get the training done quickly... Having done that course, you will have a greater degree of knowledge around that subject had you not done that training course.*¹²²

Police officers said... Blackboard training ... is seen as a cheap, easy cop-out type of training... Sometimes ... many members get up the same training at once and if there is an exam component, they will just share the answers along..¹²³

117 Mr Craig Ward, Assistant Commissioner, Workforce, WA Police, *Transcript of Evidence*, 15 February 2016, p27.

118 Submission No. 12 from WA Police Union, 16 December 2015, p14.

119 *ibid.*, p16.

120 Mr Anthony Kannis, Executive Director, WA Police, *Transcript of Evidence*, 15 February 2016, p27.

121 Submission No. 12 from WA Police Union, 16 December 2015, p16.

122 Mr Craig Ward, Assistant Commissioner, Workforce, WA Police, *Transcript of Evidence*, 15 February 2016, p24.

123 Mr Brandon Shortland, Senior Vice President, WA Police Union, *Transcript of Evidence*, 17 February 2016, p15.

3.1 Introduction

TRAINING is the foundation from which all good policing proceeds. It not only increases police effectiveness but decreases the likelihood of inconsistency in police responses.¹²⁴

Today, given the need to meet national standards and compliance measures, the areas in which WA Police is expected to train its officers is ever-increasing. And yet, as the Committee heard from witnesses, its level of resourcing is not necessarily expanding to meet these demands.

It is therefore important that WA Police is constantly monitoring, reviewing and evaluating the efficiency and efficacy of its existing training programs and methods to ensure that it is getting the most “bang for its buck”.

This chapter examines how WA Police evaluates whether the training provided to its frontline is adequate. It primarily examines training relating to general duties policing rather than educational opportunities for specialist units or squads. Although specialist training is important, the Committee received little evidence on this topic.

3.2 How does WA Police train its police officers?

3.2.1 Cadet traineeship program

The WA Police cadet traineeship program, which is open to youth aged between 16 and 18 years, allows WA Police to assess the suitability of youth for recruit training while developing their skills.¹²⁵ Traineeships are two years long. Every four months, cadets transfer to a new workplace to give them a variety of experiences.¹²⁶

3.2.2 Training for recruits and probationary constables

During their 28-week induction training at the WA Police Academy, recruits complete training modules covering areas such as: driver training; operational, safety and tactical training; and legal studies and police procedures.¹²⁷

Scenario-based training, which is regarded as good practice,¹²⁸ is included in this training. Each recruit squad receives 10 days of scenario-based training, consisting of:

124 Community Development and Justice Standing Committee (39th Parliament), [*A measure of trust: How WA Police evaluates the effectiveness of its response to family and domestic violence*](#), Report No. 10, Parliament of Western Australia, Perth, October 2015, pp64-76.

125 *COPs Manual*, HR-13.02.2.1 – The Purpose and Intent of the Traineeship.

126 *COPs Manual*, HR-13.02.2.4 – Deployment of Trainees.

127 WA Police, ‘[Recruit Training](#)’; Mr Anthony Kannis, Executive Director, WA Police, Letter, 10 February 2016, appendices 2-9.

128 Glenn, R.W. et. al, [*Training the 21st Century Police Officer: Redefining Police Professionalism for the Los Angeles Police Department*](#), RAND Corporation, Santa Monica, California, 2003; Australia

- Five days of continuous scenario-based training;
- One day of scenario training as part of investigation training;
- Two days as part of legal training; and
- Two days of road policing scenarios.¹²⁹

It costs WA Police, on average, \$84,000 to train a recruit at the Academy.¹³⁰

Once they complete their training at the Academy, recruits become probationary constables for a further 18 months. Located at stations around WA, they undergo “on-the-job” and “off-the-job” training and assessments and are also observed to assess their ability to perform policing duties.¹³¹

BOX 3.1¹³²

Cadets WA – Police Rangers

The WA Police cadet traineeship program is different from the police units that come under the Cadets WA program. The latter program, a state government initiative administered by the Department of Local Government and Communities (DLGC) and run mainly in schools throughout the state, offers students opportunities to participate in activities such as camping, hiking, and sporting activities while developing a sense of community responsibility and a range of life skills.

A range of cadet-types are offered, included Emergency Services Cadets, Bush Rangers, Red Cross Cadets, Army Cadets and Surf Life Saving Cadets.

Schools or organisations interested in setting up a cadet unit apply to DLGC and, if approved, receive an allocation of \$2,000 start-up grant and \$415 per cadet (apart from the Australian Defence Force cadets, which receive less as the Australian Government provides additional funding).

New Zealand Policing Advisory Agency (ANZPAA), *Education and Training Guidelines for the Practice Level of Police Officer*, ANZPAA, Melbourne, 2012; Community Development and Justice Standing Committee (39th Parliament), [A measure of trust: How WA Police evaluates the effectiveness of its response to family and domestic violence](#), Report No. 10, Parliament of Western Australia, Perth, October 2015, p74.

129 Mr Anthony Kannis, Executive Director, WA Police, Letter, 10 February 2016, attachment 1.

130 Mr Anthony Kannis, Executive Director, WA Police, Letter, 1 March 2016, attachment 1.

131 *COPs Manual*, HR-13.09.1 – Development and Assessment Requirements; Mr Anthony Kannis, Executive Director, WA Police, Letter, 10 February 2016, attachments 2-9.

132 See Appendix 10 for references.

International recruits (Direct Entry Accelerated Training Program)

At various points over the past decade, WA Police has recruited police from the United Kingdom and Ireland to meet Government election promises to increase police numbers.¹³³ International recruits undergo 12- to 13-week transition courses at the WA Police Academy to provide an understanding of WA Police systems, policies and equipment.¹³⁴ By 2013, international recruits accounted for almost 10 per cent of WA Police.¹³⁵

But Police Commissioner Karl O’Callaghan admitted there were problems with the program: firstly, it was rather costly as international recruits’ starting salaries were determined by their level of experience (i.e. they started at a higher wage than a new, non-international recruit); and secondly, some international recruits were ill-equipped to work in remote locations.¹³⁶

WA Police is not currently recruiting from overseas as the number of applications received from within Australia has increased.¹³⁷

Police auxiliary officers

Police auxiliary officers (PAOs) support the day-to-day duties of police officers, undertaking a variety of activities such as processing seized property and exhibits, and admitting detainees.¹³⁸

PAOs complete a 10-week training course at the Academy. It costs WA Police, on average, \$32,000 to train a PAO at the Academy.¹³⁹

For most, this is followed by a nine-month probationary period consisting of on-the-job training and orientation.¹⁴⁰

133 Australian Labor Party (WA), *Labor’s plan for more frontline police*, [2005], pp2, 8; Government of Western Australia European Office, ‘[WAGO host WA Police for annual overseas recruitment campaign 2013](#)’, Hon Liza Harvey, Minister for Police, WA, *Legislative Assembly Estimates Committee B* (Hansard), 9 June 2015, pp5, 6.

134 Corruption and Crime Commission, *Two Years Out*, Corruption and Crime Commission, Perth, August 2006, p13.

135 Community Development and Justice Standing Committee (39th Parliament), [In Safe Custody: Inquiry into Custodial Arrangements in Police Lock-ups](#), Report No. 2, Parliament of Western Australia, Perth, November 2013, p98.

136 Dr Karl O’Callaghan, Commissioner of Police, WA Police, *Transcript of Evidence*, 15 February 2016, p23.

137 *ibid.*

138 There are eight categories of PAOs: Police Cadet, Custody/Support, Property Management, Alcohol and Drug Tester, Telecom Interception Officer, Forensic Investigator (Science), Offender Review, and Community Relations Officer. See *COPs Manual*, HR-36.05.2 – Police Auxiliary Officer (PAO) Deployment Guidelines.

139 Mr Anthony Kannis, Executive Director, WA Police, Letter, 1 March 2016, attachment 1.

140 *COPs Manual*, HR-36.05.1 – Police Auxiliary Officer (PAO) Management Guidelines.

3.2.3 Ongoing training

To remain operational, all WA Police officers must undergo regular mandatory training that is provided at the Academy or via computer-based courses (known as Blackboard training).

The frequency, duration, and medium through which the training is taught differ from course to course. For example, Critical Skills 3 training, which covers active shooter, life support, and deployment readiness, is eight hours long and takes place at the Academy (see *Appendix 6*). In comparison, there are around 400 Blackboard courses.¹⁴¹ Fifteen are compulsory and cover topics from Fire Extinguisher Awareness through to Frontline Investigation Training. They take between 10 and 60 minutes to complete and some must be completed annually, every three years or every five years (see *Appendix 7*).¹⁴²

Candidates for promotion from Probationary Constable through to Senior Constable are also required to meet certain educational prerequisites, such as the completion of specific online coursework.¹⁴³

Additional professional development is available but, unlike mandatory training, is not tied to police officers' operational status. However, the WA Police Union (WAPU) told the Committee that WA Police views additional training as "desirable" in relation to an officer's career progression.¹⁴⁴

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

WA Police told the Committee that it evaluated its training against national and industry standards, including those required for the Diploma of Public Safety (Policing), a national Vocational Education and Training (VET) qualification.¹⁴⁵

In addition, WA Police regularly monitors its ability to "deliver training programs to the requisite number of trainees, and within appropriate timeframes". WA Police reviews employment levels and reports on the "currency of critical skill qualifications."¹⁴⁶ Some of the ways in which this information is collected is outlined below.

141 Mr Craig Ward, Assistant Commissioner, Workforce, WA Police, *Transcript of Evidence*, 15 February 2016, p23.

142 Mr Anthony Kannis, Executive Director, WA Police, Letter, 10 February 2016, attachment 1.

143 *COPs Manual*, HR-13.01 – Police Training and Education Program.

144 Submission No. 12 from WA Police Union, 16 December 2015, p16.

145 Mr Anthony Kannis, Executive Director, WA Police, Letter, 10 February 2016, attachment 1. Department of Education and Training, [‘Diploma of Public Safety \(Policing\)’](#).

146 Mr Anthony Kannis, Executive Director, WA Police, Letter, 10 February 2016, attachment 1.

3.3.1 Australia New Zealand Policing Advisory Agency Education and Training Guidelines – Practice Level of a Police Officer

Despite the increased emphasis on police education over the past 20 years, Australia does not have national training standards adhered to by all policing jurisdictions.¹⁴⁷ This may soon change, however; Assistant Commissioner Ward told the Committee that guidelines developed by the Australia New Zealand Policing Advisory Agency (ANZPAA) are currently being “translated” into standards.¹⁴⁸

WA Police uses the ANZPAA guidelines to guide and review its training,¹⁴⁹ although it can presumably pick and choose which guidelines to implement and which to ignore given that they are not yet standards or mandatory.¹⁵⁰ The guidelines suggest subjects in which police officers should be knowledgeable as well as possible assessments to test their understanding.¹⁵¹

The ANZPAA guidelines are part of the Police Practice Standards Model (PPSM), which aims to create a standardised approach to education and training across New Zealand and Australia. The PPSM is being rolled out in phases, including the identification of practice levels within policing (i.e. practice level of police officer and practice level of police manager) and the development of related practice guidelines.¹⁵²

Finding 12

There are currently no national police training standards to which WA Police must adhere.

3.3.2 Standards for Registered Training Organisations (RTOs) 2015

As a registered training organisation, the WA Police Academy is required to comply with the *Standards for Registered Training Organisations (RTOs) 2015* and *Data Provision Requirements 2012*.

These require most registered training organisations to collect both Australian Vocational Education and Training Management Information Statistical Standard

147 Fleming, J., ‘The Pursuit of Professionalism: Lessons from Australasia’, in Jennifer M. Brown (ed.), *The Future of Policing*, Routledge, London and New York, 2014, p357.

148 Mr Craig Ward, Assistant Commissioner, Workforce, WA Police, *Transcript of Evidence*, 15 February 2016, p25.

149 Mr Anthony Kannis, Executive Director, WA Police, Letter, 10 February 2016, attachment 1.

150 Australia New Zealand Policing Advisory Agency (ANZPAA), *Education and Training Guidelines for the Practice Level of Police Officer*, ANZPAA, Melbourne, 2012, p4.

151 *ibid.*, pp9-24.

152 Australia New Zealand Policing Advisory Agency (ANZPAA), ‘[Police Practice Standards Model \(PPSM\)](#)’.

(AVETMISS) data and quality indicator data to ensure their ongoing viability as providers of vocational education and training.¹⁵³

AVETMISS data is demographic information about students, what they study, where they study, and the outcomes.¹⁵⁴ However, it appears that WA Police is exempt from some of the AVETMISS data reporting requirements on the basis that its submission could “jeopardise the security or safety of . . . police personnel”.¹⁵⁵ It only reports the number or rate of students who successfully complete study programs.¹⁵⁶ It is submitted annually to the National Centre for Vocational Education Research.

Quality indicator data is collected using learner engagement and employer satisfaction questionnaires. According to WA Police, survey responses “allows for benchmarking and bringing about improvements to training and assessment”.¹⁵⁷ WA Police submits quality indicator information annually to the Training Accreditation Council of Western Australia.¹⁵⁸

3.3.3 Blackboard evaluation

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 examining what type of training is needed, the target audience, how it could be delivered, and how it could be evaluated.¹⁵⁹ But as WA Police is still recruiting people to the TEDD team,¹⁶⁰ this important evaluation work is yet to be undertaken.¹⁶¹

153 Australian Skills Quality Authority, ‘[Clause 7.5](#)’

154 NCVER, ‘[Fact Sheet: What is AVETMISS and why do I have to report AVETMISS data?](#)’

155 Department of Industry, ‘[National VET Provider Collection Data Requirements Policy](#)’, Standing Council for Tertiary Education Skills and Employment, version 2, January 2015, s4.1.

156 Mr Anthony Kannis, Executive Director, WA Police, Letter, 10 February 2016, attachment 1; Mr Anthony Kannis, Executive Director, WA Police, Letter, 1 March 2016, attachment 1.

157 Mr Anthony Kannis, Executive Director, WA Police, Letter, 1 March 2016, attachment 1.

158 *ibid.*; Australian Skills Quality Authority, ‘[Clause 7.5](#)’; Australian Skills Quality Authority ‘[Quality indicator reporting](#)’.

159 Mr Craig Ward, Assistant Commissioner, Workforce, WA Police, *Transcript of Evidence*, 15 February 2016, pp23-24; Hon. Colin Barnett, Premier, WA, Legislative Assembly, *Government response to report no. 10 of the Community Development and Justice Standing Committee*, paper no. 3928, 16 March 2016, attachment 1.

160 Mr Craig Ward, Assistant Commissioner, Workforce, WA Police, *Transcript of Evidence*, 15 February 2016, p24.

161 *ibid.*

Given that WA Police has trained its workforce using Blackboard since 2006,¹⁶² WA Police has been using computer-based training for nearly a decade without measuring whether it is an effective way to impart information.

Finding 13

Despite using a computer-based system (Blackboard) to train its workforce since 2006, WA Police is yet to assess whether that system delivers training effectively.

3.3.4 Internal and external reviews

WA Police also assesses the effectiveness of its training through internal and external reviews, evaluations, or investigations.

Internal reviews are conducted by WA Police staff or commissioned consultants. Their reports are not generally released to the public, which limits the extent to which WA Police can be held accountable to implement any recommendations. A cursory examination of WA Police learning and assessment strategies, for example, lists several internal or commissioned reviews that have been used to develop training courses. But the strategies do not detail what these reviews found or how their recommendations influenced the training.¹⁶³

External reviews, meanwhile, are often carried out by agencies with oversight of various WA Police activities and are often publicly available. As well as the two reports released by this Committee in relation to WA Police performance measures,¹⁶⁴ recent examples include the Auditor General's report on the efficiency and efficacy of WA Police's recruitment and training of recruits,¹⁶⁵ and the Corruption and Crime Commission's (CCC) inquiry into *Operation Aviemore* – the WA Police investigation into the killing of Joshua Warneke.¹⁶⁶

Although WA Police are not required to accept any recommendations made by external agencies, Commissioner O'Callaghan said that sensible recommendations are generally adopted:

162 Submission No. 12 from WA Police Union, 16 December 2015, p16.

163 Mr Anthony Kannis, Executive Director, WA Police, Letter, 10 February 2016, appendices 2-9.

164 Community Development and Justice Standing Committee (39th Parliament), [Are we there yet? How WA Police determines whether traffic law enforcement is effective](#), Report No. 8, Parliament of Western Australia, Perth, June 2015; Community Development and Justice Standing Committee (39th Parliament), [A measure of trust: How WA Police evaluates the effectiveness of its response to family and domestic violence](#), Report No. 10, Parliament of Western Australia, Perth, October 2015.

165 Office of the Auditor General Western Australia, [New Recruits in the Western Australia Police](#), Office of the Auditor General Western Australia, Perth, June 2012.

166 Corruption and Crime Commission, [Report on Operation Aviemore: Major Crime Squad Investigation into the Unlawful Killing of Mr Joshua Warneke](#), Corruption and Crime Commission, Perth, November 2015, pp32, 36, 41.

*We look at recommendations of lots of organisations and committees all the time. If it makes sense and there is capacity to do it, we will do it. If it makes sense and there is not capacity to do it from a resource perspective, yes, it will require a conversation with the minister or Treasury about how that approach might be funded.*¹⁶⁷

The Committee notes that it has identified a number of areas where training has proved inadequate in its previous reports.¹⁶⁸ Many of these recommendations have not been acted upon. For example, the recommendations surrounding custodial arrangements and conduct of personnel located in areas with a significant Aboriginal population were made well before Ms Dhu died in custody in 2014 from staphylococcal septicaemia and pneumonia after officers failed to follow police regulations or respond to her worsening condition with adequate urgency.¹⁶⁹

3.4 Are these measures leading to better training?

3.4.1 Cadet training

Evidence provided to the Committee made little reference to the adequacy of WA Police cadet training. In fact, only Alan Gelmi, father of a medically retired police officer, mentioned the cadet traineeship program in his submission. He stated that his daughter joined police cadets in 1987 when she was 17 years old and, within a few weeks, was photographed by a newspaper “armed with black plastic rubbish bags picking up parts of a body that had been splatted (*sic*) along the railway line at Midland”.¹⁷⁰ This, as Mr Gelmi said, “was a bit strong for a cadet”.¹⁷¹

Today, it is less common for cadets to be exposed to such critical incidents. WA Police now directs supervisors and managers of cadets to ensure they are “not intentionally

167 Dr Karl O’Callaghan, Commissioner of Police, WA Police, *Transcript of Evidence*, 15 February 2016, p26.

168 Community Development and Justice Standing Committee (39th Parliament), [*In Safe Custody: Inquiry into Custodial Arrangements in Police Lock-ups*](#), Report No. 2, Parliament of Western Australia, Perth, November 2013, pp106, 115; Community Development and Justice Standing Committee (39th Parliament), [*A measure of trust: How WA Police evaluates the effectiveness of its response to family and domestic violence*](#), Report No. 10, Parliament of Western Australia, Perth, October 2015, pp62-66, 67-76; Community Development and Justice Standing Committee (38th Parliament), [*The Toll of Trauma on Western Australian Emergency Staff and Volunteers*](#), Report No. 10, Parliament of Western Australia, Perth, September 2012, pp37-38, 52-53, 59, 98;

169 Community Development and Justice Standing Committee (39th Parliament), [*In Safe Custody: Inquiry into Custodial Arrangements in Police Lock-ups*](#), Report No. 2, Parliament of Western Australia, Perth, November 2013, pp106, 115; ‘[Ms Dhu inquest: Police officer given serious misconduct notice over death](#)’, *ABC Online*, 3 December 2015.

170 Submission No. 5 from Alan Gelmi, 30 October 2015, p1.

171 *ibid*.

and unnecessarily exposed to matters” that may cause “some degree of psychological trauma”.¹⁷²

However, the Committee recognises that this has not always been the case and that, as a result, some past cadets were exposed to situations for which they were not adequately trained. The implications of such exposure are discussed further in chapter five.

3.4.2 Recruit training

Perceptions about the adequacy of WA Police recruit training were mixed, coloured by the period in which police officers underwent their recruit training and their ongoing interactions with recruits and/or probationary constables.¹⁷³

A WAPU survey of its members showed that, on the one hand, almost half of the respondents believed that the Academy provided a good level of training in an environment that was both supportive and professional.¹⁷⁴ Some police officers considered that those emerging from the Academy were of a “high standard”.¹⁷⁵

On the other hand, some members felt that recruits left the Academy ill-prepared for the reality of policing,¹⁷⁶ were unable to apply their training to practical situations,¹⁷⁷ and had inadequate knowledge of frequently-used legislation and other important subjects.¹⁷⁸

Of particular concern to the Committee were some officers’ views that recruits were graduating despite being ill-suited to policing or simply not “up to scratch”.¹⁷⁹ This suggests the recommendations regarding the removal of poorly performing recruits, made in the audit of WA Police’s recruitment and training of recruits (2012), have not been properly taken into consideration. Indeed, WAPU argued that there had been little change since the Auditor General’s investigation.¹⁸⁰

Some were troubled about the prioritisation of some courses at the Academy over others, with one member stating that scenario work was insufficient and drugs and mental health courses “too short” while less important courses were excessively long.¹⁸¹ Others, one of whom joined WA Police in the late 1980s, believed that hard or

172 *COPs Manual*, HR-13.02.2.5 – Supervision of Trainees.

173 Submission No. 3, name withheld, 14 October 2015, p1; Submission No. 12 from WA Police Union, 16 December 2015, p8.

174 Submission No. 12 from WA Police Union, 16 December 2015, pp8, 9.

175 *ibid.*, p9.

176 *ibid.*, pp9, 10.

177 *ibid.*, pp10, 11.

178 *ibid.*, p9.

179 *ibid.*, pp9, 10, 11.

180 Submission No. 12 from WA Police Union, 16 December 2015, p12.

181 *ibid.*, p10.

military-orientated training provided a good basis for subsequent policing experiences; one member suggested that the Academy had become “too soft” in its approach to training.¹⁸²

Yet many acknowledged that the Academy could not teach recruits every aspect of policing, given the complexities of the role and variety of situations facing police officers.¹⁸³

WA Police explained that, as a result of a recent training needs analysis of recruit training, it had recognised the need for more targeted training in the field:

*Partway through the course we will deploy recruits into a real environment and test them in that environment and give them some context around the things they have learnt, and then go back to the training environment and once they have that contextual experience, then training against it.*¹⁸⁴

It was hoped that this problem-based learning would enable recruits to become a “fit-for-purpose product” when they walk out of the Academy.¹⁸⁵

Finding 14

Developing in-field training in response to a recent training needs analysis is a positive development, indicating WA Police’s ability and willingness to evaluate its performance and make changes accordingly in particular areas.

3.4.3 Probationary constable training

Some respondents to the WAPU survey highlighted the inadequacy of “on-the-job” training for probationary constables. While some supervisors and senior staff provided adequate guidance or mentoring, others (many of whom were labouring under excessive workloads or struggling to meet targets) left probationers to their own devices.¹⁸⁶

WAPU supported the Auditor General’s recommendations in relation to probationary training.¹⁸⁷

182 Submission No. 3, name withheld, 14 October 2015, p1; Submission No. 12 from WA Police Union, 16 December 2015, p10.

183 Submission No. 12 from WA Police Union, 16 December 2015, pp8, 9, 11.

184 Mr Craig Ward, Assistant Commissioner, Workforce, WA Police, *Transcript of Evidence*, 15 February 2016, p24.

185 *ibid.*

186 Submission No. 12 from WA Police Union, 16 December 2015, pp9, 10, 11, 12.

187 Office of the Auditor General Western Australia, [*New Recruits in the Western Australia Police*](#), Office of the Auditor General Western Australia, Perth, June 2012, p10 quoted in Submission No. 12 from WA Police Union, 16 December 2015, pp12-13.

3.4.4 Police auxiliary officers

WAPU indicated that some auxiliary officers and sworn officers felt that auxiliary officers graduated without adequate knowledge of WA Police processes and procedures. Auxiliary officers said that they were only trained to work in the Perth Watchhouse, while sworn officers said that the mentoring received by auxiliary officers could be better.¹⁸⁸

3.4.5 Ongoing training

Despite the measures used by WA Police to evaluate training programs, the Committee received evidence that training is inadequate. Issues raised in relation to ongoing training for police officers can be categorised in relation to police officers' access to training and the adequacy of that training. These were key concerns for those surveyed by WAPU: of the approximately 33 per cent of respondents who had experienced at least one occasion where a request for mandatory training was not met by WA Police, nearly 55 per cent said that it was because the course was full, around 33 per cent said it was because the course was unavailable and nearly 22 per cent said that funding was problematic. Around 64 per cent of respondents had had at least one optional training request refused for the same reasons.¹⁸⁹

Several themes other emerged, including managerial antipathy towards training, inadequate resourcing, the prioritisation approach of WA Police, decreasing duration of training, and issues relating to Blackboard.

Managerial antipathy towards training

Some police officers reported that their supervisors or managers view both mandatory and optional training as a "luxury" that cannot always be accommodated.¹⁹⁰

Disparaging remarks such as "course junkie" and "we are here to work and not take courses" have been heard from some supervisors or managers, apparently due to the high workloads facing teams.¹⁹¹

WAPU also submitted to the Committee that requests for personal development were rejected on the basis that up-skilling of police officers in the past had resulted in their departure from WA Police; in essence, educated staff members were viewed as a "flight risk".¹⁹²

188 Submission No. 12 from WA Police Union (16 December 2015), pp15-16.

189 *ibid.*, pp13, 16.

190 *ibid.*, p14.

191 Submission No. 12 from WA Police Union, 16 December 2015, pp14-15, 17.

192 *ibid.*, p17.

Resourcing

Despite WA Police assurances to the contrary,¹⁹³ the Committee heard from WAPU that regional members were hindered from attending both mandatory and optional training courses due to budgetary limitations – in some cases, district budgets were not sufficient to employ relief staff to cover absent officers' workloads or to cover the accommodation and travel expenses incurred for optional courses.¹⁹⁴ Officers based in regional WA were further disadvantaged by the difficulties their stations faced in covering their workload while they attended a course.¹⁹⁵

Table 3.1: WA Police courses offered at the Academy for re-qualification or ongoing training¹⁹⁶

Course	Duration	Frequency of course	No. of positions available
Critical Skills 1 and 2 (Pistol/Taser annual competency assessment)	1 day (8 hours)	Conducted each week day at the Maylands facility	20 positions each day
Critical Skills 3 (Active Shooter/Life Support/Deployment Readiness Test annual competency assessment)	1 day (8 hours)	Conducted each week day at Joondalup	20 positions each day
Method of Entry (MoE) Skills Enhancement	5 hours	Monthly (or as required)	10 positions
AR15 Patrol Rifle (new user)	3 days (24 hours)	As required	10 positions
Priority 1 Driving	5 days (40 hours)	4 times/year (or as required)	18 positions
Priority Pursuit Driving	4 days (32 hours)	4 times/year (or as required)	18 positions

Source: Correspondence from WA Police, 10 February 2016.

Staffing issues were also a concern within the Police Academy, according to WAPU, with some members reporting that there were not enough instructors to meet training demands in a timely manner.¹⁹⁷ This is borne out in the limited number of courses offered at the Academy for re-qualification or ongoing training (see Table 3.1).

Perhaps as a consequence of these issues, the Committee heard some police officers believed that certain courses were provided too infrequently. Others were simply unable to access the training – both mandatory and optional – as the courses were full or unavailable.¹⁹⁸ Little effort is apparently made to cater for part-time staff.¹⁹⁹

193 Mr Anthony Kannis, Executive Director, WA Police, *Transcript of Evidence*, 15 February 2016, p27.

194 Submission No. 12 from WA Police Union, 16 December 2015, pp13, 16.

195 *ibid.*

196 Mr Anthony Kannis, Executive Director, WA Police, Letter, 10 February 2016, attachment 1.

197 Submission No. 12 from WA Police Union, 16 December 2015, pp14, 17.

198 *ibid.*, pp13, 16.

The “demand-match” shifts implemented under *Frontline* whereby police officers are rostered on according to the demand for their services (i.e. at night) is also said to have reduced officers’ ability to attend courses; courses are still held during business hours, which means that those working nights struggle to receive training.²⁰⁰

The impact that inadequate resourcing has on the efficiency of WA Police can be significant. According to the WAPU, there are some situations in which members cannot attend critical skills courses within the required requalification period (e.g. officers must requalify for Critical Skills 1 and 2 annually. See *Table 3.1*), and are therefore deemed non-operational until the training is completed.²⁰¹

Finding 15

Over-subscription to, and inadequate resourcing of, training programs has resulted in some police officers being deemed non-operational. This is inefficient and could create a cyclical effect, whereby training requests are rejected on the basis that it will reduce frontline capacity and yet failing to access training results in officers being taken off the front line.

Prioritisation of access

WA Police has responded to its apparent under-resourcing with an exercise in pragmatic economics, prioritising requests for training according to their essentiality. As Commissioner O’Callaghan explained:

*There are lots of people who want to access training courses. ... So, yes, people will apply and be told they cannot have it at the moment because there is a priority for these other things.*²⁰²

He drew on the CCC’s investigation into *Operation Aviemore* to illustrate the appropriateness of this approach. Commissioner O’Callaghan said that, in response to the CCC’s findings that there were deficiencies in training related to the interviewing of vulnerable witnesses, WA Police will increase the amount of training in this area.

But the people who are going to get that first and not the people who put their hand up and say, “I would like it”—they are the people who are the most likely to be sent into remote communities to do serious homicide investigations, sex crime investigations, so they will be the

199 Submission No. 12 from WA Police Union, 16 December 2015, p14.

200 *ibid.*

201 Mr George Tilbury, President, WA Police Union, *Transcript of Evidence*, 17 February 2016, pp17-18.

202 Dr Karl O’Callaghan, Commissioner of Police, WA Police, *Transcript of Evidence*, 15 February 2016, p28.

*first cabs off the rank, and there will be lots of other people who will say, "I want to do this", but they cannot, or they cannot yet.*²⁰³

While this approach is understandable under the circumstances, evidence received from WAPU indicates that this approach has not only failed to ensure that all officers gain access to mandatory training within the necessary timeframes but resulted in the contraction of professional development opportunities (especially for those located regionally).²⁰⁴ One year out from maximum tenure, one officer's request for optional training was rejected on the basis the training would be "wasted" on the officer as the officer would soon be leaving.²⁰⁵

The Committee is also concerned that certain areas of training are only prioritised by WA Police when highly publicised incidents, such as Operation Aviemore, draw attention to the inadequacy of its training. This can create the impression that WA Police is reactive rather than proactive when it comes to training its police officers.

Finding 16

WA Police has rationed training, prioritising requests and restricting delivery of courses to those with an immediate need or to metropolitan-based officers. Many of these courses should be delivered across the board.

Duration of training

Some police officers are concerned that an insufficient amount of time is dedicated to certain critical skills, according to WAPU. President George Tilbury said that, for example, pursuit driving training had been reduced from three weeks to one week, which he regarded as a "major concern" given the risk involved with pursuit driving.²⁰⁶ Firearms and first aid training is said to have been reduced to such an extent that officer safety is being jeopardised.²⁰⁷ This worried many of those surveyed by WAPU, especially given the heightened terror alert for police officers.²⁰⁸

Conversely, some felt that excessive time is spent on some courses – in particular, computer-based courses – that were less essential.²⁰⁹ One police officer also cited the educational standards that have to be met to become a First Class Constable as time-consuming:

203 Dr Karl O'Callaghan, Commissioner of Police, WA Police, *Transcript of Evidence*, 15 February 2016, p28.

204 Submission No. 12 from WA Police Union, 16 December 2015, p16.

205 *ibid.*, p17.

206 Mr George Tilbury, President, WA Police Union, *Transcript of Evidence*, 17 February 2016, p17.

207 Submission No. 12 from WA Police Union, 16 December 2015, p15.

208 *ibid.*

209 *ibid.*

*They require lengthy amounts of study and the actual process of getting 100% correct in 30 ambiguous questions takes hours. I have no time to complete this training unless I do it in my own time.*²¹⁰

Blackboard

In the Committee's previous report on family and domestic violence policing, the Committee noted the limitations of computer-based training.²¹¹ Nothing received during this part of the inquiry has altered the Committee's position.

From WAPU, the Committee heard that over 65 per cent of survey respondents regarded Blackboard as an ineffective method of training.²¹² Its members regarded the computer-based training as having many limitations, including that its courses were repetitive and did not:

- Cater adequately for the dynamism of a policing environment;
- Provide adequate opportunity for discussion and feedback (which allows participants to interpret the same information in different ways);
- Allow for an officer's practical application of a skills to be assessed, but only his or her knowledge of a subject; or
- Create a valuable learning environment, as it limits an officer's ability to learn new material and share information, and does not provide networking opportunities.²¹³

The degree to which many police officers respected Blackboard as a valid training method was highlighted by WAPU Senior Vice President Brandon Shortland:

*[Blackboard] is pretty much a running joke amongst members, it is seen as a cheap, easy cop-out type of training. ... Sometimes we are told that many members get up the same training at once and if there is an exam component, they will just share the answers along, so there is no quality assurance on the training that is being delivered...*²¹⁴

210 Submission No. 12 from WA Police Union, 16 December 2015, p14.

211 Community Development and Justice Standing Committee (39th Parliament), [*A measure of trust: How WA Police evaluates the effectiveness of its response to family and domestic violence*](#), Report No. 10, Parliament of Western Australia, Perth, October 2015, pp72-73, 75.

212 Submission No. 12 from WA Police Union, 16 December 2015, p18.

213 *ibid.*, pp18-19; Mr George Tilbury, President, WA Police Union, *Transcript of Evidence*, 17 February 2016, p16.

214 Mr Brandon Shortland, Senior Vice President, WA Police Union, *Transcript of Evidence*, 17 February 2016, p15.

WAPU was also concerned that information such as emergency driving, which it believed should not be taught or assessed online, was imparted via Blackboard.²¹⁵ In fact, the reliance on the computer-based system meant that at least one member had not received practical driving training for 26 years, despite emergency driving training being identified as a critical skill.²¹⁶

This was able to occur because, as Assistant Commissioner Ward told the Committee, once they have received initial driving training, police officers only receive face-to-face training if they are upgrading their licence qualification or have been assessed as requiring remedial training (presumably because of a driving incident). Driving policy and procedures, meanwhile, are tested every two years through Blackboard (see *Appendix 7*).²¹⁷

The Committee also heard that the number of alleged breaches of the WA Police emergency driving policy had increased so significantly that WA Police hired a full-time equivalent employee to monitor and review the alleged breaches.²¹⁸

Although police officers are good at adapting to different situations, Mr Tilbury said that such minimal training was unacceptable given the degree to which congestion levels, police vehicles and their handling had changed over the years.²¹⁹ The Committee also heard that practical training for emergency driving had gained particular importance under the *Frontline 2020* model and its enlarged police districts. Police officers can now be required to travel extended distances in emergency driving situations, which WAPU submitted requires more robust training than is provided on Blackboard.²²⁰

WA Police acknowledged that training should ideally be provided face-to-face or on-the-job, where it can be contextualised for participants.²²¹ However, it indicated that the agency had limited resources and that the expense of such training was prohibitive.

Commissioner O’Callaghan also explained that the proliferation of computer-based training was partly due to the increasingly stringent mandatory training requirements:

215 Mr Brandon Shortland, Senior Vice President, WA Police Union, *Transcript of Evidence*, 17 February 2016, pp15-16.

216 Submission No. 12 from WA Police Union, 16 December 2015, p15.

217 Mr Craig Ward, Assistant Commissioner, Workforce, WA Police in Mr Anthony Kannis, Executive Director, WA Police, Letter, 29 February 2016.

218 Mr Brandon Shortland, Senior Vice President, WA Police Union, *Transcript of Evidence*, 17 February 2016, p17.

219 Mr George Tilbury, President, WA Police Union, *Transcript of Evidence*, 17 February 2016, p17.

220 WA Police Union, *The impact of commuting, fatigue and workload on the safety of WA Police Officers*, WA Police Union, [Perth], August 2015, p18; Mr Brandon Shortland, Senior Vice President, WA Police Union, *Transcript of Evidence*, 17 February 2016, p17.

221 Mr Craig Ward, Assistant Commissioner, Workforce, WA Police, *Transcript of Evidence*, 15 February 2016, p24.

*[C]ompliances are increasing over time, so you get inquiries and reports and as another level of compliance is added, you have to make sure that that compliance-type information goes out. It does not always require a discussion in the classroom in a group situation. Sometimes it is a matter of getting simple information and dot points out to people. As a greater number of compliance-type training is required, Blackboard is one way of managing that.*²²²

To the Committee, this evidence indicates that WA Police is between a rock and a hard place. On the one hand, the number of topics on which its workforce must be educated is increasing. On the other, it is not adequately resourced to address these expanded training requirements in a classroom environment. The solution to this problem – indeed, the solution for many policing jurisdictions – is an increasing reliance on computer-based training.²²³

However, despite Commissioner O’Callaghan’s suggestion that compliance-related training is responsible for the proliferation of Blackboard courses, WA Police trains its staff in operational matters via Blackboard. It is questionable whether police traffic management practices during bushfires should be taught on Blackboard in two components of 60 and 30 minutes respectively (*see Appendix 7*), especially given that WA Police operations have been criticised in a recent review of major bushfires.²²⁴

Since WA Police has only recently developed the Training, Education, Design and Development (TEDD) division to assess the efficacy of computer-based training, the Committee is concerned that the reliance on computer-based training has developed without any evidence that computer-based training actually works. The Committee can understand why many officers feel that Blackboard courses are “virtually a tick in the box exercise”²²⁵ without any real substance.

3.4.6 Awareness training

WA Police provides disability awareness training and cultural awareness training to its frontline, including instruction from a member of local Aboriginal communities on

222 Dr Karl O’Callaghan, Commissioner of Police, WA Police, *Transcript of Evidence*, 15 February 2016, p25.

223 Mr Craig Ward, Assistant Commissioner, Workforce, WA Police, *Transcript of Evidence*, 15 February 2016, pp24, 25.

224 Department of Fire and Emergency Services, [Major Incident Review of the Lower Hotham and O’Sullivan fires](#), report prepared by Nous Group, Department of Fire and Emergency Services, Perth, 24 December 2015, pp57-59.

225 Mr George Tilbury, President, WA Police Union, *Transcript of Evidence*, 17 February 2016, p16.

locally-specific issues and cross-cultural awareness training regarding the needs and culture of culturally and linguistically diverse (CaLD) communities.²²⁶

Such training is not achieving the desired results, according to specialist support service providers. People from Aboriginal and CaLD backgrounds who were subject to family and domestic violence, for example, reported substandard service from WA Police based on indirect racism or simply misunderstandings of their cultures or specific needs. The Committee canvassed many of these issues and made related findings and recommendations in its previous report, *A measure of trust*.²²⁷

The Bunbury Community Access Committee, which advises Bunbury City Council about best practice in relation to disability access and inclusion, also submitted that police officers were inadequately trained about how to interact with people living with disabilities and their carers. It described an instance where the actions of police officers prevented Peter Seares, a high level tetraplegic, from receiving his required care. While biking to work, a carer of Mr Seares was stopped by police officers for failing to wear a bike helmet. Although he repeatedly informed the officers that Mr Seares required hydration and time-sensitive medication, they did not allow him to contact Peter to make alternative arrangements or get another carer and also refused to contact them on his behalf.

When Mr Seares later reported this incident to the officer in charge, he received a negative response and no understanding of his specific concerns (namely that no-one informed Mr Seares that the carer would not be attending and, as a result, his time-sensitive medication was delayed by up to two hours).²²⁸

As WA Police already provided disability awareness training to its police officers, both during induction training as recruits and through the Blackboard-based Equal Opportunity and Bullying training,²²⁹ the Committee is satisfied that police officers have at least some understanding of needs of people with disabilities and their carers. However, the experience of Mr Seares and his carer indicates that something further may be needed.

226 *COPs Manual*, AD-01.06 – Aboriginal Cultural Orientation (Local), AD-58.04 – Support to Cross Cultural Awareness Training, and AD-87.00.5 – Areas of Corporate Responsibility.

227 Community Development and Justice Standing Committee (39th Parliament), [*A measure of trust: How WA Police evaluates the effectiveness of its response to family and domestic violence*](#), Report No. 10, Parliament of Western Australia, Perth, October 2015, pp58-62.

228 Submission No. 1 from Bunbury Community Access Committee, 9 October 2015, pp2-3.

229 *COPs Manual*, AD-87.00.5 – Areas of Corporate Responsibility; WA Police, *Annual Report 2014*, WA Police, East Perth, 2014, p122; WA Police, *Annual Report 2015*, WA Police, East Perth, 2015, p110; Mr Anthony Kannis, Executive Director, WA Police, Letter, 10 February 2016, attachment 1.

Finding 17

Disability awareness training for WA Police is not always producing the intended results.

Recommendation 3

That WA Police reviews the efficacy of disability awareness training and, if a lack of understanding of how to interact with people living with disabilities and their carers is found to be widespread, implement a more robust training program.

WA Police also provides training to its frontline that focuses on indirect discrimination and/or substantive equality.²³⁰ It is unclear how robust this training is; although WA Police said that it works with the Commissioner for Equal Opportunity through its diversity consultative group,²³¹ the Acting Commissioner for Equal Opportunity Allan Macdonald informed the Committee that WA Police had not requested training on substantive equality from the Commission since 2004.²³² He suggested that this training was to guide WA Police in implementing the substantive equality framework.²³³

This raises questions as to whether the training is up-to-date, given that WA Police has not approached the Commission responsible for substantive equality in WA regarding training for over a decade.

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

The evidence outlined above indicates that the methods used to measure WA Police performance in relation to training are not working effectively. It is not clear whether this has arisen because the measures are not identifying training-related issues adequately, or because WA Police is not using them to drive and implement meaningful change.

The latter explanation seems most probable. The existing measures, which – in accordance with best practice – capture qualitative as well as quantitative data,²³⁴

230 *COPs Manual*, AD-97.07 – Awareness and Training to Meet Substantive Equality; Ms Renae Lavell, Human Resources Director, WA Police, *Transcript of Evidence*, 15 February 2016, p18.

231 Ms Renae Lavell, Human Resources Director, WA Police, *Transcript of Evidence*, 15 February 2016, p18.

232 Submission No. 11 from Equal Opportunity Commission, 19 November 2015, p1.

233 Mr Allan Macdonald, Acting Commissioner for Equal Opportunity, Equal Opportunity Commission, *Transcript of Evidence*, 23 November 2015, p3; Mr Anthony Kannis, Executive Director, WA Police, Letter, 1 March 2016, attachment 1.

234 Glenn, R.W. et. al, *Training the 21st Century Police Officer: Redefining Police Professionalism for the Los Angeles Police Department*, RAND Corporation, Santa Monica, California, 2003, p147; Sparrow, M.K., *Measuring Performance in a Modern Police Organization*, New Perspectives in Policing Bulletin, Department of Justice, National Institute of Justice, Washington, D.C., March 2015, p15.

should be providing WA Police with some indication of how police officers regard the training they receive. If the responses to the mandatory learner engagement and employer satisfaction questionnaires are consistent with what the Committee has heard during the inquiry, WA Police would be receiving feedback that many police officers find some training courses to be too brief or infrequent. And external and internal reviews would highlight systemic issues and areas of concern in relation to specific training areas. The TEDD division, once fully implemented, will presumably identify many of the efficacy issues that the Committee heard in relation to Blackboard.

The Committee is of the view, therefore, that it is not necessarily that WA Police does not collect enough information to evaluate training, but that many issues remain unaddressed because the agency often fails to use the information to amend its training strategies. The Auditor General also reached this conclusion in 2012, observing in relation to the learner questionnaires that WA Police “has not systematically analysed the feedback and assessment results to identify trends and areas for improvement.”²³⁵

The Committee acknowledges that some reviews of WA Police training have resulted in change (for example, the training needs analysis of recruit training that will result in the deployment of recruits in the field), but 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, WA Police could implement a more robust mechanism to track training-related issues as they arise. Drawing on information collected through the internal misconduct process WA Police could create a database to track the instances in which lack of training is implicated in police misconduct or error. This would identify areas that require amendment, without undergoing lengthy whole-of-program reviews or awaiting the recommendations of oversight agencies.

WA Police has no training-related audited performance indicators, which limits the ability of both the agency and the public to assess its performance.²³⁶ Developing a training KPI, or at least internal performance indicators as in some other Australasian jurisdictions, would be useful.

For example, New South Wales Police Force has a suite of performance indicators relating to training, with targets to be met by 2016. With the aim of increasing police professionalism, it measures:

235 Office of the Auditor General Western Australia, [New Recruits in the Western Australia Police](#), Office of the Auditor General Western Australia, Perth, June 2012, p30.

236 See WA Police, *Annual Report 2015*, WA Police, East Perth, 2015.

Table 3.2: NSW Police Force training performance indicators

Indicators of success	Target 2016
Community perception of police professionalism	≥ 85.4%
Maintenance of mandatory police training requirements	≥ 95%
Staff receiving learning and development per year (≥ 21 hours)	≥ 90%

Source: NSW Police Force Corporate Plan 2012-2016.

NSW Police Force also has training-related performance indicators concerning leadership, and health and safety.²³⁷

New Zealand Police, along with the rest of the New Zealand public sector, conducts annual staff engagement surveys which ask employees whether they agree that “The work I do makes good use of my knowledge and skills” and “NZ Police provides adequate training for the work I do”. It has targets for 2017 and tracks its progress in its annual reports.²³⁸

The Committee acknowledges, however, that implementing, monitoring and reporting on such measures require adequate funding.

3.6 Concluding Comment

Adequate training of police should not be regarded as an “optional extra”. The taxpayer invests heavily in police personnel and it is vital that their effectiveness be maximised through appropriate training.

237 New South Wales Police Force, [NSW Police Force Corporate Plan 2012-2016](#), 2012.

238 New Zealand Police, [Annual Report 2014/2015](#), New Zealand Government, New Zealand, 2015.

Chapter 4

Management of misconduct

WA Police has in place complex structures and strategies for dealing with police misconduct – as reported by the public and by their peers. The process for dealing with complaints and misconduct allegations arising from complaints is explained, as well as internal concerns with the disciplinary process and public concerns with integrity of investigations. The system of quality assurance and oversight is discussed, as well as the measures the agency has in place for monitoring how well it is managing misconduct.

Preferential treatment?

The notion of police protecting their own is so entrenched in our understanding of police culture that the public is ever-vigilant to the possibility of a cover-up when police investigate their own officers.

It might be surprising to learn, therefore, that many police officers subjected to an internal misconduct investigation report exactly the opposite experience. The following comments are from a submission by the WA Police Union, who surveyed members about their experiences of the disciplinary process, and particularly the application of the Managerial Intervention Model (MIM) for dealing with less serious matters.

"The MIM champions a 'non-punitive and meaningful managerial intervention' approach, yet the application of the model is steeped in a 'heads will roll' mentality, with Members feeling that subject officers are 'guilty until proven innocent', no matter how severe the alleged misconduct. The MIM encourages discussion about the alleged misconduct in an open, non-threatening manner yet our respondents' experiences indicate the contrary is occurring."

"... this agency is too keen to throw good staff under the bus ... Too often staff are not supported and sometimes criminally charged when it is obvious their actions are not unlawful. This is because it is easier to do and represents no risk ... Finally, this agency needs to appreciate that if you make a mistake or breach policy it doesn't mean you are a criminal. It means you made a mistake. I have seen several good, hard-working officers totally demoralised because they made a mistake and were [inappropriately or harshly] disciplined."

"I strongly agree that police officers need to be held accountable for all their actions. However, police officers need to be offered the same rights and legal protections that all other workers and citizens have. We provide these to our worst criminals every day."

"For officers who deal in a world where the standard of proof is 'beyond reasonable doubt' and then to find themselves investigated and disciplined on a lesser burden of proof is demoralising and objectionable."

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 – although perceptions of what is appropriate may differ.

Police complaints processes and disciplinary systems are notoriously challenging to get right, with issues around independence, fairness, police investigating their own and pressure not to report misconduct, for example, plaguing police services for decades.

But the public must have confidence in their police service, because if they cannot trust the police, who can they trust?

This is why Professional Standards Assistant Commissioner Nick Anticich says what the portfolio does is critical for the police service – “because in many ways we protect the reputation of the organisation”.²³⁹

Hence, various structures to help protect the reputation of the service have been put in place, including a complaints process, a disciplinary model and quality and assurance and oversight mechanisms.

4.1 How the complaints process works

Complaints about the conduct of police personnel can be made:

- by members of the public (in person at any station, using an online form, in writing, by telephone, and to the Corruption and Crime Commission);
- by other police personnel, who are obliged to report their peers.

All complaints are forwarded to the Police Complaints unit (usually referred to as just Police Complaints) where they are recorded, assessed, allocated and monitored.²⁴⁰

Police Complaints triages the complaints according to seriousness. In general, the less serious misconduct cases are allocated to the relevant District/Division and returned to Police Complaints following investigation to undergo quality assurance; and the serious misconduct cases are referred to the Internal Affairs Unit (IAU).

There are two main processes for dealing with complaint allegations:

239 Mr Nicholas Anticich, Assistant Commissioner, Professional Standards, WA Police, *Transcript of Evidence*, 15 February 2016, p44.

240 Apart from complaints received by telephone which have been resolved by the Early Complaints Assessment Team.

- **Local Complaint Resolution** – aims to resolve the complaint at a local level with the involvement of the complainant and the officers involved in the complaint. An assigned resolving officer will ask the complainant what outcome he/she is seeking and will talk to both parties with a view to finding a quick resolution.
- **Formal investigations** – undertaken by appointed investigators who are empowered to take statements, call witnesses and gather all evidence relevant to the investigation. These investigations usually take longer to complete. Complainants receive written advice of the outcome. Reports are prepared and submitted to senior officers. All investigation files and complaint matters may be subject to further review/examination by the Corruption and Crime Commission.²⁴¹

Simplistically, the less serious cases are dealt with by Local Complaint Resolution (LCR) and the most serious require a formal investigation.

4.2 How WA Police deals with misconduct

The overarching plan for dealing with misconduct is called the Managerial Intervention Model (MIM). WA Police maintains that most incidences of misconduct can be dealt with using this model, which sets out responses for low level misconduct through to serious misconduct. Statutory charges (resulting from criminal offences) are not part of the MIM.

The MIM was introduced in 2007 following a major review by WA Police prompted by recommendations of the Kennedy Royal Commission. It was designed to move away from a punitive disciplinary framework towards a managerial approach, with emphasis on improving conduct and changing behaviour through agreed improvement strategies.²⁴²

The MIM recognises the need for more serious incidents to be addressed using criminal/statutory charges (outside the ambit of WA Police), disciplinary charges under section 23 of the *Police Act 1892* or Loss of Confidence proceedings, which are also part of the Act.

4.2.1 Components of the Managerial Intervention Model

There are four managerial interventions which are applied according to the seriousness of the misconduct. These four, outlined in Figure 4.1, typically arise from complaints

241 WA Police, [Making a complaint about the police](#).

242 WA Police, *Submission to the Joint Standing Committee on the Corruption and Crime Commission*, July 2012, p5.

which have been allocated for resolution using the Local Complaint Resolution (LCR) process.

However, complaints managed by Internal Affairs and/or investigated by the CCC can also result in a managerial intervention, and conversely complaints allocated to the LCR process may result in a more serious misconduct action. Additionally, a criminal investigation does not preclude a misconduct investigation (with separate penalties applied), and even where acquitted of the criminal charge an officer may face a disciplinary charge or Loss of Confidence notice.²⁴³ Managerial Action Plans (part of the MIM) may also be put in place to manage an officer's behaviour while awaiting the result of a criminal investigation.²⁴⁴

Commanders/Superintendents/Branch Heads who identify the need for managerial intervention must appoint a "suitably skilled and experienced investigator".²⁴⁵ The COPs Manual (policy HR-31.01.13.1) stipulates the roles, responsibilities and accountabilities of the appointed investigator.

When deciding upon the most appropriate form of managerial intervention, certain factors should be taken into account, such as: whether any deficiency in supervision and/or management contributed to the unprofessional conduct; whether any health and welfare issues contributed to the unprofessional conduct; and whether the managerial intervention/behavioural modification action being considered is reasonable, fair and equitable.²⁴⁶

According to WA Police policy,²⁴⁷ following a MIM outcome or decision (and depending on the seriousness of the alleged misconduct), accused officers should be provided with initiatives to improve their performance and modify their behaviour, such as training, professional development, coaching/mentoring, counselling, improvement strategies and/or personal development.

243 Corruption and Crime Commission, [Report on the Management of Misconduct by Western Australia Police](#), Corruption and Crime Commission, Perth, 2 September 2011, p9; *COPs Manual*, AD-68.04 – Disciplinary Investigation and Loss of Confidence (LOC) process while Criminal Charges are Pending.

244 *COPs Manual*, HR-31.01 – Managerial Intervention Model.

245 *COPs Manual*, HR-31.01.13.1 – Managerial Intervention Model.

246 *ibid.*

247 Submission No. 12 from WA Police Union, 16 December 2015, p31.

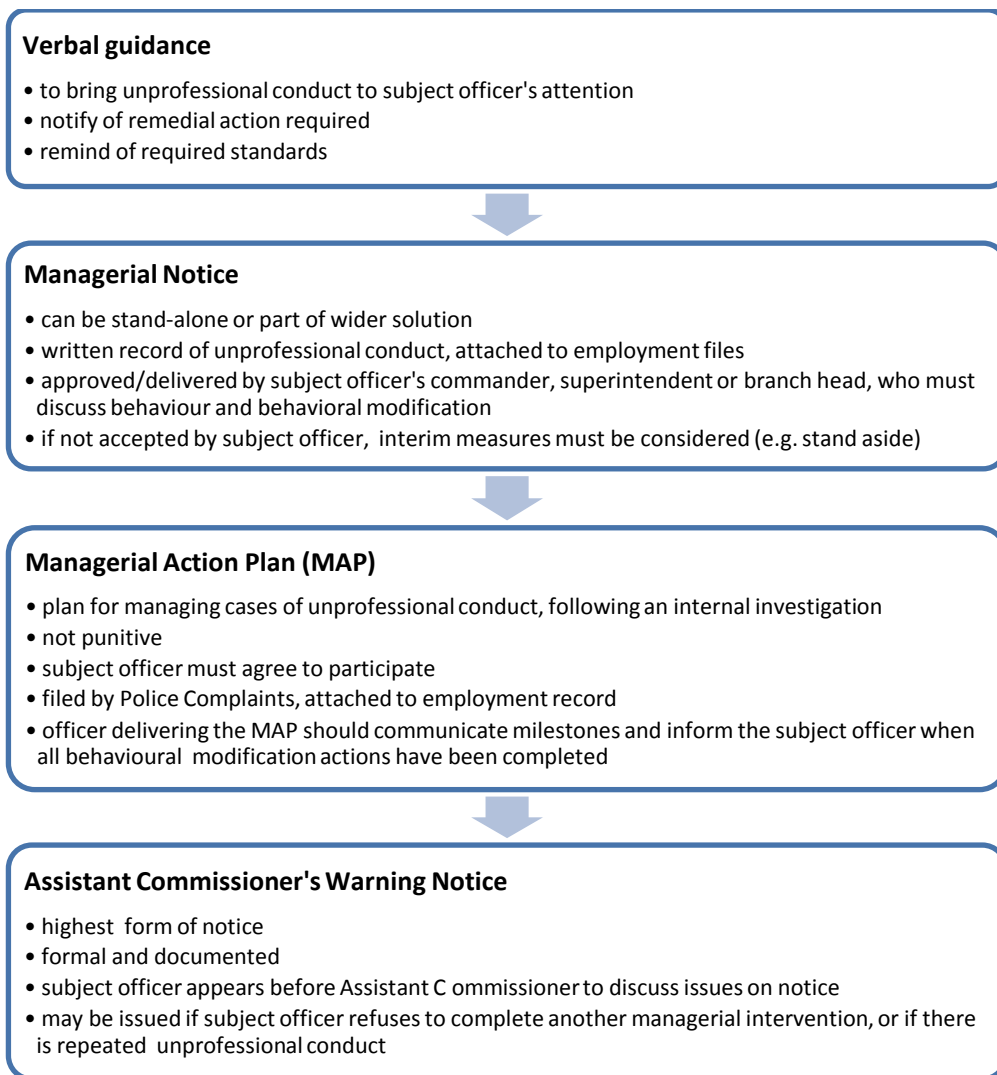


Figure 4.1: Managerial interventions WA Police can use to address misconduct.

4.2.2 Section 23 and Loss of Confidence

Section 23 of *the Police Act 1892* gives the Commissioner the power to investigate any disciplinary offences. If any member of the police service is found to have committed a disciplinary offence, then that officer may be cautioned or may have imposed upon him/her a punishment, such as a reprimand, a fine, demotion, reduction in salary, suspension from duty or discharge/dismissal from duty.

Disciplining an officer under section 23 provides the member an avenue of appeal to the Police Appeal Board (subsection 6), should that officer wish to appeal “the

punishment and ... any decision or finding on which the punishment was based" (see section 33E, *Right of appeal to board on disciplinary offences in Appendix 8*).²⁴⁸

The Police Appeal Board is made up of a magistrate (who acts as chairperson on the board), a person appointed by the Commissioner and a member of WA Police. The board has the power to "confirm, modify or reverse any decision, finding or punishment appealed against or make such other order thereon which the Board deems just", and its decision is final.²⁴⁹

According to the WAPU, disciplinary charges using section 23 are rarely pursued and, since statutory charges are outside the realm of WA Police, a Loss of Confidence (LOC) notice (from section 8 of the *Police Act 1892*) was the most likely sanction to be applied for serious misconduct matters.²⁵⁰

While there have been recommendations to repeal the section 23 disciplinary provisions on the basis that offences dealt under this provision had become consumed by lengthy legal arguments,²⁵¹ section 23 remains in place.

4.3 Criticisms of how misconduct is dealt with internally

While police officers' concerns about the way WA Police deals with misconduct are mostly in relation to the "procedural unfairness" of the MIM, public concerns relate to issues of integrity and police investigating police. Each perspective will be explored in turn.

4.3.1 Police officers' concerns

While WA Police has championed the MIM as the preferred model for dealing with misconduct, the WAPU regards it as an inferior model. The union outlined its concerns in a letter to the Commissioner (dated 28 July 2015), including:

- the MIM lacks procedural fairness;
- members had experienced situations where they had been pressured to accept notices and sign Managerial Action Plans (MAPs), and were threatened with escalated outcomes for non-compliance;

248 [Police Act 1892](#), s23 (see Appendix 8 for full details of s23 and s33E).

249 *ibid*.

250 Submission No. 12 from WA Police Union, 16 December 2015, pp36, 45. Figures from the Professional Standards Statistical overview show that there were 21 section 23 charges applied in 2010-11 and 7 in 2011-12, but none in 2012-13, 2013-14 or 2014-15. (From WA Police, [Supplementary Information, WA Police Annual Report 2015](#)).

251 WAPOL, *Submission to the Joint Standing Committee on the Corruption and Crime Commission*, July 2012, p5.

- the MIM did not provide for an unbiased review of decisions made under the model;
- section 23 of the Police Act is under-utilised;
- investigations under the MIM are often protracted;
- the quality assurance process that each decision goes through is insufficient;

A survey of WAPU members found that half of respondents (49.8%) did not believe that the MIM allowed for natural justice. Half (51.3%) also did not believe outcomes were advised in a timely manner. Almost half (45.3%) said the MIM process was not fair and equitable, although 28 per cent said it was somewhat fair.²⁵²

Of the respondents who had been subject to a criminal or managerial investigation, nearly half (46.7%) said it had adversely affected their health.²⁵³

Comments by members suggest that inconsistency in the application of the MIM by different managers has been an ongoing problem.²⁵⁴ There was also a perception of inconsistency in application based on rank, with commissioned officers (those in higher ranks) being seen to be treated more favourably.

A lack of understanding of the MIM was blamed for meting out interventions in situations where it was seen as unwarranted:

*[The MIM is] used far too often for minor matters that should in most cases be dealt with by way of verbal guidance. Far too often officers are subject to a MAP [Managerial Action Plan] for a single indiscretion or error of judgment when the model clearly states that a MAP is to be used as a behaviour modification [tool]. I fail to see how a single incident can be used to define someone's behaviour.*²⁵⁵

Another member noted:

If used correctly, the MIM is only put in place when an officer requires some form of conduct or behaviour to be modified ... The MIM is meant to support an officer and ensure they are provided with training, peer support and supervision to help them overcome the issue

252 Submission No. 12 from WA Police Union, 16 December 2015, p28.

253 *ibid.*, p29.

254 *ibid.*, pp34, 45.

255 *ibid.*, p33.

*and make them a better officer. However, what we are seeing is various district offices using the MIM as a ... form of punishment.*²⁵⁶

WA Police acknowledged these issues in a notice to staff in November 2015, particularly in respect to the inconsistent application of Managerial Action Plans (MAPs):

*In general terms, behavioural modification actions should be developmental, not punitive ... Since commencement of the MIM, Districts/Divisions have retained flexibility to prepare and deliver MAPs without reference to Police Complaints, however, over time, this has resulted in vastly different applications of behavioural modification actions for similar instances of unprofessional conduct. To establish a level of consistency in the process across the State, all proposed MAPs are to be forwarded to Police Complaints ... for review and quality assurance, prior to delivery.*²⁵⁷

This amended procedure is due for review at the end of June 2016.²⁵⁸

As alluded to in the second quote above, officers who are the subject of a MIM are supposed to be offered an opportunity to improve their performance and modify their behaviour. However, nearly three-quarters (73.6%) of respondents to the WAPU survey said they had not been provided with such opportunities.²⁵⁹ This means that a major tenet underpinning the MIM – that a remedial/developmental approach be used to modify behaviour – is being neglected.

Members were also concerned that officers investigating misconduct reports were not adhering to guiding principles specified within the WA Police Investigation Doctrine, which espouses (amongst other things) transparency, fairness, equity, standardisation and communication.²⁶⁰

Members reported feeling that the agency adopted a “guilty until proven innocent” stance :

*Officers are being treated as guilty at first instance. Managers are not always sure how to proceed and are more likely to be hard on individuals as they do not want to be seen as not doing their duty.*²⁶¹

256 Submission No. 12 from WA Police Union, 16 December 2015, p33.

257 *ibid.*, p35.

258 *ibid.*

259 *ibid.*, p31.

260 *ibid.*, p45.

261 *ibid.*, p52.

*[While] there should never be any tolerance for misconduct or corruption, the current attitude of WA Police toward its officers is one of guilty unless unsubstantiated.*²⁶²

WA Police was unable to confirm whether the onus was on the officer to disprove the allegation or on the investigator to prove it. The Commissioner said it was “a bit unclear” and Assistant Commissioner for Professional Standards Nick Anticich said it would likely be considered as part of a recently announced review of the disciplinary process.²⁶³

Even though a managerial intervention outcome is supposed to be based on mutual agreement,²⁶⁴ some officers reported feeling threatened or forced to accept MIM outcomes, regardless of the severity of the alleged misconduct:

*I was told that if I continued to make 'noise' about the matter, things would simply get worse for me and I should [accept] the MAP and shut up.*²⁶⁵

*I was told to sign it otherwise things would not go well for me in the future.*²⁶⁶

The time taken to conduct and finalise investigations was also a common complaint, with officers not knowing the outcome for months or up to two years in some cases.²⁶⁷ The lack of communication regarding the investigation throughout this time “exacerbates for officers what is already a stressful experience”.²⁶⁸

While the range of complaints related to the MIM were quite broad, the issue of procedural fairness seems to be WAPU’s chief concern. Actions taken under the MIM are premised on a consultative approach in which mutual agreement is reached, thus nullifying a right of review.²⁶⁹ Disciplinary actions under section 23 do carry a right of review – but the WAPU said section 23 “languishes as an unutilised method of disciplining police officers”.²⁷⁰

262 Submission No. 12 from WA Police Union, 16 December 2015, p52.

263 Mr Nicholas Anticich, Assistant Commissioner, Professional Standards and Dr Karl O’Callaghan, Commissioner of Police, WA Police, *Transcript of Evidence*, 15 February 2016, p40.

264 Mr Nicholas Anticich, Assistant Commissioner, Professional Standards, WA Police, *Transcript of Evidence*, 15 February 2016, p39.

265 Submission No. 12 from WA Police Union, 16 December 2015, p31.

266 *ibid.*

267 *ibid.*, pp30, 32-33.

268 *ibid.*, p45.

269 *COPs Manual*, HR-31.01.17 – No Right of Review.

270 Submission No. 12 from WA Police Union, 16 December 2015, pp45-46.

However, in evidence to the Committee, Commissioner O’Callaghan said that section 23 would be applied to three cases in the near future and the intention was to use it more often from now on.²⁷¹

He had avoided using it in the past because it was a “cumbersome” process conducted like a court case, involving lawyers and an assistant commissioner or deputy commissioner listening to evidence. However, he could see a role for section 23 disciplinary actions for cases that were too serious for a managerial intervention but not serious enough to warrant a Loss of Confidence notice.²⁷²

This is not quite what the WAPU was hoping for, in that it would rather see section 23 used *in place of* the MIM. However, if the MIM continued to be used *in conjunction* with section 23, the union said WA Police should ensure that it was applied with consistency and conducted in a timely fashion, that unsubstantiated or unfounded allegations did not result in adverse outcomes for the officer concerned, that a robust quality assurance process was in place and that procedural fairness and natural justice was maintained.²⁷³

In early December 2015, WAPOL announced via a member newsletter three projects to review the conduct and management of internal investigations:²⁷⁴

- the Discipline Review Project - which includes a review of the current Managerial Intervention Model (MIM);
- the Loss of Confidence process; and
- *section 440 Criminal Code* unlawful computer accesses - which has resulted in officers facing criminal charges.

According to the article, initial reviews of the three key areas had already identified some opportunities for improvements which would form part of an “extensive stakeholder engagement process”. It acknowledged that reinstating the use of section 23 “may deliver greater levels of due process and officer rights of appeal, not necessarily available in the current model.”²⁷⁵

The WAPU welcomes this news and has said it will closely monitor the management of police misconduct under section 23 to ensure that it is applied properly and fairly.²⁷⁶

271 Dr Karl O’Callaghan, Commissioner of Police, WA Police, *Transcript of Evidence*, 15 February 2016, p36.

272 *ibid.*

273 Submission No. 12 from WA Police Union, 16 December 2015, p46.

274 WA Police, *From the Line*, Issue 544, 2 December 2015, p2.

275 *ibid.*

276 Mr George Tilbury, President, WA Police Union, *Transcript of Evidence*, 17 February 2016, p2.

Finding 18

The Managerial Intervention Model, instituted as the preferred method for dealing with police misconduct, is not delivering natural justice to officers. The Committee welcomes news that WA Police is reviewing the process.

4.3.2 Public concerns

Research shows that “unethical policing has a corrosive effect on society, undermining the system of democratic authority and threatening the security of ordinary citizens”.²⁷⁷ One only has to look to countries such as Mexico to see the extent to which dishonest police enable organised crime to flourish. It also leads to public disaffection, victimisation, resistance to authority and non-cooperation with police, according to researchers in the field.²⁷⁸

For this reason, citizens (those not involved in organised crime, at least) take an interest in ensuring that corrupt police or police who conduct themselves inappropriately are brought to justice.

This places pressure on policing agencies, which must be seen to be treating accused officers without prejudice, and is, of course, one of the reasons for the establishment of external integrity oversight bodies such as the CCC.²⁷⁹

The issue of “police investigating their own” is one of the reasons there was public consternation when it was revealed that the Internal Affairs Unit (which, although part of WA Police, is regarded as having a degree of independence) would no longer be responsible for investigating officers involved in police shootings and crashes.

This occurred in January 2015, following an outcry from the WA Police Union over the treatment by IAU officers of four police officers involved in a fatal shooting in Carlisle. They had apparently been left at the location for too long and were unable to clean blood off their bodies or access medical treatment and counselling for 13 hours while being detained.²⁸⁰

From the start of 2015, the Major Crime Division took over responsibility for misconduct investigations associated with critical incidents involving use of force by police resulting in death, police discharging firearms resulting in life-threatening injury, and deaths in custody. The Major Crash Investigation Section took over responsibility

277 Porter, L. and T. Prenzler, *Police Integrity Management in Australia – Global Lessons for Combating Police Misconduct*, CRC Press (Taylor & Francis Group), Boca Raton, Florida, 2012, p21.

278 *ibid.*

279 *ibid.*

280 Powell, G., *WA Police Commissioner curbs powers of Internal Affairs Unit after officers arrested over fatal shooting*, ABC News, 8 January 2015.

for misconduct investigations associated with deaths and/or serious injuries resulting from police pursuits, emergency driving and police vehicle operations.

Under the new arrangements, a Senior Investigating Officer (SIO) is appointed to manage the conduct of the investigation, with the IAU appointing a liaison officer to audit the quality of the investigation and deal with management issues. The IAU officer reports to the SIO. In the event conduct matters are identified, the IAU is responsible for completing a report and providing recommendations in regard to managerial outcomes.²⁸¹

The critical incident management policy now also specifies the level of care that should be afforded officers involved in a critical incident (apparently absent in the Carlisle incident), which reads in part:

*Officers and their supervisors connected with the investigation of critical incidents will give the highest priority to the welfare of the officers involved in the incidents. The safety and welfare of officers will take precedence over forensic procedures.*²⁸²

The change pleased the WAPU, but the delegation of responsibility away from the IAU drew criticism from the media, with an editorial viewing the move as “risking public confidence in the internal investigations system”. It said that separate investigations units (such as the IAU) provided some notion of impartiality when police investigated police.²⁸³

The new arrangement meant that “major crash police could be leading the investigation of a fellow traffic officer if a chase goes terribly wrong, or a major crime team could be directing an inquiry into fellow detectives if a raid ends in a hail of bullets. Investigations can be engineered for particular outcomes.”²⁸⁴

This is a legitimate concern, but to date there is no evidence that the change has resulted in engineering of outcomes in these types of cases. The Committee is also reassured that the Professional Standards portfolio (which oversees various units/divisions including Police Complaints, Internal Affairs, Ethical Standards and Personnel Security Vetting)²⁸⁵ has in place a quality assurance and oversight system that features many of the elements of best practice, as well as analytical capability

This is not to say that the system is immune from the potential for bias, and internal and external scrutiny and vigilance is always desirable. These issues are explored next.

281 *COPs Manual*, CP-01.00 – Critical Incident Involving Police.

282 *ibid.*

283 Editorial, 'Internals need a lead role in police probes', *The West Australian*, 12 January 2015, p18.

284 *ibid.*

285 See Appendix 9 for organisational diagrams of the portfolio structure.

Oversight and quality assurance

WA Police has in place what appears to be a comprehensive system of review, quality assurance and oversight in relation to complaint investigation. This includes the Corruption and Crime Commission, established in 2004 (in place of the Anti-Corruption Commission) to improve the integrity of the public sector. The CCC ensures that allegations about misconduct are appropriately investigated and dealt with (generally by the department involved, although the CCC may investigate the more serious allegations itself).

The CCC is overseen by a Parliamentary Inspector (who can investigate any allegation against CCC officers with the powers of a Royal Commissioner) and also by the Joint Standing Committee on the Corruption and Crime Commission (JSCCCC).

The Commissioner of Police is required to notify the CCC of matters concerning reviewable police action (that is, the more serious cases). If the CCC determines that the allegation is about misconduct, it is most often referred back to WA Police for investigation.²⁸⁶

Police Complaints and IAU each conduct their own quality assurance reviews of investigations. Quality assurance (QA) performed by Police Complaints involves examining the quality and standard of the investigation and the appropriateness of findings and outcomes. If substandard, the investigation file is returned to the respective District/Division for remedial action.²⁸⁷

The IAU undertakes its own QA processes throughout an investigation, even those outsourced to Districts/Divisions (which at present is about half). The CCC undertakes a review upon completion of the investigation.²⁸⁸

For Critical Incidents involving police, the Deputy Commissioner Specialist Services has overall agency responsibility. The Deputy Commissioner Specialist Services may take an active or passive role in the oversight of all aspects of the WA Police response depending on the circumstances of the incident.²⁸⁹

286 Corruption and Crime Commission, [Report on the Management of Misconduct by Western Australia Police](#), Corruption and Crime Commission, Perth, 2 September 2011, pp7-8.; Mr Nicholas Anticich, Assistant Commissioner, Professional Standards, WA Police, *Transcript of Evidence*, 15 February 2016, p41.

287 WA Police, *Submission to the Joint Standing Committee on the Corruption and Crime Commission*, July 2012, p20.

288 *ibid.*, p23.

289 *COPs Manual*, CP-01.00 – Critical Incident Involving Police.

The CCC focuses its attention on reviewing completed investigations into allegations that are relatively serious and/or complex (those with the greatest potential to undermine public confidence in policing if not properly investigated by WA Police).²⁹⁰

However, the CCC says that the way WA Police deals with medium risk (less serious but not trivial) allegations is critical, since the bulk of misconduct allegations fall into this category. In its 2011 report into how WA Police deals with misconduct, it said there were “examples of genuine innovation in the way WA Police districts and units deal with these cases” which demonstrated “the commitment of district managers to misconduct management”.²⁹¹

The WAPU was not so enthusiastic in its praise, however, noting consistency and quality assurance issues (as related earlier in this chapter). It noted “diverse outcomes” between complaints managed at district level (by way of the Local Complaints Resolution process) and those managed by Internal Affairs.²⁹²

There were concerns that Professional Standards was “handballing” 50 per cent of internal investigations to district detectives who did not have the resources to deal with them. WAPU senior vice president Brandon Shortland said that “... detective sergeants ... and others are taken off the front line for weeks at a time to investigate one of their own people”.²⁹³

Finding 19

Under the Managerial Intervention Model, district detectives are required to investigate more internal misconduct investigations than they have the resources to manage.

Whilst acknowledging the issue of “mates investigating mates”, Mr Anticich said it was a nationally accepted principle that the best way to deal with misconduct was for it to be a local matter brought to the attention of local supervisors.²⁹⁴

However, the union maintained that all internal investigations should be undertaken by the Professional Standards portfolio (who were paid a “no friends allowance” to

290 Corruption and Crime Commission, [*Report on the Management of Misconduct by Western Australia Police*](#), Corruption and Crime Commission, Perth, 2 September 2011, p8.

291 *ibid.*, p54.

292 Mr Brandon Shortland, Senior Vice President, WA Police Union, *Transcript of Evidence*, 17 February 2016, pp19-20.

293 *ibid.*

294 Mr Nicholas Anticich, Assistant Commissioner, Professional Standards, WA Police, *Transcript of Evidence*, 15 February 2016, p39.

conduct them) and not given to frontline members “to investigate their own people”.²⁹⁵

Finding 20

While oversight of misconduct in WA Police conforms with national practice, a more stringent quality assurance process would ensure consistency of outcomes between matters investigated by different divisions.

4.4 Performance measurement

It is acknowledged that it is important to find out *why* an officer has engaged in unethical behaviour and not just prove *what* the officer did. However, agencies Australia-wide noted difficulties with evaluating the impact of anti-corruption efforts and a lack of resources often prevented in-depth evaluations from being conducted.²⁹⁶

At the national level, the Report on Government Services (ROGS) has several indicators for perceptions of police integrity, which show that in 2014-15 WA Police were perceived as more honest than the national average but less professional and less likely to treat people fairly than the national average (although the percentage point differences are marginal) (see Table 4.1).

Table 4.1: Perceptions of police integrity 2014-15

Proportion of people that agreed or strongly agreed that...	National average	WA	WA position compared to other jurisdictions
... police treat people fairly and equally	77.7%	75.7%	7 th out of 8
... police perform the job professionally	88.7%	87.0%	6 th out of 8
... police are honest	75.9%	76.8%	2 nd out of 8

Source: Report on Government Services 2016.²⁹⁷

However, ROGS is unable to compare the “complaints” indicator across jurisdictions because definitions of what constitutes a complaint against police differ across jurisdictions.²⁹⁸ (Figures for WA are reported below.)

Porter and Prenzler (2012) comment on this discrepancy also, noting that a national integrity framework with national performance measures and minimum standards

²⁹⁵ Mr Brandon Shortland, Senior Vice President, WA Police Union, *Transcript of Evidence*, 17 February 2016, p20.

²⁹⁶ Porter, L. and T. Prenzler, *Police Integrity Management in Australia – Global Lessons for Combating Police Misconduct*, CRC Press (Taylor & Francis Group), Boca Raton, Florida, 2012, p230.

²⁹⁷ Steering Committee for the Review of Government Service Provision, [Report on Government Services 2016, vol. C: Justice](#), Productivity Commission, Canberra, 2016.

²⁹⁸ *ibid.*, p6.11.

would be useful but would require consistency in recording and storing of complaints information.²⁹⁹

WA Police has one integrity-related KPI, which measures confidence in police. According to the WA Police Annual Report 2015, “the community’s confidence in police reflects police professionalism, honesty, and treating people fairly and equally” – although, interestingly, this single measure produces different results to the ROGS measures in Table 4.1 which measure the same things discretely.

The percentage of the community who agreed or strongly agreed that they have confidence in WA Police in 2014-15 was 87.7 per cent, exceeding the target of 85 per cent. This was also the highest figure for the past five years.³⁰⁰

WA Police did not report any other formalised internal performance measures for integrity/misconduct, however the agency does provide statistics on the performance of the Professional Standards portfolio as supplementary information on its annual report webpage.³⁰¹ The online data provided is extensive but no analysis is provided. A selection of the data is provided in the tables below.

Table 4.2: Inquiries managed by Police Complaints

	2010-11	2011-12	2012-13	2013-14	2014-15
Complaints from the public					
Serious misconduct	116	66	57	61	42
Reviewable Police Action	572	448	541	445	300
Non-reportable	0	1	3	112	95
Information Files	301	383	645	508	650
TOTAL	989	898	1246	1126	1087
Internal complaints					
Serious misconduct	56	41	68	54	75
Reviewable Police Action	160	169	213	200	183
Non-reportable	6	50	65	64	92
TOTAL	222	260	346	318	350
Complaints from other sources	181	144	179	160	138
GRAND TOTAL	1392	1302	1771	1604	1575

299 Porter, L. and T. Prenzler, *Police Integrity Management in Australia – Global Lessons for Combating Police Misconduct*, CRC Press (Taylor & Francis Group), Boca Raton, Florida, 2012, p236.

300 WA Police, *Annual Report 2015*, WA Police, East Perth, 2015, p98.

301 WA Police, [Professional Standards Statistical Overview](#), [WA Police, East Perth], 2015.

Table 4.3: Inquiries managed by Internal Affairs Unit

	2010-11	2011-12	2012-13	2013-14	2014-15
Information Reports					
Serious misconduct	59	73	88	65	49
Reviewable Police Action	20	58	39	30	32
Non-reportable	3	5	7	4	6
Information Only	62	190	184	78	38
IRs incorporated into a Folio*	110	163	112	226	158
TOTAL	254	489	430	403	283
Folios					
Serious misconduct	54	95	71	98	80
Reviewable Police Action	51	77	28	47	34
Non-reportable	30	42	34	50	44
Information Only	3	2	3	1	1
TOTAL	138	216	136	196	159

* A Folio is created when an Information Report is allocated to an IAU investigator. One or more Information Reports may be incorporated into a Folio.

Table 4.4: Complaints resolved by Local Complaints Resolution process

	2010-11	2011-12	2012-13	2013-14	2014-15
Public complaints	369	257	345	287	165
Internal complaints	26	27	27	38	52
TOTAL	395	284	372	325	217

Table 4.5: Action resulting from all inquiries

	2010-11	2011-12	2012-13	2013-14	2014-15
Demotion (s23 Police Act)	2	4	0	0	0
Discipline charges (s23)	17 (21)	4 (7)	0	0	0
Fine (s23)	12	2	0	0	0
Managerial Notice	49	107 (108)	134 (139)	141 (145)	117 (119)
AC Warning Notice	0	4	21	31	26
Resignation whilst under investigation	19	20	25	16	10
Statutory charges	30 (78)	37 (171)	27 (144)	27 (92)	28 (56)
Removal under s8 (LOC)	9	8	15	6	5
Medical discharge (s8)	2	4	2	1	1
Removal of probationary constable (s505A)	2	1	0	2	1

Note: The figure in brackets is the number of actions, while all other figures are the number of officers. i.e. one officer may incur one or more types of action in any year.

Table 4.2 shows that in 2014-15, while serious misconduct inquiries originating from complaints by the public were at their lowest in five years (42), serious misconduct inquiries originating from internally reported complaints (i.e. from other officers) were at their highest in five years (75). This is a positive sign for the cultural integrity of the force, indicating that officers are becoming more willing and more confident to report the misconduct that they observe among their peers.

The figures in Table 4.5 reflect the increased use of MIM actions (Managerial Notice, Assistant Commissioner's Warning Notice) in place of section 23 disciplinary actions. But despite being told that complaints are increasingly dealt with by the LCR process, Table 4.4 shows a decrease in the number of complaints being resolved by LCR. It is not possible to deduce from the Statistical Appendix whether this is due to an overall decrease in complaints (and hence fewer being allocated to LCR).

In the interests of transparency and accountability, it is commendable that WA Police makes Professional Standards data publicly available. However, the complaints system is so complex that it is difficult to make sense of the data without comprehensive explanatory notes, which are not provided.

Finding 21

The provision of publicly accessible Professional Standards data is commendable. However, the complexity of the complaints and disciplinary system makes it difficult to interpret.

Recommendation 4

WA Police should provide a description and analysis of the online Statistical Appendix of Professional Standards data, to provide the public with a better understanding of the performance and outcomes of the Professional Standards portfolio and misconduct investigations.

According to Porter and Prenzler (2012), in addition to the reactive strategies which have already been discussed (e.g. complaints receipt and investigation and performance management), a rounded integrity system will have proactive strategies (e.g. education, research and analysis, and risk assessment).³⁰²

Unlike some other areas of the agency, the Professional Standards portfolio appears to have systems in place for monitoring trends, including analysts and a behavioural/risk assessment team and early intervention program.

The Behavioural Assessment Unit is primarily responsible for proactively identifying behavioural issues and trends of police officers, police staff, or any business units through its Early Intervention Program. It monitors a range of data collected by the agency (e.g. alcohol and drug use, declarable associations, use of force, results of internal investigations and audits) and where an adverse pattern of integrity, honesty, behaviour, performance and/or ethical issue is identified, a strategy to mitigate and manage the at-risk behaviour is put into place.

302 Porter, L. and T. Prenzler, *Police Integrity Management in Australia – Global Lessons for Combating Police Misconduct*, CRC Press (Taylor & Francis Group), Boca Raton, Florida, 2012, p236.

According to the COPs Manual:

*The strategies implemented as part of the Early Intervention program are not linked to the MIM /disciplinary process and exist as a means of intervening and preventing employees from continuing to engage in conduct, behaviour, performance that if left untreated may result in misconduct.*³⁰³

Commissioner O’Callaghan said that trends were reported to the executive level audit and risk committee.

*... we can take notice of particular trends. For argument’s sake, increased misuse of the computer system has been an issue on our agenda for the past couple of years. We are advised of those trends and we can respond through policy or some other way. The same applies to Corruption and Crime Commission reports or coronial inquiries; they come back to us at corporate executive team level and we consider those and make changes.*³⁰⁴

The investigation into the death of Joshua Warneke (Aviemore) was an example of that.

*There were a lot of changes made out of recommendations that the Corruption and Crime Commission put forward. We do not always agree with all of them, but there were some significant changes made as a result of that.*³⁰⁵

Expanding on the Commissioner’s comments, Mr Anticich noted that Professional Standards was starting to do a lot more analysis of the data available to them. It would then work out how to respond to issues.

*The case management system we have got is very rich in data. We collect an awful lot of information. The Commissioner has mentioned unauthorised computer use. Looking at the data over the last five years, for whatever reason there is a predilection within our people to look up information that they are simply not entitled to do, not necessarily for any criminal intent, but for a variation of reasons. What is it and how is it we will try and address that? We think it is going to be through communication.*³⁰⁶

303 COPs Manual, AD-16.11 – Early Intervention Program.

304 Dr Karl O’Callaghan, Commissioner of Police, WA Police, *Transcript of Evidence*, 15 February 2016, p41.

305 *ibid.*

306 Mr Nicholas Anticich, Assistant Commissioner, Professional Standards, WA Police, *Transcript of Evidence*, 15 February 2016, p42.

As Porter and Prenzler (2012) note, a mix of strategies is necessary to combat misconduct and to bring corrupt officers to justice. These include covert methods – such as integrity tests (i.e. simulated corruption opportunities) and listening devices – and overt methods, including CCTV, recording interviews with suspects and drug and alcohol testing.³⁰⁷

However methods which encourage behavioural change through internalisation of values have been shown to be more effective than strategies based on generating fear in officers. The authors say that the Early Intervention Program is a promising technique for this.³⁰⁸

So according to the best practice outlined by Porter and Prenzler (2012), WA Police has in place an admirable combination of strategies for discouraging, identifying and dealing with misconduct.

But the process of dealing with officers accused of misconduct is not perfect. Officers are not convinced of the effectiveness of the MIM, which may be, once again, a case of too few resources. If district-level senior officers are increasingly being required to deal with complaint investigations which remove them from other duties, they need access to resources to cover their absence. Otherwise there is a risk that internal investigations may not be conducted thoroughly. As suggested in the submission from WAPU, the officer being investigated may be pressured into accepting a MIM finding in the interests of closing the case quickly.

Given that a review of the disciplinary system is underway, the Committee has refrained from making recommendations. It will, however, observe the results of the reviews with interest.

307 Porter, L. and T. Prenzler, *Police Integrity Management in Australia – Global Lessons for Combating Police Misconduct*, CRC Press (Taylor & Francis Group), Boca Raton, Florida, 2012, p13.

308 *ibid.*

Chapter 5

Employment-acquired medical issues

This chapter considers how WA Police deals with employment-related medical issues affecting police, in particular the treatment and management of post-traumatic stress disorder (PTSD). Training to identify mental health issues, preventative action and support initiatives are discussed. The importance of return-to-work practices are considered, along with procedures used to remove officers with medical issues, leave entitlements and available financial support. To conclude, the chapter considers how WA Police measures its performance in this area and suggests possible improvements.

Case Study 1³⁰⁹

The 15th of November 2010 was the day I broke down in front of my then wife who had noticed my symptoms and deterioration months prior to this date and pleaded for me to seek medical intervention. It was on this date I finally sought medical help and was placed on medical leave forthwith.

I returned to work on or about the 1/2/2011 on a Return to Work Program through the Police Health and Welfare Branch.

[After being told he would be able to commence work two days per week in a particular section, which he was happy with, the officer was then told he had been transferred to another role which he considered demeaning. He became emotional after receiving this news and left the office and proceeded down the busy street.]

I recall tears flowing from my face and I had to stop on one occasion and sit on a park bench. I was in full police uniform and my sunglasses shaded my tears to a certain degree from the members of the public. It was at that stage that I knew my police career was over and that my body could handle no more pain and suffering.

My feelings and emotions because of this unfortunate situation placed me in a dark and lonely environment and a feeling I wish never to experience again. The many mixed emotions of distrust and betrayal was overwhelming. I kept thinking of how the hell this happened to me and why I deserved such treatment from superiors I thought I could trust and who I thought where there to help me. I was sadly mistaken.

I was a 20-year veteran police officer who served the state of WA with a distinguishing career and deserved better treatment and understanding from my superiors and managers. In a way my feelings are one of being punished ... because of my demise and falling from the perch so to speak and letting the team down by being on medical leave. What happened to me was a disgrace and should never happen to another Police Officer again.

[Approximately a week later a senior sergeant who had returned from annual leave contacted the officer and said the situation would have never occurred

309 Submission No. 9 from Mr Matthew Carroll, 3 November 2015.

had he been there at the time. He told the officer that if he returned to work he would reappoint him to the role originally promised to him.]

I thanked [him] for his support but told him it was too late. My faith and trust with the WA Police was completely demolished and my body had given up the will and fight to try and recover. I was finished and done.

The assistance I received from the Police Service has been absolutely nil. I was just a number and a hindrance to the WA Police Service.

After I became medically retired on the 23/2/2012 I attempted to resume a working career in the mining sector working for BHP and Rio Tinto. This employment lasted approximately 12 months and as a result of my stress and anxiety and neglecting my medication due to fear of the alcohol and drug testing policy, I had to leave the mines and have been on the pension ever since, unable to work.

5.1 Introduction

How do we evaluate how well an employer is managing the health and welfare of its workforce? Does a well-managed, healthy workforce influence how well an agency or company performs? For 20 years or more the human resources management literature has documented attempts to demonstrate a link between human resources management and performance. By 2009, there was evidence that human resources practices were “at least weakly related to performance”.³¹⁰ However, the relationship was still not well understood.

The more recent inclusion of government and consumer organisations in research has resulted in a reduced focus on measures such as productivity, sales and profits, and an increase in the consideration of flexibility/agility and various aspects of employee well-being – such as satisfaction, stress, health and safety, and job security – as performance measures.³¹¹

According to one researcher, a workforce with enough flexibility/adaptability to implement a range of strategic options places high demands upon employees and is only possible once the organisation has taken proper care of employees’ needs, ensuring they are treated fairly and with due consideration for their well-being.³¹²

This introduces moral values into human resources management. Paauwe (2009) notes that while the economic approach to the management of human resources often focuses exclusively on generating added value, “ethical” human resources

310 Paauwe, J., 'HRM and Performance: Achievements, Methodological Issues and Prospects', *Journal of Management Studies*, vol. 46, no. 1, January 2009, p133.

311 *ibid.*, p137; Caldwell, C., D. X. Truong, P.T. Linh and A. Tuan, 'Strategic Human Resource Management as Ethical Stewardship', *Journal of Business Ethics*, vol. 98, no. 1, January 2011, pp171-182.

312 Paauwe, J., 'HRM and Performance: Achievements, Methodological Issues and Prospects', *Journal of Management Studies*, vol. 46, no. 1, January 2009, p138.

management can benefit all parties, including employees and their representatives inside and outside the organisation.³¹³

Treating employees well should ultimately result in lower employee absence, higher satisfaction, greater willingness to stay with the organisation and higher effort.³¹⁴

Hence, Paauwe (2009) advocates a value-laden, ethical approach to employee management in preference to managerial-type approaches. However, research into the benefits of the value-laden approach for all parties was only just beginning at that time (and a search of the literature reveals little progress).

Evidence to the Committee indicates that the WA Police approach is more managerial-oriented than value-laden. Submissions from police officers who had been medically retired indicated that they felt they had been discarded when they were of no further use, feeding a perception that they were a financial burden.

The fact that the agency has conducted two workforce optimisation reviews of non-operational officers in the workplace (undertaken in 2012 and 2014-15)³¹⁵ tends to support this view.

Prior to the overall workforce reviews, the agency also commissioned a review of the agency's Health and Welfare division, undertaken by PricewaterhouseCoopers (PwC) in 2011.³¹⁶ The review made a number of recommendations for improving sick leave reporting and record keeping, providing feedback to employees and enhancing trust in the division. This will be discussed further throughout this chapter.

A number of other reports/organisations have also made recommendations in relation to the way WA Police deals with sick and injured officers:

- *The Toll of Trauma on Western Australian Emergency Staff and Volunteers*, a report by the Community Development and Justice Standing Committee of the previous parliament, September 2012;
- *Project Recompense*, a report by the WA Police Union undertaken in response to an overwhelming number of union members seeking assistance and support for physical or psychological trauma, November 2014;

313 Paauwe, J., 'HRM and Performance: Achievements, Methodological Issues and Prospects', *Journal of Management Studies*, vol. 46, no. 1, January 2009, p138.

314 *ibid.*, p139.

315 WA Police Union, [Project Recompense](#), prepared by Jane Baker, WA Police Union, Perth, November 2014, pp55-56.

316 PricewaterhouseCoopers, *WA Police – Health and Welfare Service Review*, Perth, September 2011.

- Submission to the Committee from the Medically Retired Western Australian Police Officers Association, December 2015;
- *WA Police – Health and Welfare Service Review*, a review of the division now known as Health and Safety, undertaken by PricewaterhouseCoopers, September 2011.

Another report, not specifically aimed at WA Police but which makes recommendations regarding the treatment of emergency services personnel affected by post-traumatic stress disorder, was released a few months ago:

- *Expert Guidelines: Diagnosis and Treatment of Post-traumatic Stress Disorder in Emergency Service Workers*, undertaken by the Black Dog Institute and University of New South Wales Expert Group, October 2015.

These reports and the submission make valuable suggestions which will be discussed later in the report. First, some background is provided in regard to the medical issues that affect police (in particular post-traumatic stress disorder) and how the agency has dealt with them – while still part of the service, and once they have left the service.

5.2 Employment-related medical issues affecting police

While police are afflicted by physical injuries, it is psychological ailments – and in particular post-traumatic stress disorder (PTSD) – which seem to have taken the greatest toll on WA Police officers. Officers suffering from PTSD are the main focus of *Project Recompense*, and also lead the Medically Retired Western Australian Police Officers Association (MRWAPOA).

More police officers are medically retired due to psychological illness than for physical ailments or injuries, as shown in Table 5.1. The reverse is true when it comes to currently serving officers. At present, there are five serving officers with a PTSD diagnosis out of 121 case files being managed by either the Vocational Rehabilitation Unit or the Psychology Unit.³¹⁷

Table 5.1: Number of officers medically retired for physical and/or psychological illness, 2012-2015.

	Physical	Psychological	Both	TOTAL
2012-13	1	6	2	9
2013-14	1	14	4	19
2014-15	0	8	2	10

Source: Correspondence from WA Police, 10 February 2016.

This indicates that officers with injuries or illnesses other than PTSD are more likely to return to work. The MRWAPOA has calculated that 70 per cent of the 291 officers

³¹⁷ Mr Anthony Kannis, Executive Director, WA Police, Letter, 1 March 2016.

medically retired between 2001 and 2012 suffered from a mental impairment, depression, PTSD or some other psychological impairment.³¹⁸

Nevertheless, it is physical injuries that attract more attention, according to WAPU³¹⁹ and the MRWAPOA.

*if you can see an illness or injury, then it is more likely to be accepted, but what you cannot see is the real killer... the statistical quote is that 45 per cent of police officers throughout their career will at one stage suffer some form of psychological ailment. Of those, around about one per cent will get full-blown PTSD.*³²⁰

Exposure to danger comes with the territory for police. As part of their requirement to ensure public safety and enforce the law, police must respond to many different and difficult situations which often require quick decisions. In addition to being exposed to the possibility of being injured or killed themselves, police officers are often exposed to people who have been injured or killed.³²¹

It is the ongoing exposure to such incidents that can lead to PTSD, which was formally recognised as a diagnostic label in the 1980s.³²² It describes “severe and persistent stress reactions after exposure to a traumatic event” in which the individual was exposed to threatened or actual death/serious injury (to him or herself or others). This includes “repeated or extreme exposure to the adverse details of traumatic events, as typically occurs with emergency workers”.³²³ PTSD comprises four additional major clusters of symptoms:

- re-experiencing symptoms, including intrusive memories, flashbacks, nightmares, and distress to reminders of the trauma;
- avoidance symptoms, including active avoidance of thoughts and situational reminders of the trauma;

318 Submission No. 6 from Medically Retired Western Australian Police Officers Association, 2 November 2015, p2.

319 WA Police Union, [Project Recompense](#), prepared by Jane Baker, WA Police Union, Perth, November 2014, p6.

320 Mr David Bentley, President, Medically Retired Western Australian Police Officers Association, *Transcript of Evidence*, 18 November 2015, p8.

321 WA Police Union, [Project Recompense](#), prepared by Jane Baker, WA Police Union, Perth, November 2014, pp12-13.

322 Harvey, S., R. Bryant, G. Devilly, et al., [Expert Guidelines: Diagnosis and Treatment of Post-traumatic Stress Disorder in Emergency Service Workers](#), Black Dog Institute and University of New South Wales Expert Group, October 2015, p19.

323 *ibid.*, p24.

- negative cognitions and mood associated with the traumatic event, such as an inability to remember important details about the event or persistent unusual ideas about the cause or consequence of the traumatic experience;
- arousal symptoms, including exaggerated startle response, insomnia, irritability, and sleeping and concentration difficulties.³²⁴

The latest version of the American Psychiatric Association's Diagnostic and Statistical Manual of Mental Disorders, DSM-5, states that for a PTSD diagnosis at least one symptom in each of these clusters must be present for more than one month and be associated with significant distress or impairment in social, occupational, or other important areas of functioning.³²⁵

Most people with PTSD also meet criteria for another mental health condition, most commonly depression, generalised anxiety disorder, alcohol abuse or illicit drug use.³²⁶ Many people who are exposed to a traumatic experience commonly report post-traumatic stress reactions in the initial weeks after trauma, and for most the symptoms are transient. But people can also experience delayed-onset PTSD, where the initial symptoms present more than six months after a traumatic incident.³²⁷

Emergency workers experience trauma differently from other people, in that they experience multiple episodes of potentially traumatic experiences in the course of their normal work.

*They may witness individuals who have been badly hurt or deceased, directly threatened themselves or, in the case of police officers, be required to seriously wound or kill others as part of their job. As a result of this regular exposure, an emergency worker's response to trauma is often anger and guilt, rather than the fear or horror often described by members of the general population exposed to one-off events.*³²⁸

A recent review and meta-analysis which examined international studies of over 20,000 emergency workers concluded that the prevalence of PTSD amongst current workers was 10 per cent (which does not include retired emergency workers).³²⁹

324 Harvey, S., R. Bryant, G. Devilly, et al., [*Expert Guidelines: Diagnosis and Treatment of Post-traumatic Stress Disorder in Emergency Service Workers*](#), Black Dog Institute and University of New South Wales Expert Group, October 2015, p24.

325 *ibid.*

326 *ibid.*, p27.

327 *ibid.*, p25.

328 *ibid.*

329 *ibid.*, p26.

Case Study 2³³⁰

My first fatal accident I attended when I was 19 years old, I can clearly recall bagging the bits of human skull, brain and body parts that had been smashed when the person was thrown from the car wreck. I then went on to admit the body to the morgue then assist in speaking to the family to do the "notification". This accident didn't seem to affect me at the time, as I had learnt to cope with this by having a drink with mates later.

... I attended a few suicides in Perth, one in particular I had arrived just after a person had jumped from the car park. I can clearly recall the incident including the message left in the tape recorder of her car. I maintained my position of dealing with it by myself.

... I attended many accidents on the highway [near the country town I was posted to], many fatal or serious... I started drinking harder, my father became a paraplegic during [this] time, I wasn't sleeping, [my] wife [was] pregnant, then I attended a fatal car accident. I believe this accident was the "straw that broke the camel's back". We had arrived before the ambulance. A [small vehicle] had gone sideways into a tree, the driver was on the bitumen, her friends were giving her CPR, but from where I was standing I could see cerebral fluid and brain matter being pushed out near her ears. I believed she was dead but I couldn't tell her friends, I told them to keep going.

We didn't realise that there was someone else in the car, she had been thrown some 20 metres away; she must have woken from unconsciousness because her screams, I won't forget. I went through the same process of completing mortuary paperwork (this occurred some 10 years in the job so I was an old hand at it) but she was different, I was putting this body in the fridge that was still warm – don't know why but this got to me. Not really different to the many others before.

My drinking increased ... it was during this time I had thoughts of suicide, I had attempted suicide by accident, taking risks in the car hoping to have a single car fatal accident. I saw my GP and started on anti-depressants, mostly they didn't seem to work though.

... having now served 10 years in the WA Police service I mostly battled on myself. I have been later told that during this period of my service I had severe undiagnosed PTSD; my suicidal ideation continued and I continued to work... It does concern me in hindsight that I was mentally struggling so much, struggling to maintain this façade of normalness not to break down, not to cry, not to show it.

[Following suspension for almost a year for illegally giving himself and a secretary a motorbike licence, the officer returned to work in a role in another country town. His senior sergeant told him that in return for working without claiming overtime or penalties, he would write commendable reports on his performance.]

I felt blackmailed by the system within the service. I believed I had no one to turn to as I had been given a second chance to return to work from suspension. For months this tore me up inside even further. I sought help from my GP and was prescribed anti-depressants and tablets to help me sleep.

[During an incident involving a vehicle pursuit which ended in a physical struggle with the driver, the officer sustained a lower back injury. He was prescribed pain killers and, as his mental health deteriorated, anti-psychotic medication. He sought and was granted a transfer to another station.]

Here my mental state deteriorated as the pain continued. I was provided assistance from Police Health and Welfare branch. They provided me with a psychologist ... and I started to see a psychiatrist in Perth as well.

I attended Perth to have an operation on the hip joint. This injury also relates to the fight and the arrest of the offender in [previous location]. The doctor suggested that I do a lot of walking in a pool and he suggested gym work as well as part of the rehabilitation program. Police health services refused to support me in this rehabilitation program, they advised they would not pay for that. I became very frustrated, in pain, with ongoing mental health problems.

I was of the opinion that I had risked my life for the WA Police service numerous times during my career; I started asking myself what was that worth, what was I worth, I am just a number, I mean nothing.

I was on extended sick leave; I tried a few times to return to work, my agitation, stress, anxiety and pain continued. I tried very hard to maintain a façade that everything was ok, that I was alright – when in reality I was not. I was seeing things during the day, nightmares and no sleep at night, constant pain, thoughts of suicide, rage and anger inside me, and a continued struggle to control it. In 2002 I became frustrated at my situation... I went into the station to speak with the sergeant, but I struggled to maintain my control over myself. I saw a mate that I went through the academy with; I broke down in his office, trying to stop crying ... I needed to tell someone, I just couldn't keep it in any more.

A week later, I received a section 8 notice to dismiss me from the police service.

...my mental health issues (the gift that the WA Police service provided me) were used to dismiss me from the WA Police service. I absolutely acknowledge I have made errors, and I acknowledge that I made some poor choices in the past. I believe, however, there was a deliberate action to dismiss me.

It was all revolving around my mental health issues: subsequently I have been medically retired from the police service.

I believe that in my case I can look back and see circumstances that led to the worsening of my mental illness, which included: mismanagement/poor management, and diminished support. I regret things that have happened, and I regret that I was forced out of a job I initially enjoyed.

5.3 How WA Police deals with employment-related medical issues

The Committee has been provided with some quite distressing accounts of poor management of officers with medical conditions – both while still serving and once retired. Some of the concerns relate to legislative provisions or policies which WA Police is bound by, while others reflect a lack of care or understanding from sections or individuals within the service. A common theme running throughout the evidence was the feeling of not being valued once a serious medical issue was revealed. This raises

questions about the culture within the police service, as well as the provisions in place to compensate officers.

WA Police officers have a generous sick leave entitlement of 168 days per year which the MRWAPOA says is adequate for the majority of officers, providing appropriate medical treatment, financial support and time to recover. However, according to the association, no amount of long term sick leave will see officers with catastrophic or incurable injuries/illnesses return to operational capacity. These are the officers “that are abandoned by the WA Police and government”.³³¹ Officers who have left the agency no longer have access to medical and sick leave entitlements and are only entitled to access a restricted medical benefits scheme, assuming they are eligible.³³² Entitlements and compensation will be discussed in greater detail later in this chapter.

5.3.1 Treatment and management of post-traumatic stress disorder

Treatment for PTSD has historically been difficult for officers to access. According to *Project Recompense*, this was because of bureaucratic difficulties with the claims process and/or not filing claims because of concerns about disclosing particular medical conditions which might see them classified as non-operational or jeopardise career prospects.³³³

The leading treatment program for PTSD in WA is run by the Hollywood Clinic, a 70-bed unit located within the grounds of Hollywood Private Hospital in Nedlands. The clinic has developed a Trauma Recovery Program for military and emergency services personnel which focuses on rehabilitation. It includes education about the impact of psychological trauma and ways to deal with painful thoughts and feelings associated with trauma, depression and anxiety.

Written referrals are required from a general practitioner, psychiatrist or psychologist. In the past this has been a stumbling block for officers who wanted WA Police to cover the costs of completing the program.

Two medically retired officers asked WA Police to pay for them to participate while they were still serving, but were told that WA Police's consultant psychiatrist had reviewed the program and decided it would offer them "no significant improvement". WA Police eventually paid almost \$8000 for one of the officers to take part in a three-

331 Submission No. 6 from Medically Retired Western Australian Police Officers Association, 2 November 2015, pp9-10.

332 Submission No. 12 from WA Police Union, 16 December 2015, p39.

333 WA Police Union, [*Project Recompense*](#), prepared by Jane Baker, WA Police Union, Perth, November 2014, p86.

week program, while private health insurance paid for the other officer to complete the program.³³⁴

The clinical coordinator of the Hollywood Clinic program, Mr Doug Brewer, said there had been “damaging” instances where support to complete the program was not given once it was clear that the officer would not be able to return to duty.³³⁵

Hollywood Clinic psychiatrist and clinical lead Dr Mathew Samuel said that despite WA Police not being supportive in the past, the clinic had nevertheless treated officers who had heard about the value of the program from other PTSD sufferers. In the past 12 months, however, Health and Safety had “come to the party” and paid for officers to get help when the clinic had requested it.³³⁶

WA Police confirmed that the agency would pay for private consultations for officers who did not want to consult the agency’s own psychology team. They could also access the Employee Assistance Program (EAP) as often as required.³³⁷

However, according to *Project Recompense*, some officers decided it was easier to pay their own way than to make a claim, due to the lengths they had to go to to substantiate the claim or because of concerns about how they would be viewed by colleagues.³³⁸

The external review of the agency’s health and welfare division considered the benefits of treating psychological cases internally or externally, dependent upon whether they were work-related or non-work-related and according to complexity of the case. It concluded that non-complex non-work-related cases could be dealt with by the EAP, while non-complex work-related cases could be dealt with internally. For complex work-related cases, consideration of long-term treatment outside the agency was warranted “to improve governance and mitigate potential conflicts with employer interests”.³³⁹

WA Police seems to have gone some way to ensuring this; however, there may still be problems being reimbursed for treatment if officers are reluctant to divulge their condition or are not believed when they do. For officers who are no longer serving and

334 Martin, L. ‘[Call for workers compensation for WA police forced to retire due to work-acquired illnesses](#)’, ABC News – 7.30 WA (online), 26 November 2013.

335 Mr Doug Brewer, Coordinator(Clinical) of Trauma Recovery, Hollywood Clinic, *Transcript of Evidence*, 18 November 2015, pp6-7.

336 Dr Mathew Samuel, Clinical Lead, PTSD Program, Hollywood Clinic, *Transcript of Evidence*, 18 November 2015, p6.

337 Ms Renae Lavell, Human Resources Director, WA Police, *Transcript of Evidence*, 15 February 2016, p34.

338 WA Police Union, [Project Recompense](#), prepared by Jane Baker, WA Police Union, Perth, November 2014, p86.

339 PricewaterhouseCoopers, *WA Police – Health and Welfare Service Review*, Perth, September 2011, pp37, 74.

incurred medical expenses for a workplace injury/illness after 1 July 2007, the Former Officers' Medical Benefits Scheme provides reimbursement. This has had limited take-up, as discussed later in the chapter.

Finding 22

The willingness of WA Police to pay for external medical treatment for officers suffering from PTSD has improved. However, some officers are still reluctant to seek reimbursement due to the complex claims process and/or the requirement to divulge their condition.

Dr Samuel said the clinic had been trying to establish a memorandum of understanding with WA Police (similar to one they have with the Australian Defence Force) that would enable Hollywood to look after their officers' health needs, "so that people will feel confident and they will feel they can trust us by coming and seeking help". It would also ensure a steady flow of patients which would keep the privately-run program viable.³⁴⁰

Recommendation 5

WA Police should establish a memorandum of understanding with the Hollywood Clinic or an equivalent program to ensure its officers have the same access to PTSD programs as Australian Defence Force personnel.

The clinic also emphasised the importance of treating PTSD sufferers early, but noted a reluctance by police officers to seek treatment until the optimal window of time for treatment had passed.

*All the evidence is that the earlier the treatment, the better the outcome. Of course, the very nature of the job is that sometimes it will take a long time before an event that is going to occur will bring that to the foreground – that they are not managing. But then what happens is that gets missed and not diagnosed or not understood, and it goes underground or they try to cope and then they will develop the secondary issues – alcohol, relationship problems, not functioning at work – and then the treatment window is missed. I think that is a key problem.*³⁴¹

This raises questions about preventative treatment and awareness training.

340 Dr Mathew Samuel, Clinical Lead, PTSD Program, Hollywood Clinic, *Transcript of Evidence*, 18 November 2015, p8.

341 Mr Doug Brewer, Coordinator(Clinical) of Trauma Recovery, Hollywood Clinic, *Transcript of Evidence*, 18 November 2015, p5.

5.3.2 Training and preventative action

As documented in *The Toll of Trauma*, the welfare sections of each of the State's emergency response agencies activate a tiered range of support services after a disaster or incident.³⁴² While some agencies also offer post-trauma interventions such as Psychological First Aid (PFA), WA Police were using an intervention known as Critical Incident Stress Management (CISM). Since psychological debriefing in the style of CISM is no longer recommended by the Australian Centre for Posttraumatic Mental Health national guidelines for managing the aftermath of trauma,³⁴³ *The Toll of Trauma* report recommended that all of the State's emergency response agencies be funded to implement a PFA approach (Recommendation 10) and that all police officers be trained in PFA (Recommendation 19).

WA Police did not support the recommendations regarding PFA (which was seen to be inadequate for such a complex workforce),³⁴⁴ but the agency has since implemented a Mental Health First Aid (MHFA) course. The course was developed by the not-for-profit company Mental Health First Aid Australia and contextualised for WA Police, according to correspondence from WA Police.³⁴⁵

Training consists of 16 hours delivered at the Police Academy over two consecutive days. It covers recognition of symptoms and signs of mental health problems, understanding crisis situations, awareness of possible risk factors and causes, and provision of appropriate initial help and support to someone experiencing a mental health problem.³⁴⁶ Former officers with PTSD are invited to speak to the course participants (for example, MRWAPOA president David Bentley has been a guest speaker).³⁴⁷

WA Police and the WAPU said that the course had been very well received.³⁴⁸ However, it is not compulsory. As of 13 January 2016, 867 employees had received MHFA accreditation, accounting for a little more than 10 per cent of the workforce.³⁴⁹

342 Community Development and Justice Standing Committee (38th Parliament), [*The Toll of Trauma on Western Australian Emergency Staff and Volunteers*](#), Report No. 10, Parliament of Western Australia, Perth, September 2012, pv.

343 *ibid.*, piii.

344 WA Police Union, [*Project Recompense*](#), prepared by Jane Baker, WA Police Union, Perth, November 2014, p170.

345 Mr Anthony Kannis, Executive Director, WA Police, Letter, 10 February 2016.

346 *ibid.*

347 Mr David Bentley, President, Medically Retired Western Australian Police Officers Association, *Transcript of Evidence*, 18 November 2015, p3.

348 Mr Craig Ward, Assistant Commissioner, Workforce, WA Police, *Transcript of Evidence*, 15 February 2016, p28; Mr George Tilbury, President, WA Police Union, *Transcript of Evidence*, 17 February 2016, p14.

349 Mr Anthony Kannis, Executive Director, WA Police, Letter, 10 February 2016.

Supervisors had been prioritised for receiving the training.³⁵⁰ However it was too early to tell whether this had resulted in earlier and/or more frequent detection of PTSD in employees.³⁵¹

The MRWAPOA said that it should be compulsory for all senior officers to complete the training, rather than voluntary,³⁵² but according to the WAPU the course was oversubscribed. Additional resources needed to be put towards increasing the number of courses.³⁵³

Finding 23

The Mental Health First Aid training being offered to WA Police officers has been well-received but is not compulsory.

Recommendation 6

Mental Health First Aid training should be compulsory for WA Police officers (rather than voluntary, as it is at present) with additional resources allocated to ensure 100 per cent of the workforce receive the training as a matter of urgency.

So far, according to feedback received by MRWAPOA member Michael Thornbury, the training had not had any impact on the way officers are treated after attending a fatality. Mr Thornbury was told by a serving officer that rather than personal contact and face-to-face follow-up, officers still only received a standard email from Health and Safety. This apparently informs the officer that he/she can consult staff in Health and Safety if need be and reassures the officer that “it is normal” to feel the way they do. “After about, let us just say, a lot of these emails, you get to the stage where it is just a piece of paper,” Mr Thornbury said. “It has no meaning to it.”³⁵⁴

During a hearing with WA Police, the Committee asked the Commissioner if the agency conveyed the message about fatigue management and looking after themselves often enough. The Commissioner said that there was “a lot of work done around that” but that “there is always scope to do more”. The agency had been working through some of the issues raised by the MRWAPOA.³⁵⁵

350 Dr Karl O’Callaghan, Commissioner of Police, WA Police, *Transcript of Evidence*, 15 February 2016, p29.

351 *ibid.*, p33.

352 Mr David Bentley, President, Medically Retired Western Australian Police Officers Association, *Transcript of Evidence*, 18 November 2015, p4.

353 Mr George Tilbury, President, WA Police Union, *Transcript of Evidence*, 17 February 2016, pp14,15.

354 Mr Michael Thornbury, Member, Medically Retired Western Australian Police Officers Association, *Transcript of Evidence*, 18 November 2015, p5.

355 Dr Karl O’Callaghan, Commissioner of Police, WA Police, *Transcript of Evidence*, 15 February 2016, p36.

The other type of welfare training offered is Peer Support Officer (PSO) training. PSOs are trained employees who are willing to support and assist other employees during times of personal or work-related stress. There are currently 100 (72 in the metropolitan area and 38 in country regions) throughout the agency.

PSOs receive basic training from a clinical psychologist within Health and Safety to help them to recognise signs of stress/depression, determine a person's needs and make referrals to other professional services as required.³⁵⁶

According to Mr Thornbury, a PSO course is run every three to six months. However, it could be difficult to recruit PSOs because these officers were also under pressure to perform their duties, which had not diminished.³⁵⁷

In a survey administered as part of *Project Recompense*, WAPU members were asked if they had received any training about police officer welfare (regarding stress, PTSD awareness and psychological health) during their career. Nearly two-thirds (62%) said they had not. Some respondents recalled receiving some training while a recruit, others recalled receiving basic first aid refresher courses and several had undertaken the Mental Health First Aid or PSO training. The report concludes that the approach to welfare training "appears to be ad hoc".³⁵⁸

The PricewaterhouseCoopers report described the agency as being reactive rather than proactive in this regard, spending "relatively less time engaging key stakeholders or healthy populations in a preventative manner".³⁵⁹

5.3.3 Services and support offered by the Health and Safety Division³⁶⁰

The division employs 38.7 full-time equivalent (FTE) staff – including 5.6 FTE police psychologists and five vocational rehabilitation consultants – to service more than 6000 serving officers. All of the roles apart from six are civilian appointments. These six are in the Welfare Unit (the manager of welfare is a senior sergeant, the welfare and peer support coordinator is a sergeant and there are two constables in welfare officer positions) and the Safety Division (the occupational safety and health (OSH) coordinator is a sergeant and the OSH advisor is a constable).³⁶¹

356 WA Police Union, [Project Recompense](#), prepared by Jane Baker, WA Police Union, Perth, November 2014, p50.

357 Mr Michael Thornbury, Member, Medically Retired Western Australian Police Officers Association, *Transcript of Evidence*, 18 November 2015, p6.

358 WA Police Union, [Project Recompense](#), prepared by Jane Baker, WA Police Union, Perth, November 2014, p123.

359 PricewaterhouseCoopers, *WA Police – Health and Welfare Service Review*, September 2011, p7.

360 The Health and Safety Division underwent a name change recently from Health and Welfare Services (HWS). Since many submissions and reports refer to the previous name, both are used throughout the report.

361 Mr Anthony Kannis, Executive Director, WA Police, Letter, 10 February 2016.

The MRWAPOA, WAPU and *The Toll of Trauma* report all assert that the Health and Safety Division is under-staffed, underfunded and ill-equipped to deal with the number of sick and injured officers.³⁶² Another former officer described the health and welfare system as “amateurish”.³⁶³

Submissions from various organisations and individuals mention the lack of trust police officers have had in the former Health and Welfare Services branch. This stemmed partly from a perception that since most of the staff were not sworn officers they were not on the same side. Police camaraderie is built on an understanding that police officers will look out for one another – in dangerous situations officers take it as given that their fellow officers have got their back.³⁶⁴ This unspoken trust was not seen to include Health and Welfare Services staff, and in fact there was an element of suspicion and a perceived lack of support.

*Health and welfare is a double-edged sword to police officers. Historically, in the early 80s, there was a perception – in fact, it was not just a perception, it was actually proven – that information given in confidence of a medical condition was actually leaked to their supervisors, to senior staff, and used against them in promotional prospects and applications. We do not trust Health and Welfare because I think there are only six or seven sworn staff in there who understand the culture of the police force.*³⁶⁵

WAPU shared the view that many Health and Safety employees would not have enough insight into what police officers are dealing with because they do not have an intimate knowledge of the rigours of daily policing.³⁶⁶

The issue of distrust was also identified in the PricewaterhouseCoopers review of the Health and Welfare Services (HWS) branch in 2011. It saw tension and distrust as “emanating from the dual role played by HWS in protecting WAPOL’s interests while managing individual employee relationships”.³⁶⁷ The report said that the branch was required to act for the Commissioner of Police as well as form relationships with

362 Submission No. 6 from Medically Retired Western Australian Police Officers Association, 2 November 2015, p9; Submission No. 12 from WA Police Union, 16 December 2016, pp40, 47; Community Development and Justice Standing Committee (38th Parliament), [*The Toll of Trauma on Western Australian Emergency Staff and Volunteers*](#), Report No. 10, Parliament of Western Australia, Perth, September 2012, p100.

363 Submission No. 2 from Mr Kevin Moran, 14 October 2015, p33.

364 Mr David Bentley, President, Medically Retired Western Australian Police Officers Association, *Transcript of Evidence*, 18 November 2015, p4.

365 *ibid.*

366 WA Police Union, [*Project Recompense*](#), prepared by Jane Baker, WA Police Union, Perth, November 2014, p126.

367 PricewaterhouseCoopers, *WA Police – Health and Welfare Service Review*, Perth, September 2011, p6.

employees, which also caused uneasiness for employees in terms of disclosing confidential information.³⁶⁸

The review said that resourcing pressures meant HWS was focussed on getting officers back to work as soon as possible, but where there was disagreement about fitness for duty HWS was placed in a difficult position.³⁶⁹ This has led to assertions that the branch/division is more concerned with costs to the agency than the treatment of the injured officers.³⁷⁰

Health and Welfare/Safety was criticised by serving officers for being:

- unhelpful;
- only worried about how quickly they can get you back to work (under pressure from the hierarchy);
- only interested in saving money;
- forceful in its approach to a return-to-work program.³⁷¹

Submissions by or on behalf of former officers cited instances of the agency, through the Health and Welfare/Safety branch, failing to offer treatment when required.³⁷²

Mr Thornbury asserted that the police psychiatrist, who is on contract and not actually an employee of WA Police, was not there for the benefit of officers.

*She collects information for the police department and what she basically does is then report back to the police department on our state of health at the time that she saw us. That is it. There is no further contact afterwards. There is no 'Michael, you need to go and see a psychiatrist. Michael, here is the name and number of a psychiatrist. Michael, come and see me every second or third week.'*³⁷³

368 PricewaterhouseCoopers, *WA Police – Health and Welfare Service Review*, Perth, September 2011, p33.

369 *ibid.*, p34.

370 WA Police Union, [Project Recompense](#), prepared by Jane Baker, WA Police Union, Perth, November 2014, p86.

371 See accounts provided by police officers in WA Police Union, [Project Recompense](#), prepared by Jane Baker, WA Police Union, Perth, November 2014, pp118-120.

372 Submission No. 2 from Mr Kevin Moran, 14 October 2015, p15; Submission No. 5 from Mr Alan Gelmi, 30 October 2015, p2; Submission No. 3, name withheld, 14 October 2015, pp6-8; WA Police Union, [Project Recompense](#), prepared by Jane Baker, WA Police Union, Perth, November 2014.

373 Mr Michael Thornbury, Member, Medically Retired Western Australian Police Officers Association, *Transcript of Evidence*, 18 November 2015, p6.

He said WA Police was not interested in sending affected officers for treatment, but was only interested in an opinion “to either deal with you in a management perspective or deal with you in a psychological perspective to get rid of you or put you back on the front line”.³⁷⁴

*Health and Welfare is an absolute joke, only worrying about how quick they can get you back to work (bugger your health) and any assistance (if any [is offered]) creates more stress than it's worth*³⁷⁵

The MRWAPOA also highlighted the issue of “doctor shopping”, whereby HWS would send officers to particular medical professionals to get the response that it wanted.³⁷⁶ The association also submitted that the medical opinion of one specialist practitioner could outweigh all others if it meant the agency could retire an officer cheaply.³⁷⁷

While WA Police stressed in correspondence to the Committee that the management structure around the current Health and Safety Division is “vastly different” to that which applied at the time of the PwC report,³⁷⁸ from evidence received it appears that there are many issues still to be addressed. The distrust identified in the review still seems to be present and the suggestion to treat complex work-related psychological cases *outside* the organisation in the interests of independence³⁷⁹ has not been fully realised, according to the Hollywood Clinic:

... many police, as in many other forms of work, will not go to work-related support because it will be documented, and the fear is that this will affect their progression through the police force. So whilst there is a good service there, many will bypass that ... they say they do not want to go and talk to a police psychologist or a police psychiatrist about this because if somebody comes to know that you are going and getting help and checked up, they will feel that you are not up to the job. That is why we are saying that probably an outside force like us or any other service can provide that kind of psychological debriefing or

374 Mr Michael Thornbury, Member, Medically Retired Western Australian Police Officers Association, *Transcript of Evidence*, 18 November 2015, p7.

375 WA Police Union, [Project Recompense](#), prepared by Jane Baker, WA Police Union, Perth, November 2014, p111.

376 Submission No. 6 from Medically Retired Western Australian Police Officers Association, 2 November 2015, p11.

377 *ibid.*, p14.

378 Mr Anthony Kannis, Executive Director, WA Police, Letter, 10 February 2016.

379 PricewaterhouseCoopers, *WA Police – Health and Welfare Service Review*, September 2011, p37.

*improve their resilience, which will help them in their job in the long term.*³⁸⁰

In a letter to the WAPU in October 2015 responding to the recommendations of *Project Recompense*, WA Police said that the Health and Safety Division was currently undertaking a review of the mental health strategy. Resilience training and psychological first aid, psychological interventions/education and suicide prevention were being researched and reviewed.³⁸¹ The review is due to be completed in May 2016.³⁸² The executive director said WA Police would be consulting with the union on changes recommended in *Project Recompense*.³⁸³

WA Police did not agree with the statement in *Project Recompense* that “the agency has failed to provide appropriate support”.³⁸⁴

According to the WAPU, Health and Safety needs “a significant injection of resources” which should not be confined to the metropolitan area.³⁸⁵

Finding 24

Sworn officers do not trust and respect the Health and Safety Division which leads to a reluctance to seek help for psychological issues. This is attributed to the staff comprising mainly civilians who are perceived as not understanding the rigours of policing.

Recommendation 7

WA Police must establish within its Health and Safety Division practices which engender trust and address conflicts of interest. An analysis of cultural issues within the Division should be undertaken.

Finding 25

The Health and Safety Division employs fewer than 40 full-time equivalent staff to service more than 6000 police officers, of which fewer than six have psychology qualifications.

380 Dr Mathew Samuel, Clinical Lead, PTSD Program, Hollywood Clinic, *Transcript of Evidence*, 18 November 2015, p9.

381 Submission No. 12 from WA Police Union, 16 December 2015, p59.

382 Mr Anthony Kannis, Executive Director, WA Police, Letter, 1 March 2016.

383 Mr Anthony Kannis, Executive Director, WA Police, *Transcript of Evidence*, 15 February 2016, p34.

384 *Ibid*, p33.

385 Mr George Tilbury, President, and Mrs Jane Baker, Research Officer, WA Police Union, *Transcript of Evidence*, 17 February 2016, p13.

Recommendation 8

The resources of the Health and Safety Division should be boosted to provide better service coverage for officers in all areas of the State.

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

According to submissions the Committee received, an officer may have been subject to bullying, humiliation and a general lack of understanding from supervisors before even getting to the stage of contacting Health and Safety – especially if the employee’s condition is psychological.

The MRWAPOA submitted that treatment and retention of officers was often dependent on the supervising managers and the district office executive personnel. Officers with caring supervisors were much more likely to be well supported during their treatment and the reintegration process than those with managers who were uncaring or focussed primarily on achieving their district performance targets, “regardless of the long term physical and psychological consequences to their staff”.³⁸⁶

According to the MRWAPOA, there are “deeply ingrained cultural issues associated with psychological illness” that do not apply to physical injuries or illnesses.³⁸⁷

While those afflicted by physical trauma were well-supported by their peers and supervisors and rarely subjected to adverse comments when taking extended sick leave to recover, the association said this was not the case for officers suffering from PTSD.³⁸⁸

This was unhelpful in terms of encouraging officers to seek help, potentially exacerbating the condition. The MRWAPOA believed agency-driven cultural change was necessary, in order to recognise that psychological damage could occur as a result of the rigours of police work and to remove negative comment and stigma.³⁸⁹

While recognition of PTSD as a legitimate condition had improved, Hollywood Clinic psychiatrist Dr Samuel agreed that mental and physical conditions were still treated differently by police. The stigma of mental health was “still a major cloud hanging over their head”.³⁹⁰

Let us face it, mental health, even though we have come this far, has got a huge stigma. Is it actually a manly thing to say ‘Look, I have got PTSD and I have got stress and anxiety’? What they will do is that they

386 Submission No. 6 from Medically Retired Western Australian Police Officers Association, 2 November 2015, p11.

387 *ibid.*

388 *ibid.*

389 *ibid.*, p5.

390 Dr Mathew Samuel, Clinical Lead, PTSD Program, Hollywood Clinic, *Transcript of Evidence*, 18 November 2015, pp9-10.

*will go and get refuge from alcohol, and then they will have huge issues at home, and it will become like a cumulative effect one after the other unless we address it at an early stage.*³⁹¹

Both Dr Samuel and Mr Brewer emphasised the need for cultural change at WA Police, which needed to start right from the time officers entered the Academy.³⁹²

*The old attitude of ‘Toughen up princess, you just need to get on with your life, don’t come crying about any of these things’, or ‘Let’s go and have a beer’ after a critical incident is not the way to go. It is about involving them, asking them how they are, and there has to be a time frame.*³⁹³

But it was not just recruits that needed exposure to change. According to Mr Brewer, change needed to occur at the highest levels.

*The Australian Defence Force has tried to work at this process and in fact has started to make officers in charge responsible and answerable for why it has got to this stage without treatment. I think it is the top down as well as treatment here early in the piece. The culture has to change.*³⁹⁴

Mr Brewer said having senior police management attend a briefing at the clinic would be “extremely beneficial” in helping to bring about cultural change.³⁹⁵

WA Police Human Resources director Renae Lavell did not believe there was a cultural problem; rather, any discomfort in revealing that you were not coping was the result of an “individually held stigma”.³⁹⁶ The Committee finds this hard to accept in the face of evidence (including that of medical professionals), and is concerned that the head of a human resources department would hold this view.

The Commissioner made the point that disclosure was not as much of an issue for the X and Y generations entering the force as it had been for the baby boomer generation, since they had a different understanding of mental health issues.³⁹⁷

391 Dr Mathew Samuel, Clinical Lead, PTSD Program, Hollywood Clinic, *Transcript of Evidence*, 18 November 2015, p4.

392 *ibid.*, pp7, 8.

393 *ibid.*, p9.

394 Mr Doug Brewer, Coordinator (Clinical) of Trauma Recovery, Hollywood Clinic, *Transcript of Evidence*, 18 November 2015, p8.

395 *ibid.*

396 Ms Renae Lavell, Human Resources Director, WA Police, *Transcript of Evidence*, 15 February 2016, p36.

397 Dr Karl O’Callaghan, Commissioner of Police, WA Police, *Transcript of Evidence*, 15 February 2016, p36.

The Committee has not received any evidence that suggests this is the case. In fact, while some of the accounts of poor treatment by supervisors in relation to health issues provided to the Committee occurred up to 20 years ago (with long-lasting impacts), others have occurred within the past few years, lending support to the suggestion that mental illness is still not taken seriously or is misunderstood. These officers are not part of the baby boomer generation.

The MRWAPOA says that members who suffer psychological trauma are viewed with suspicion and uncertainty by their peers, the agency and the general public. Sufferers were frequently misdiagnosed and labelled malingerers. They felt that their colleagues and managers blamed them “for letting the team down”.

In a submission to the Committee, one former officer said that at a time when he needed support and help in recovering from a breakdown, he instead “got a kick in the guts from management and sent to a degrading area of work and with no consultation or warning”. He said the mixed emotions of distrust and betrayal were overwhelming and he wondered why he deserved such treatment from superiors who he thought were there to help him.³⁹⁸

*To be so close to recovery with a willingness to recover to my full potential and then have my career shattered by one Inspector is soul crushing and destroying.*³⁹⁹

Another officer alleges that the main trigger for his illnesses was the sustained adverse treatment he received from his (previous) management team, exacerbated by many unsuccessful attempts to have his bullying complaints investigated. This particular officer’s condition began as a physical illness.⁴⁰⁰

Another former officer had been so traumatised by bullying, a request was made for the submission to be closed, due to the fear of retribution. This officer, who joined the service in the late 80s, said that “being abused by other police officers and threatened with internal charges was common place”.⁴⁰¹

Raising issues of concern in regard to policies, practices and working conditions or defending allegations seems to have been met with verbal abuse, threats towards this officer and transfers to other positions. Several years before medical retirement, the officer had attained a position with supportive management but did not realise that PTSD was setting in. Following this, a back injury led to chronic pain and severe depression, and after some time off the officer returned to light duties, “however my biggest fear was that I would be unable to protect myself against further abuse in the

398 Submission No. 9 from Mr Matthew Carroll, 3 November 2015, pp4, 5.

399 *ibid.*, p5.

400 Submission No. 8 from Mr Jon Groves, 9 November 2015, p1.

401 Submission No.7, closed submission, 6 November 2015, p1.

work place”.⁴⁰² The officer was given no choice but to accept medical retirement after 17 years of service.⁴⁰³

Project Recompense also provides examples of officers for whom bullying by supervisors/management became more stressful than attending traumatic incidents.⁴⁰⁴

The MRWAPOA said that members with psychological ailments also noted a distinct lack of contact when on extended leave, “which had the compounding effect of reinforcing their sense of self guilt, shame, abandonment and disconnection with the agency”.⁴⁰⁵

Mr Bentley said that during 18 months of sick leave, he never received any personal visits from his immediate supervisor or inspectorate, who he had been dealing with on a daily basis.⁴⁰⁶

There was even less likely to be support for officers who had been medically retired or notified that this would occur. *Project Recompense* reports that 59 per cent of members in this position had received little to no contact or support from management, while less than 10 per cent found their experience with management during the medical retirement process to be positive.⁴⁰⁷

Many respondents reported that since retirement they had only received support from family and friends, with no support at all from police services.⁴⁰⁸

*The bulk of the stress caused is from the WA Police management and hierarchy and the poor handling of these incidents and the investigations that follow ... you are made to feel like you are being targeted instead of supported.*⁴⁰⁹

Finding 26

Some supervisors still exhibit a lack of empathy and understanding towards officers who express difficulty coping, which in some cases extends to bullying.

402 Submission No.7, closed submission, 6 November 2015, p9.

403 *ibid.*

404 WA Police Union, [Project Recompense](#), prepared by Jane Baker, WA Police Union, Perth, November 2014, p113.

405 Submission No. 6 from Medically Retired Western Australian Police Officers Association, 2 November 2015, p12.

406 Mr David Bentley, President, Medically Retired Western Australian Police Officers Association, *Transcript of Evidence*, 18 November 2015, p3.

407 WA Police Union, [Project Recompense](#), prepared by Jane Baker, WA Police Union, Perth, November 2014, p116.

408 *ibid.*, p122.

409 *ibid.*, p112.

Finding 27

Despite assertions that WA Police does not have a cultural problem in regard to acceptance of mental health issues, officers of various ages still report feeling stigmatised. Medical professionals also report that this is the case.

Finding 28

The WA Police Union's substantial report into the impact of post-traumatic stress disorder on police officers, *Project Recompense*, has not received an adequate response from WA Police.

Recommendation 9

Awareness training must be provided to all staff – from recruits through to those in leadership positions – to ensure that officers are able to reveal a mental health condition or an inability to cope, without the fear of being victimised or feeling stigmatised.

5.3.5 Returning to work and lateral employment

The issue of when and if an emergency worker suffering from PTSD should return to work has been the subject of much research and debate. Recently released expert guidelines make it clear that returning to (or remaining at) work is an important part of recovery.

The *Expert Guidelines: Diagnosis and Treatment of Post-traumatic Stress Disorder in Emergency Service Workers*, released in October 2015, state that:

- Positions should be provided that allow meaningful rehabilitation and ongoing employment, with alternative duties that are non-stigmatizing and, where possible, commensurate with the worker's level of experience and seniority;
- The worker should be made aware of which individual or individuals within their workplace they or their clinician can speak to to help plan their recovery and rehabilitation, and this person should have knowledge of the recovery pathways available and the hazards, risks as well as benefits of return to work.⁴¹⁰

Hollywood Clinic's Mr Brewer said that the guidelines showed that police suffering from PTSD would require a graduated exposure back into the workplace.

The person needs somewhere they can build up their hours so that they come back fit for work, but they also need to build up their

410 Harvey, S., R. Bryant, G. Devilly et al., [*Expert Guidelines: Diagnosis and Treatment of Post-traumatic Stress Disorder in Emergency Service Workers*](#), Black Dog Institute and University of New South Wales Expert Group, October 2015, pp15-17.

*exposure to those triggers that will be there and are a hallmark of PTSD.*⁴¹¹

However the Committee had evidence from a number of officers that attempts to ease back into work were ultimately not supported. One officer recovering from PTSD said that in 2011 when he returned to work two days a week, his District Office inspector and supervising sergeant were initially very supportive. However, he was soon told by the same inspector that he was being moved from the position to which he had negotiated a return (in brief management), to a position managing lost and stolen property which operated from “a dingy brick and tin shed” without air conditioning.⁴¹²

The officer considered this to be a “degrading area of work”. The change of attitude by the inspector without any consultation or warning was “shattering”.⁴¹³

*I was doing everything in my best interest to achieve positive results in my return to work programme and now that had all come undone. Inspector [redacted] was punishing me for suffering PTSD.*⁴¹⁴

MRWAPOA president David Bentley told a similar story – again, occurring within the past 10 years:

*Initially, I had been told by the Health and Welfare branch that I was able to go on sick leave and when I was ready I would go back to the same position that I was in and there would not be any problems whatsoever. That turned out not to be the case. My boss said quite unequivocally ‘You’re not coming back here. I don’t want you back. You’ve got a psychological disorder.’*⁴¹⁵

Both the WAPU and the MRWAPOA have called for lateral employment opportunities and retraining to be made available to non-operational officers. Recommendation 6 of *Project Recompense* reads: *That WA Police, with the assistance of the Government, implement, as part of its vocational rehabilitation system, a program that invests in re-training human resources so that they may be utilised in other employment areas (be it within the public sector or the private sector).*⁴¹⁶

411 Mr Doug Brewer, Coordinator (Clinical) of Trauma Recovery, Hollywood Clinic, *Transcript of Evidence*, 18 November 2015, p5.

412 Submission No. 9 from Mr Matthew Carroll, 3 November 2015, pp3-4.

413 *ibid.*, p4.

414 *ibid.*

415 Mr David Bentley, President, Medically Retired Western Australian Police Officers Association, *Transcript of Evidence*, 18 November 2015, p3.

416 WA Police Union, [Project Recompense](#), prepared by Jane Baker, WA Police Union, Perth, November 2014, p9; Submission No. 6 from Medically Retired Western Australian Police Officers Association, 2 November 2015, pp16, 17

The only correspondence WAPU has had from WA Police by way of a response to the *Project Recompense* recommendations does not specifically address Recommendation 6.⁴¹⁷

At the Committee hearing, executive director Mr Kannis said at present lateral movement by police officers into the public sector was not possible because police officers were employed under a different act from public sector workers. He said WA Police would continue to explore opportunities for that to happen in the future, but in the meantime they would have to apply for jobs.⁴¹⁸

The MRWAPOA suggests that injured officers be given more opportunity to transfer into non-sworn roles.⁴¹⁹ When an officer is no longer able to serve in a frontline or sworn police role, alternative employment opportunities should be provided (that do not disadvantage them financially), along with suitable rehabilitation and vocational training.⁴²⁰

However, the association said that anecdotal evidence from its members who suffer with psychological issues was that WA Police frequently directs serving officers displaying acute psychological symptoms, PTSD or depression towards a medical retirement, rather than assisting with rehabilitation and reintegration into the workforce, as was the case with physical injury.⁴²¹ The figures for medical retirement for psychological reasons versus physical reasons attest to this.

Hollywood Clinic psychiatrist Dr Samuel said that cultural change and more education to ensure supervisors understood the value of returning to work would assist the return-to-work program. The return exposure treatment to make sure people could get back into operational duties or non-operational for a period of time was the best approach. "If there is support from the superiors, this approach will become very easy".⁴²²

Finding 29

Officers with PTSD have not been afforded the opportunity to return to work in the same or an equivalent position to the one previously held.

417 WA Police Union, [Project Recompense](#), prepared by Jane Baker, WA Police Union, Perth, November 2014, pp59-60.

418 Mr Anthony Kannis, Executive Director, WA Police, *Transcript of Evidence*, 15 February 2016, p34.

419 Submission No. 6 from Medically Retired Western Australian Police Officers Association, 2 November 2015, p16.

420 Submission No. 6 from Medically Retired Western Australian Police Officers Association, 2 November 2015, p17.

421 *ibid.*, p12.

422 Dr Mathew Samuel, Clinical Lead, PTSD Program, Hollywood Clinic, *Transcript of Evidence*, 18 November 2015, p7.

Recommendation 10

In line with the *Expert Guidelines: Diagnosis and Treatment of Post-traumatic Stress Disorder in Emergency Service Workers*, WA Police must ensure that officers with PTSD are provided with positions that allow for rehabilitation and ongoing employment, commensurate with their experience, level of seniority and previous earning capacity.

5.3.6 Removal from duty

The Committee received evidence from various sources that described the process of being removed from the police service on medical grounds or retiring or resigning before this could occur.

Police officers who had suffered medical and psychological issues might choose to take early retirement or to resign because they did not wish “to suffer the perceived shame and stigma of admitting they were psychologically damaged”, according to the MRWAPOA.⁴²³

Being medically retired means officers must have been removed from their 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*.⁴²⁴

Section 8 is also used to dismiss officers who are guilty of criminal behaviour or serious misconduct. For this reason, the MRWAPOA says that “being ‘Section 8-ed’ stigmatises an otherwise honourable and dignified career and is the final insult and slap in the face to the already sick and injured officers”.⁴²⁵

The WAPU has called for the removal of police officers on medical grounds to be independent of section 8 and section 33L, which outlines the mechanism for removal. (See also Box 5.1).

The Police Commissioner agrees that the use of section 8 to dismiss sick or injured officers is inappropriate, since “over the years, section 8 has started to become associated with removing police officers who have committed offences or committed transgressions. I think it is the perception of what section 8 means that is the problem.”⁴²⁶

423 Submission No. 6 from Medically Retired Western Australian Police Officers Association, 2 November 2015, p2.

424 *ibid.*

425 *ibid.*, p6.

426 Dr Karl O’Callaghan, Commissioner of Police, WA Police, *Transcript of Evidence*, 15 February 2016, p30.

The Commissioner told the Committee of recent discussions in regard to modifying section 8 so that removal of officers due to illness or injury would come under a different section.⁴²⁷

BOX 5.1⁴²⁸

Challenging removal under Section 8 and Section 33L

Under section 33L, if the Commissioner "does not have confidence in a member's suitability to continue as a member, having regard to the member's integrity, honesty, competence, performance or conduct, the Commissioner may give the member a written notice setting out the grounds on which the Commissioner does not have confidence in the member's suitability to continue as a member" (*Police Act 1892*).

The member has 21 days from notice before the Commissioner will make a decision about removal action, during which time the member may appeal the decision. The Commissioner may revoke his/her removal action or the member can resign from WA Police within this 21- day period. The appeal is heard by an impartial third party in the WA Industrial Relations Commission.

Senior Constable Susan Moran is the first police officer removed due to illness caused by the job who has appealed since section 8 was enacted in 2003.

Her father Kevin Moran, a former police superintendent, said officers did not appeal due to the onerous task of having to compile evidence in a short period (28 days), the multiple appearances required before the hearing date, the inability of sick or injured officers to finance the appeal and their lack of emotional capacity to mount a challenge.

Having received the Industrial Relations Commission's ruling that Ms Moran's dismissal was not harsh, oppressive or unfair, and with no leave to appeal, Mr Moran made a presentation to the Industrial Supreme Court, but this was also dismissed.

The stigma associated with section 8 is one of the unsatisfactory aspects of the medical retirement process. But regardless of whether section 8 is amended, the sense of worthlessness experienced by medically retired officers needs to be addressed.

The MRWAPOA asserts that the Loss of Confidence notice strips officers of any remaining dignity "and leaves them with overwhelming feelings of abject hurt and complete abandonment".⁴²⁹

427 Dr Karl O'Callaghan, Commissioner of Police, WA Police, *Transcript of Evidence*, 15 February 2016, p30.

428 See Appendix 10 for references.

Medically retired members felt that once there was no use for them their years of service counted for nothing, and they were simply discarded without any acknowledgement of their service.⁴³⁰

*... the feeling of being treated as 'scrap metal', of being cast aside, and of having no value within the organisation exacerbates the mental trauma they are dealing with, simply as a result of serving the community and upholding the law. A lack of accountability for the unsupportive and often dismissive attitude of the Agency ... disheartens those Members who continue to suffer with unspeakable trauma.*⁴³¹

The MRWAPOA notes that while WA Police acknowledges officers killed in the line of duty, there is no recognition for officers who suffer catastrophic injury or illness protecting the community and who are medically retired as a result.⁴³²

*We should not be thrown on the scrap heap and forgotten.
Decades of police work protecting the community [is then
just] thrown out the window.*⁴³³

The final guideline (number 54) of the *Expert Guidelines: Diagnosis and Treatment of Post-traumatic Stress Disorder in Emergency Service Workers* states:

*It is important that employers and occupational recovery agencies foster an environment where emergency workers that are unable to continue with their employment in the emergency services or who decide that they will cease their employment are able to feel proud and respected for the emergency work they have carried out.*⁴³⁴

429 Submission No. 6 from Medically Retired Western Australian Police Officers Association, 2 November 2015, p6.

430 Submission No. 2 from Mr Kevin Moran, 14 October 2015; Submission No. 5 from Mr Alan Gelmi, 30 October 2015; Submission No. 9 from Mr Matthew Carroll, 3 November 2015; Mr Michael Thornbury, Member, Medically Retired Western Australian Police Officers Association, *Transcript of Evidence*, 18 November 2015, pp7, 12.

431 WA Police Union, [Project Recompense](#), prepared by Jane Baker, WA Police Union, Perth, November 2014, p124.

432 Submission No. 6 from Medically Retired Western Australian Police Officers Association, 2 November 2015, p6.

433 WA Police Union, [Project Recompense](#), prepared by Jane Baker, WA Police Union, Perth, November 2014, p137.

434 Harvey, S., R. Bryant, G. Devilly et al., [Expert Guidelines: Diagnosis and Treatment of Post-traumatic Stress Disorder in Emergency Service Workers](#), Black Dog Institute and University of New South Wales Expert Group, October 2015, p17.

This should be taken to heart by WA Police.

In addition to the stigma, the actual process of medical retirement was described as convoluted and protracted.⁴³⁵

Former officer Matthew Carroll said that his frustration during the medical retirement process was “nothing but immense to say the least”.⁴³⁶

Respondents to a WAPU survey indicated that more often than not, they experienced either a lack of communication or “communication that felt highly impersonal and unfeeling during the stages of the medical retirement process that most necessitated personalised communication, empathy and open consultation.”⁴³⁷

Finding 30

Police officers who have been removed from duty for medical reasons often report feeling abandoned by the police service and that their years of service are not valued.

Recommendation 11

WA Police should implement a formal mode of recognition for officers who have been dismissed on medical grounds, acknowledging that their illness or injury was sustained in the line of duty.

5.3.7 Leave entitlements, financial support and compensation

While WA employees are covered by the *Workers’ Compensation and Injury Management Act 1981* (which provides compensation for workers who suffer an injury, management of injuries to facilitate a return to work and specialised retraining programs), 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”.⁴³⁸

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. The Scheme is managed by the Insurance Commission of Western Australia and all reimbursements are in line with Workers’

435 WA Police Union, [Project Recompense](#), prepared by Jane Baker, WA Police Union, Perth, November 2014, p130.

436 Submission No. 9 from Mr Matthew Carroll, 3 November 2015, p6.

437 WA Police Union, [Project Recompense](#), prepared by Jane Baker, WA Police Union, Perth, November 2014, p130.

438 *ibid.*, pp40, 43.

Compensation entitlements. A member is not entitled to claim benefits if they have previously received compensation for the same illness or injury.

Case Study 3⁴³⁹

Back in 1998 I had suffered with several injuries and then as well with PTSD and was treated for several months and was on police related sick leave, until finally medically discharged by the Commissioner. I was not given any extra time, help or finances .I was just discharged under section 8 under re medical reasons. I was not allowed to seek legal help and have a representative present to discuss being discharged.

Due to my mental condition I had no fight left in me and was told by the WA Police Department and also the Police Union something was in the pipe-line to help to assist medically retired police officers and apparently legislation was being drawn up. This was back in 1999.

I wrote to the Commissioner of Police, the Police Minister and Premier at the time for help with my medical expenses. All told me that they have no legal responsibility to help.

[In 2007 when the Former Officers' Medical Benefits Scheme came into being, the officer submitted 12 claims and has had five approved. But it has been a struggle.]

From the very start of this procedure it's been a pain-staking exercise just to get some extra help. The Police Department wouldn't give me any records, only to say I have to go to the Freedom of Information section and pay a fee of \$67 for each record. I needed several files and didn't have \$1000 to spare, just to [get] information on myself.

[Despite WA Police previously paying for medication for ongoing asthma (whilst the officer was still serving), the Insurance Council of WA "paid thousands of dollars in legal fees" to fight his claim (post-retirement) for a \$10 Ventolin inhaler each month.]

Not only that, during the mini hearing the ICWA solicitor made light of my claim and laughed at me and I felt belittled with so many against me for such a small claim. Work Cover were of no help to me and a paper tiger in my matter.

This scheme is cruel and unkind and ruthless to us medically retired officers. I don't need more stress and the hurt, I have been through enough!

The stress I have gone through over these past 7 years is excessive and regurgitation of past injuries is not fair.

It seems that the ICWA wants 100% case proved but set themselves up as medical professionals, judge and jury and what they really are is an insurance company. They're judging matters on medical matters and when I have a claim on medical injuries I get knocked back.

I have been sent to about 10 medical specialists for ICWA ... why can't I be sent to one professor to make a complete overall assessment of me and just say 'Yes this man is in need of financial assistance with his medication.'

After surveying members, WAPU noted that there appeared to be a large number of police officers who were not covered by the Scheme because they had not suffered a workplace injury that incurred medical expenses after 1 July 2007.⁴⁴⁰

Unless a former officer is lucky enough to be awarded an *ex gratia* payment, there is no other form of compensation. The *ex gratia* (act of grace) payment is discretionary and is usually made when there is some moral obligation on behalf of an agency to provide redress.

An *ex gratia* application requires the sick or injured officer to present his or her case to the government. The MRWAPOA says:

*This task alone proves to be far too difficult for officers suffering with PTSD and other psychological illness and actually exacerbates their trauma by forcing them to relive what they are trying to forget and are running away from. To date we are aware of only two people who have successfully received ex gratia payments.*⁴⁴¹

The association notes that compensation payouts are more likely to be awarded for officers who sustained physical injuries in circumstances which attracted a lot of publicity.⁴⁴²

The high-profile cases of Constable Matt Butcher (who was paralysed and brain damaged after being physically assaulted in a pub brawl) and Constable Ryan Marron (who was paralysed and suffered brain damage after contracting Murray Valley encephalitis while serving in the Kimberley) are two such examples. Both cases received international media coverage and as a result, according to the association, Mr Butcher received an *ex gratia* payment of \$3.3 million and Mr Marron has just been offered a payment of \$5.5 million.⁴⁴³

The Police Commissioner agrees that the *ex gratia* process is flawed.

*The whole system of ex gratia payments for officers leaving the police force because they cannot continue to work is just unsatisfactory; it is cumbersome, it is slow and only some people get it, so it is not fair.*⁴⁴⁴

440 WA Police Union, [Project Recompense](#), prepared by Jane Baker, WA Police Union, Perth, November 2014, p131.

441 Submission No. 6 from Medically Retired Western Australian Police Officers Association, 2 November 2015, p15.

442 *ibid.*, p13.

443 Taylor, G., '[Disabled cop Ryan Marron's family reject \\$5.5m compensation offer](#)', *The West Australian*, 10 March 2016.

444 Dr Karl O'Callaghan, Commissioner of Police, WA Police, *Transcript of Evidence*, 15 February 2016, p35.

The Committee is hopeful that this might be addressed during the course of the Workforce Optimisation Project, which the Nous Group commenced on behalf of WA Police in March 2014. The first stage of the project focussed on management of non-operational workers, fitness to serve, an injury management system for work-related injuries – including a system of workers’ compensation, sick leave provisions, medical retirements and retirement age.

The 2015 Annual Report says that the recommendations of the review and the implementation plan were considered in April 2015 – almost one year ago.⁴⁴⁵ The WAPU said it was privy to an embargoed copy of the findings – a number of which were “greatly concerning” – and they had been given the opportunity to respond but had heard nothing since.⁴⁴⁶

The issue of compensation is a pressing one, since Western Australia is the only Australian state without a form of compensation for medically retired police officers.

This has resulted in considerable financial hardship for medically retired officers, who leave the service with four weeks’ pay and their superannuation payout. Officers who are then unable to cover the cost of treatment for their condition find it difficult to re-enter the workforce.

*Forced into medical retirement all suffering with significant chronic workplace related illness and injuries many struggled to find any form of suitable alternative employment or simply ended up never being able to work again. Without any form of workers compensation to aid in paying the ongoing mortgage and other household bills, many families still struggle financially to exist. Many rely on Centrelink and some are even forced to resort to food bank charities in order to feed their families. Partners, families, children and carers carry a significant burden without any recognition from the WA Police or WA Government.*⁴⁴⁷

The WAPU says that members have been hesitant to contemplate integration into a Workers’ Compensation scheme from fear that it might threaten their current sick leave provisions.⁴⁴⁸

445 WA Police, *Annual Report 2015*, WA Police, East Perth, 2015, pp12-13.

446 Mr Brandon Shortland, Senior Vice President and Mrs Jane Baker, Research Officer, WA Police Union, *Transcript of Evidence*, 17 February 2016, p12.

447 Submission No. 6 from Medically Retired Western Australian Police Officers Association, 2 November 2015, p15.

448 WA Police Union, [Project Recompense](#), prepared by Jane Baker, WA Police Union, Perth, November 2014, p131.

While the Minister for Police and the Commissioner agree that a compensation scheme is needed, they have been at an impasse with the WA Police Union over the union's refusal to give up some sick leave entitlements in exchange for compensation.⁴⁴⁹

However, in the hearing with the Committee on 15 February 2016, the Police Commissioner said he did not think police needed to trade off their sick leave entitlements:

*I think there needs to be a compensation scheme that provides clarity for police officers who can no longer continue with work ... The gap for us is what happens to officers who leave with PTSD. Mostly, they are not represented well in the public domain and there is not a lot of profile. I think we can get a compensation scheme together which deals with those sorts of issues without the union or the workforce having to trade off anything significant in terms of their existing sick leave entitlements. They both can be preserved.*⁴⁵⁰

This is a very positive statement and, while the detail of how this could be managed is not yet available, the Committee urges the Minister for Police to work with the Commissioner and the union to make it a reality.

Finding 31

Forms of compensation currently available to medically retired officers are inadequate and unfairly bestowed. In view of this, a statement by the Police Commissioner that a compensation scheme can be negotiated (without significant loss of leave entitlements) is a positive development.

Recommendation 12

That the Minister for Police works with the Police Commissioner, in concert with the WA Police Union, to institute a compensation scheme for medically retired officers and so bring Western Australia in line with the other States.

5.4 Measuring performance

How does WA Police measure its performance in relation to the management of officers with work-related injuries and illness?

449 Hondros, N., 'Political football still in play', *Mandurah Mail*, 16 July 2015, p7.

450 Dr Karl O'Callaghan, Commissioner of Police, WA Police, *Transcript of Evidence*, 15 February 2016, p29.

In correspondence to the Committee, WA Police said that it does not have specific performance indicators for work-related medical issues.⁴⁵¹

Finding 32

WA Police does not have any key performance indicators for work-related medical issues.

It is, however, a government requirement (under Public Sector Commissioner's Circular 2012-05: Code of Practice: Occupational, Safety and Health in the Western Australian Public Sector) that the agency has an occupational safety and health (OSH) policy and provides a commitment to OSH and injury management. As part of this, the agency is required to report performance targets relating to occupational safety incidence (see Figure 5.2), which is used "to inform actions". These are reported in the WA Police Annual Report.

Table 5.2: Occupational safety incidence

	Target	2012-13	2013-14	2014-15	Performance against target
No. of fatalities	0	0	0	0	Achieved
Lost time injury/disease incidence rate	10% less than previous 3 years	2.23	2.54	2.71	Not achieved
Lost time injury/disease severity rate	10% less than previous 3 years	8.42	8.18	2.11	Achieved
% injured workers returned to work within 13 weeks	≥ 80%	79%	97%	98%	Achieved
% injured workers returned to work within 26 weeks	≥ 80%	97%	98%	98%	Achieved
% managers/supervisors trained in OSH and injury management	≥ 80%	75%	48%	74%	Not achieved

Source: WA Police Annual Report 2014-15, p115.

WA Police said it also monitors sick leave usage (and notifies anyone approaching the leave limit) and the proportion of police officers who are 'non-operational' (to inform deployment decisions).⁴⁵²

What this data does not tell us is how much of the lost time from injury/disease was due to psychological illness, and how many of those who returned to work within three or six months were officers suffering from PTSD. This would be valuable data for enabling WA Police (and ideally the community) to track how the agency was performing in terms of managing officers with psychological illnesses.

451 Mr Anthony Kannis, Executive Director, WA Police, Letter, 10 February 2016.

452 *ibid*.

However the Committee is not confident that the record keeping and data management practices of Health and Safety are up to the task.

The agency was unable to tell the Committee how many currently serving officers have been diagnosed with PTSD without manually surveying individual case files to count them. There is no automated reporting system that can provide the number of officers suffering from PTSD, or the number who have retired due to PTSD.

The Committee saw this as a major shortcoming, since it means it is not possible at a glance to know whether there has been a spike or a drop in the number of PTSD cases. Given the focus on this issue in recent years, especially by this Committee, WA Police is aware of the problem but has neglected to make the necessary improvements.

While the Commissioner said the number could be worked out manually, the Committee Chair submitted that this would only occur if there was a reason to do so.

*... it would only be if there was some event and you had to go and look it up – that is, us asking you – as opposed to part of your general management practice to ask how you were going in that regard: are fewer people being exposed, or are we in a situation where we are redeploying people who have previously been involved in a critical incident and we have aggravated their condition? All of those things, I would have thought, have systemic implications, not only personal implications.*⁴⁵³

Human resources director Ms Lavell said that while they did not have a sophisticated reporting tool, their daily and weekly interactions meant they knew what was going on.

*... in terms of prevalence, we know from close working with the unit, or Health and Safety Division, what their workload is like. So if there are a large number of files coming through, it is something that I would be discussing with them. If there were spikes, or after certain events things were prevalent, it would be something that they would report up.*⁴⁵⁴

Finding 33

WA Police does not have an automated system for recording the number of officers suffering from PTSD at any given time, or for recording the number of officers who have retired due to PTSD. This is not conducive to monitoring trends. In relation to individuals this could amount to a breach of duty of care.

453 Ms Margaret Quirk, MLA, Chair, Community Development and Justice Standing Committee, *Transcript of Evidence*, 15 February 2016, p32.

454 Ms Renae Lavell, Human Resources Director, WA Police, *Transcript of Evidence*, 15 February 2016, p32.

A computerised system for tracking officers' exposure to traumatic or critical incidents, as recommended in *The Toll of Trauma* in 2012 (Recommendation 4), has still not been established. It was currently being investigated as part of the Workforce Optimisation Project, according to Ms Lavell.⁴⁵⁵

Finding 34

There is still no system for tracking officers' exposure to traumatic or critical incidents, despite this being a recommendation of *The Toll of Trauma* report in 2012.

More detailed recording (for statistical purposes) of an officer's reason for medical retirement has also not occurred. Medical retirements are classified simply as physical, psychological or both (*see Table 5.1*).

Ms Lavell said it would "be very complex to go into all of the individual things that people have at medical retirement at that high-level reporting. From that basis it is psychological or physical."⁴⁵⁶

They could still identify how many people had retired due to PTSD from looking at the files. Mr Kannis indicated there would be no change to this practice: "It is another issue if we start having a tick box called PTSD. We do not do that. We have psychological or physical; that is what we will have."⁴⁵⁷

Finding 35

WA Police seems unable and unwilling to find a way to record on a database the specific psychological condition or conditions associated with an officer's medical retirement.

Another recommendation of *The Toll of Trauma* was that the State's emergency response agencies should offer exit interviews to staff and use the information to improve their trauma management procedures (Recommendation 20).

The Committee was told that WA Police does review information from exit interviews, but the interviews were voluntary, which limits the amount of information that can be gathered.⁴⁵⁸ Submissions made to the Committee also indicate that officers suffering with PTSD at the time of retirement are typically distressed and confused (a feeling exacerbated by the retirement process), which may mean they are not amenable to an exit interview. The agency should consider, then, conducting an exit interview at a later stage when the retired officer may be less stressed, and in a way that recognises that

455 Ms Renae Lavell, Human Resources Director, WA Police, *Transcript of Evidence*, 15 February 2016, p30.

456 *ibid.*, p31.

457 Mr Anthony Kannis, Executive Director, WA Police, *Transcript of Evidence*, 15 February 2016, p33.

458 Ms Renae Lavell, Human Resources Director, WA Police, *Transcript of Evidence*, 15 February 2016, p30.

the former officer may still have feelings of hostility towards the agency for what they regard as poor treatment.

According to the MRWAPOA, the agency does not maintain post-service contact to ascertain recovery or death rates amongst officers who have retired with PTSD. This is supported by *The Toll of Trauma* report which found that none of the State's agencies kept track of staff health outcomes once they had left the agency.⁴⁵⁹

The 2011 PwC report into Health and Welfare Services (as it was called at the time) identified the lack of a case management system as a major barrier to delivering "strategic insights and earlier engagement with stakeholders".⁴⁶⁰ The record keeping system was described as "cumbersome", resulting in files that were "difficult to track or audit".⁴⁶¹

PwC suggested that WA Police appeared to have the "raw ingredients" for building workplace analytic capability. Data captured by the Human Resources department should be leveraged (as it is in the agency's operational units) "to develop an analytic capability for monitoring and then responding to organisational trends and issues", allowing earlier intervention in emerging health and welfare issues.⁴⁶²

It recommended more automated processes for sick leave and case monitoring, noting that the manual method is time consuming and takes time away from welfare officers' more important duties.⁴⁶³

The report also emphasised that a good case management system was not enough on its own: "Systems that pull data together quickly and reliably, and can analyse it, are just as necessary as a culture that respects the value of accurately recording data for analysis and implementation of remedial actions."⁴⁶⁴

It said a cultural shift in attitude to the value of data would need to occur along with any move towards an analytics-based approach, and this would take time.⁴⁶⁵

The issues identified by PwC correlate with what the Committee heard from WA Police. The Committee acknowledges that significant IT upgrades may be required to implement some of the recommendations of the PwC report, but they are not required

459 Community Development and Justice Standing Committee (38th Parliament), [*The Toll of Trauma on Western Australian Emergency Staff and Volunteers*](#), Report No. 10, Parliament of Western Australia, Perth, September 2012, pv.

460 PricewaterhouseCoopers, *WA Police – Health and Welfare Service Review*, Perth, September 2011, p32.

461 *ibid.*

462 *ibid.*, pp52, 53.

463 *ibid.*, p28.

464 PricewaterhouseCoopers, *WA Police – Health and Welfare Service Review*, Perth, September 2011, p52.

465 *ibid.*

to change the attitude towards data analysis. The attitude of the police executive during the hearing was that the processes for recording and tracking current and former PTSD cases were adequate.

Finding 36

Despite recommendations in 2011 to upgrade data management systems in the Health and Safety Division, data recording and analysis in this area is still sub-optimal.

Recommendation 13

WA Police should upgrade its data management systems in the Health and Safety Division to facilitate meaningful analysis of statistics related to sick and injured officers.

The MRWAPOA has called for the agency to implement KPIs relating to health, safety, welfare and management of sick and injured employees, and for these to be linked to the accountability of the Commissioner and executive staff.⁴⁶⁶

They did not suggest appropriate indicators, but some of those suggested below would rely on data that is already collected and could therefore be easily applied.

- Number of police officers who have remained in/returned to the workforce after being diagnosed with a medical issue (disaggregated according to discrete categories within physical and psychological);
- Number of police officers who have been medically retired who were satisfied with the way they were retired from duty (data could be retrieved from exit interviews if more of these were conducted);
- Income of medically retired officers post retirement;
- The number of officers completing Mental Health First Aid training (this is already a performance target for the Public Sector Commission but should also be a performance indicator).

The PwC report also recommended that the agency embed health and welfare outcomes into KPIs.⁴⁶⁷ PwC suggested sick leave, lost time injury, bullying and critical incidents as key data that could be used to build a KPI structure.⁴⁶⁸

The number of people presenting with PTSD need not be a performance indicator, since this may result in the agency discouraging (consciously or otherwise) reporting of PTSD. What is important is the way that the agency is managing the cases (which is why

466 Submission No. 6 from Medically Retired Western Australian Police Officers Association, 2 November 2015, p16.

467 PricewaterhouseCoopers, *WA Police – Health and Welfare Service Review*, Perth, September 2011, p8.

468 *ibid.*, p53.

measuring the number of officers returning to work is important). An increase in reported cases may actually be positive in the first instance, as it could indicate better recognition of the illness by officers (due to awareness programs) and/or a cultural change which has meant officers are willing to disclose the condition.

In time, with even greater awareness and better preventative measures, rates of PTSD may decrease. At present the rate amongst WA Police is less than one per cent of officers. The *Expert Guidelines* estimate prevalence in the emergency services to be around 10 per cent,⁴⁶⁹ which could indicate that PTSD is currently under-reported in WA Police. WA Police notes that its figures of one per cent does not include officers who may be seeking assistance privately or do not require assistance to remain at work and have not submitted a claim.⁴⁷⁰

The WA Police Human Resources director said that psychological illness and PTSD was something that was discussed regularly by the WA Police executive. It was constantly on the agenda and there was a lot of work being done with beyondblue and other emergency services.⁴⁷¹

The Committee believes that if the agency is taking PTSD as seriously as it claims to be, it should be monitoring the incidence and management of sufferers much better than it is. It may be complicated, but that is not an excuse not to do it.

5.4.1 Concluding comment

As stated at the start of the chapter, a flexible workforce which has high demands placed upon it – as is currently the case with the adjustment of the metropolitan policing model to redeploy officers to the frontline – is only possible once the organisation has taken proper care of employees' needs, ensuring they are treated fairly and with due consideration for their well-being.

If the organisation is not taking proper care of their needs, it will no doubt tell in the number of sick leave applications and medical retirements.

The recommendations made in this chapter (and in previous quoted reports) align with so-called ethical human resources management rather than a managerial approach. For police officers especially, it is important to put the human back into human resources.

469 Harvey, S., R. Bryant, G. Devilly et al., [*Expert Guidelines: Diagnosis and Treatment of Post-traumatic Stress Disorder in Emergency Service Workers*](#), Black Dog Institute and University of New South Wales Expert Group, October 2015, p26.

470 Mr Anthony Kannis, Executive Director, WA Police, Letter, 1 March 2016.

471 Ms Renae Lavell, Human Resources Director, WA Police, *Transcript of Evidence*, 15 February 2016, p33.

Chapter 6

How does WA Police measure up?

This chapter considers the value of policing performance measures in and of themselves and in reference to WA Police. It discusses the recurring themes that have emerged during the Inquiry – limited measurement, a reactive approach and lack of resources – and considers how the *Frontline 2020* model has impacted on policing and whether its impact has in fact been adequately measured. In conclusion, some general observations in regard to how WA Police manages its performance are offered.

MUCH has been written about the role of performance measurement in policing – its challenges have been recognised and its pros and cons debated. An overview of the literature in this area was provided in the first of the three reports completed for this Inquiry. Now, as the Inquiry draws to a close, it is worth revisiting. What role should they play, what role do they play in our State’s police service and how have they assisted WA Police in evaluating its performance and assessing the success of its new policing model, *Frontline 2020*?

To recap, while well-designed performance indicators are considered an “essential part of holding the police accountable to government, civil society, and the public at large”,⁴⁷² police organisations are still grappling with how to provide accurate measurements of their activities and achievements.

Some Australian police services had tried to take into account more than simple statistical data to “tease out the less tangible aspects of police work”,⁴⁷³ but the reality is that the things which are more easily measured and quantified are the ones that are favoured.

One of the side-effects of basing performance on things that can be readily counted is that resources may be diverted to meet “false targets”. A number of authors have documented evidence of manipulation of statistics and resources and even “perversion

472 RAND Center on Quality Policing, [*Selected International Best Practices in Police Performance Measurement*](#), technical report prepared by R. C. Davis, RAND Corporation, Santa Monica, California, 2012, p12.

473 Fleming, J. and A. Scott, 'Performance measurement in Australian Police Organizations', *Policing*, vol. 2, no. 3, 2008, p329.

of practice” by police officers in an effort to meet performance targets or expectations.⁴⁷⁴

Much of the debate has centred on the use of crime statistics as the most important key performance indicator (as per the CompStat model championed by New York Police Department), with detractors arguing for a broader range of measures which better reflect what police achieve and their value. Several high-profile cases of manipulation of crime statistics have been documented and the NYPD has disciplined a substantial number of officers over issues of crime suppression and misclassification.⁴⁷⁵

As recently as January this year, former NYPD Police Commissioner Raymond Kelly and the current Police Commissioner Bill Bratton were arguing publicly about which commissioner had the better record in crime reduction, and whether statistics had been manipulated to paint a better picture for Commissioner Bratton.⁴⁷⁶

Sparrow (2015) says that despite the range of performance frameworks presented over the years, most police organisations remained focussed on the same few categories of indicators, with reductions in the number of serious crimes reported being the dominant measure. This is most commonly presented as local comparisons against an immediately preceding time period.⁴⁷⁷

This certainly appears to be the case with WA Police, particularly in regard to pronouncements as to the success of *Frontline 2020*. As the State’s crime figures continued to rise – coinciding with the period following the roll-out of *Frontline 2020* in December 2014 – it was perhaps all too easy to blame the new model. But in the absence of a comprehensive set of measures and in-depth data analysis, what other conclusions could be drawn?

Throughout this Inquiry, the Committee has made a series of findings and recommendations in regard to what WA Police should be measuring and monitoring. The Committee has also identified some broad issues which have implications for police performance.

Across the three focus areas of the Inquiry, three recurring themes emerged:

474 Legrand, T. and S. Bronitt, 'Policing to a Different Beat: Measuring Police Performance', in Tim Prenzler (ed.), *Policing and Security in Practice*, Palgrave Macmillan, UK, 2012, p14; Tiwana, N., G. Bass and G. Farrell, 'Police performance measurement: an annotated bibliography', *Crime Science*, vol. 4, no. 1, 2015, p24.

475 Sparrow, M.K., [Measuring Performance in a Modern Police Organization](#), New Perspectives in Policing Bulletin, Department of Justice, National Institute of Justice, Washington, D.C., March 2015, p27.

476 Braham, D.A., ['The War Over the War on Crime'](#), *The Atlantic*, 31 December 2015.

477 Sparrow, M.K., [Measuring Performance in a Modern Police Organization](#), New Perspectives in Policing Bulletin, Department of Justice, National Institute of Justice, Washington, D.C., March 2015, p2.

1. Limited measurement and indicators which could be used to evaluate the success of strategies and current practice;
2. A reactive rather than proactive approach to policing;
3. Lack of resources.

These three themes, which are somewhat intertwined, are discussed with reference to the *Frontline 2020* model where relevant.

6.1 Recurring themes

6.1.1 Limited measurement

WA Police has a limited number of audited KPIs by which it measures its performance – 11 effectiveness indicators and three efficiency indicators. These are reported in the annual report.

This would be less of a problem if WA Police also had a suite of intermediate performance indicators which could be reported to the public (if not in the annual report) or at least a broad range of internal performance measures to guide its own practice.

WA Police, by admission of senior officers, is often clueless when it comes to knowing what works. During the road policing part of the inquiry, the Traffic and Emergency Response Assistant Commissioner (at the time) said in relation to a dip in the road toll in 2013: “we cannot for the life of us determine what it was that actually caused that drop.”⁴⁷⁸ It follows that the same applies to increases in the road toll.

This Inquiry began with a focus on road policing, following what had been a tragic road toll over the summer of 2014-15. Sadly, as the overall inquiry drew to a close, WA was reeling from a tragic long weekend on the State’s roads, with 11 deaths in 72 hours.⁴⁷⁹

In *Are We There Yet?*, the Committee acknowledged that police are not entirely responsible for the road toll, but that they should be trying to influence the attitudes and behaviour of road users (which would in turn reduce the road toll). According to prominent road safety researcher Professor Max Cameron, police have a key role to play in short-term behaviour change.⁴⁸⁰

478 Mr Nick Anticich, Assistant Commissioner, Traffic and Emergency Response, WA Police, *Transcript of Evidence*, 3 March 2015, p4.

479 Barone, T. and D. Mercer, [‘Truck death adds to road carnage’](#), *The West Australian*, 8 March 2016.

480 Professor Max Cameron, Monash University Accident Research Centre, *Transcript of Evidence*, 25 March 2015, p6.

At the time of a briefing with WA Police in May 2015, the agency said it had been in discussion with the Curtin-Monash Accident Research Centre to roll out a project to validate whether WA Police was taking the right approach.⁴⁸¹ However in Parliament in November 2015, the Minister for Police said that no research had been commissioned.⁴⁸²

But the Committee was left with the impression that while there is an appreciation of the value of evidence-based policing for traffic management, there was simply not enough time and resources devoted to considering evidence properly.

Whether the road toll has been impacted by the new operational model is unclear. The road toll reduced by about 100 in 2015 (back to a level similar to 2013), which may have been evidence that the strategy of general deterrence (creating the perception of being caught anywhere, anytime) was working.

As at 10 March 2016, the number of fatalities and critical injuries was 11 more than at the same time last year and 20 more than at the same time in 2014. The most striking difference between the current year-to-date figures and the 2013 year-to-date figures is the difference in the metropolitan and country toll, with the metropolitan fatalities decreasing from 20 to 12, but the country road toll more than doubling, from 15 to 31.

More evaluation would help WA Police determine the impact of the *Frontline 2020* reforms on traffic policing. For example, is it better to quarantine traffic police or to allow local policing teams to conduct more traffic enforcement? The WA Police Union indicated that since the metropolitan policing districts had been combined (from seven districts into four) members considered them to be too large for traffic officers to effectively monitor.⁴⁸³ The majority of members also did not believe local policing knowledge was taken into consideration when determining traffic enforcement and road safety initiatives.⁴⁸⁴

The question of whether road safety should be a personal performance indicator for heads of relevant authorities was raised during the traffic policing part of the inquiry, with the RAC suggesting that this greater accountability might help reduce the toll.⁴⁸⁵ At the time (in March 2015), the then Assistant Commissioner for Traffic and Emergency Response, Nick Anticich, said he had raised this possibility with the Police

481 WA Police, *Briefing*, Operations Support Facility, Midland, 13 May 2014.

482 Hon. L.M. Harvey, Minister for Police, Western Australia, Legislative Assembly, *Parliamentary Debates* (Hansard), 12 November 2015, p8211b.

483 Submission No. 4 from WA Police Union, 27 February 2015, p4.

484 *ibid.*, p8.

485 Submission No. 3 from RAC, 20 February 2015, pp3-4.

Commissioner.⁴⁸⁶ However, to the Committee's knowledge, there has been no further action in relation to this.

In the second focus area of the Inquiry, into WA Police's response to family and domestic violence, the Committee found again that the agency did not have adequate measures in place to monitor progress.

A lack of data – particularly in relation to demographics – was concerning. The fact that first language and Indigenous status was not recorded on the National Survey for Community Satisfaction with Policing (which WA Police references) should be addressed, and a question which can ascertain the satisfaction of domestic violence victims with police response should be included.

Demographic data is essential for creating a more detailed understanding of who is most affected by domestic violence and where it is occurring. This assists in determining where to target resources and training and ensuring a prompt response to the most at-risk groups. Not only that, it might point to patterns of violence in particular communities which might have a common cause which could be addressed.

The Committee suggested nine intermediate performance measures which WA Police could use to measure its response to family and domestic violence (see Recommendation 8 in *A measure of trust: How WA Police evaluates the effectiveness of its response to family and domestic violence*).⁴⁸⁷

The government response to the report indicates that WA Police will consider introducing intermediate indicators currently used by other policing jurisdictions.⁴⁸⁸

The fact that WA Police has not developed its own strategy for tackling family and domestic violence crime, and instead relies on strategies developed by the Department for Child Protection and Family Support, makes it difficult to assess whether they are really making progress.

Under the *Frontline 2020* reforms, the number of domestic violence specialist officers was reduced and all frontline officers are now required to respond to domestic violence incidents. While community workers on the front line of domestic violence were not convinced of the merits of this model, only a proper evaluation will reveal the

486 Mr Nick Anticich, Assistant Commissioner, Traffic and Emergency Response, WA Police, *Transcript of Evidence*, 3 March 2015, p23.

487 Community Development and Justice Standing Committee (39th Parliament), [*A measure of trust: How WA Police evaluates the effectiveness of its response to family and domestic violence*](#), Report No. 10, Parliament of Western Australia, Perth, October 2015.

488 Hon. Colin Barnett, Premier, WA, Legislative Assembly, *Government response to report no. 10 of the Community Development and Justice Standing Committee*, paper no. 3928, 16 March 2016, attachment 1.

true situation. If the new model was not providing a better response for victims of domestic violence, the Police Commissioner said he would not rule out amending it.⁴⁸⁹

Family and domestic violence is one of the four priority areas of volume crime which, according to the Commissioner's February 15 revisions to the operational strategy, will be targeted by the redirected local policing team officers.⁴⁹⁰ This appears to be confirmation that the original model was not succeeding in providing a better response to victims.

WA Police also has few measures in place in regard to ensuring effective and fair management of personnel. There are no audited KPIs related to recruitment strategies, training, integrity or treatment of officers with work-related medical issues.

While WA Police does collect some data related to these areas, the agency does not necessarily use it to drive its performance, policies and strategies. For example, while WA Police provides a profile of police officers by gender in its annual report, ethnicity is not reported and there are no targets to be met to ensure its workforce is becoming increasingly diverse.

While application and recruitment numbers by gender and ethnicity are monitored, other data which could impact on recruitment of culturally and linguistically diverse and Aboriginal officers could be collected – for example, promotions in relation to gender and ethnicity, and complaint or incident data (by gender and ethnicity) in relation to harassment.

WA Police is required to evaluate aspects of its training against various national and industry standards. Other reviews of training are conducted internally or by external bodies. While some reviews have resulted in change, there is no guarantee that this will occur. Hence, WA Police appears to collect enough information to evaluate training but many issues remain unaddressed because the agency often fails to use the information to amend its training strategies.

Again, in regard to how WA Police manages misconduct, a range of useful data is collected but there does not seem to be any system in place for analysing it to identify trends. The agency acknowledged that it could make better use of the data collected.

And in regard to management of officers with employment-acquired medical issues, monitoring is as much a moral obligation as a necessary performance indicator. If the agency measured how well it treated its officers when at their most vulnerable, the performance record would not be good, according to evidence the Committee received from former officers. A police service should conduct satisfaction surveys/interviews

489 Dr Karl O'Callaghan, Commissioner of Police, WA Police, *Transcript of Evidence*, 15 February 2016, p14.

490 *ibid.*, p2.

that indicate whether employees feel their needs have been properly taken care of and they have been treated fairly. A workforce that is treated well should deliver benefits in terms of lower absenteeism rates, higher retention rates and a willingness to work hard.

However, WA Police does not routinely collect this type of information and the systems it has in place for tracking the wellbeing of its officers require significant improvement. Its record of responding to previous recommendations related to the health and welfare of officers has been found wanting.

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.

Perhaps the attitude to the value of research and data needs to change, as suggested by road safety researchers during the first part of the Inquiry (who suggested WA Police needed to take more ownership of scientific research and actually apply it) and by a review of the agency's health and welfare services. The report by PricewaterhouseCoopers said that the agency needed to adopt a "test and learn" philosophy to trialling new initiatives.⁴⁹¹

This is in line with the strategic principles of evidence-based policing (targeting, testing and tracking) which WA Police has supposedly embraced. Debate over "what works" is the core idea of evidence-based policing, according to its founder, Lawrence Sherman.⁴⁹² The Committee has heard repeatedly throughout the Inquiry that WA Police are keen to know "what works".

However, while intelligence-led and evidence-based policing may have been accepted in principle, there is limited evidence of it being put into practice. Apart from what the Committee assumes is a lack of resources within the agency for conducting such research (perhaps more than a lack of interest), Commissioner O'Callaghan said that research support from other organisations has also diminished:

*The Crime Research Centre at UWA, the Australian Institute of Criminology, all of them have lost capacity over the last few years, so some of the detail that comes to us about what is going on in the public domain is not as good as it used to be.*⁴⁹³

491 PricewaterhouseCoopers, *WA Police – Health and Welfare Service Review*, Perth, September 2011, p7.

492 Sherman, L., 'The Rise of Evidence-Based Policing: Targeting, Testing and Tracking', *Crime and Justice*, vol. 42, 2013, p379.

493 Dr Karl O'Callaghan, Commissioner of Police, WA Police, *Transcript of Evidence*, 15 February 2016, p2.

This is indeed an unfortunate situation, and if a Government grant is required to secure their re-establishment or the establishment of equivalent research centres, this should be facilitated. During the first part of the Inquiry, WA Police were in strong support of a proposed road safety information system which collects data from various agencies into one database. The project is still unfunded. If the Government is serious about understanding the reasons for crime, for road trauma, for high rates of domestic violence, for the low level of diversity in the police service, for the causes of PTSD and best treatment strategies, it could support WA Police by funding research both within and outside the agency.

Just this month (March 3), a researcher from Murdoch University urged WA Police to continue the Intensive Family Support pilot program, which provides targeted community support to six families involved in repeat offending in the South East Metropolitan region. The project had been operating for 17 months, but criminology expert Associate Professor Guy Hall said that in order to properly assess the impact of the program on crime, the project needed to run for three to five years. This was a long term strategy, but the government was only interested in short term results, he said.⁴⁹⁴

6.1.2 Reactive approach

Given the lack of intelligence-led policing being performed, it is no surprise to find that the agency's approach to policing is more reactive than proactive. As Evans and Kebbell (2012) point out, the purpose of gathering intelligence is to work towards disrupting or preventing future crimes. It is by its nature proactive.⁴⁹⁵

Apart from a lack of data and analysis (intelligence) discouraging proactive strategies, the difficulty of measuring such strategies is also a barrier. The reactive element of policing is considerably easier to measure than trying to measure the success of proactive policing, according to Evans and Kebbell (2012). How do you measure something that has been prevented?

Under the *Frontline 2020* model, local policing teams (LPTs) – the teams of police officers tasked with getting to know the local community while officers in the response teams respond to urgent calls and incidents – are supposed to play a preventative role. Ideally these officers develop knowledge of repeat offenders/victims and have the opportunity to make follow-up inquiries.

However, the LPT capacity for working with the local community has been reduced since the Police Commissioner's announcement in February that officers in these teams would be diverted to assist the response teams and controlled centrally (rather than locally).

494 Hastie, H., 'Crime families pilot ends, no results yet', *Armadale Examiner*, 3 March 2016, p2.

495 Evans, J. and M. Kebbell, 'Integrating Intelligence into Policing Practice', in T. Prenzler (ed.), *Policing and Security in Practice*, Palgrave MacMillan, Basingstoke, UK, 2012, p84.

Commissioner O’Callaghan maintained that the LPTs would retain some of their proactive role, but it would be focussed on the four areas of volume crime that are being targeted —burglary, theft, vehicle theft and family violence.⁴⁹⁶

However he acknowledged that “what the local policing teams lose by being drawn into that is some of the proactive work that they were previously doing in the districts”.⁴⁹⁷

According to the WAPU, response teams were also finding it difficult to make time for proactive activities such as serving warrants.

*At the moment, the way it is structured and the way that they are resourced, there is insufficient time for them to have any degree of proactivity. They are effectively just responding and do not have much capability to do anything else.*⁴⁹⁸

The Committee also formed the view that external, publicly available reviews were more likely to prompt a reactive response than internal reviews or evaluations. For example, CCC or coronial investigations (such as the CCC’s *Operation Aviemore* – the WA Police investigation into the killing of Joshua Warneke and its 2010 report into *The Use of Taser® Weapons by Western Australia Police*) – have resulted in changes to practice while many of the recommendations of the PricewaterhouseCoopers review of the health and welfare division in 2011 (which has only been selectively released) have faded into obscurity. The Committee will be interested to observe the fate of the current internal workforce optimisation review and the review of the disciplinary process.

Of course, a publicly accessible report or review does not *guarantee* a satisfactory response. The WAPU was unimpressed with the WA Police response to the previous Community Development and Justice Standing Committee’s report on *The Toll of Trauma* and has been waiting for more than a year for a comprehensive response to the recommendations of its own report, *Project Recompense*.

The reactive approach of constantly putting out fires is far from ideal. As Sparrow (2015), notes:

The definition of success in risk control or harm reduction is to spot emerging problems early and suppress them before they do much harm. This is a very different idea from “allow problems to grow so

496 Dr Karl O’Callaghan, Commissioner of Police, WA Police, *Transcript of Evidence*, 15 February 2016, p2.

497 *ibid*.

498 Mr George Tilbury, President, WA Police Union, *Transcript of Evidence*, 17 February 2016, p15.

hopelessly out of control that we can then get serious, all of a sudden, and produce substantial reductions year after year after year.”⁴⁹⁹

6.1.3 Lack of resources

A reactive response is a side-effect of insufficient resources. As indicated in the previous section, when there are not enough resources to respond to crime, the preventative roles of policing are sacrificed. Quick results are the focus.

WAPU president George Tilbury expressed concern that police could be “shifting the problem” by diverting resources from local policing teams.

... there may be better response times, there may be more police able to attend jobs when they are called in by members of the public, but what is then going to happen to the work that is being left behind that was being done by those officers in those LPT positions where they were quarantined to follow up investigations and also had a proactive element of being able to conduct search warrants, deal with inquiries and also be involved in community engagement in their local areas?⁵⁰⁰

The WAPU says that the lack of resources is not just about a lack of police officers on the frontline.

... we would like to be on record once and for all to say that we are not all about blue shirts. The community expect blue shirts; they like to see blue shirts. They want more police on the street to take care of the skyrocketing crime problems, but when we say we need more police, we do not just mean we need more blue shirts. We need the police auxiliary officers that go along with however many police there are; we need the public servants, we need the cars, torches, radios, Tasers and guns. When we say we need X number of blue shirts, we also need the support that goes with them so property does not spiral out of control.⁵⁰¹

Throughout this Inquiry, the Committee has heard that WA Police does not have enough resources – both for frontline policing and for the support services (such as training and health and welfare) that WA Police is responsible for.

499 Sparrow, M.K., [*Measuring Performance in a Modern Police Organization*](#), New Perspectives in Policing Bulletin, Department of Justice, National Institute of Justice, Washington, D.C., March 2015, p4.

500 Mr George Tilbury, President, WA Police Union, *Transcript of Evidence*, 17 February 2016, p4.

501 Mr Brandon Shortland, Senior Vice President, WA Police Union, *Transcript of Evidence*, 17 February 2016, p13.

Both the WAPU and the Medically Retired Western Australian Police Officers Association (MRWAPOA) commented that the Health and Safety Division was under-resourced. Whilst not seeking to criticise the work currently being performed by staff of the division, the association said:

*What we do wish to emphasise is that this particular division is woefully understaffed, underfunded and ill-equipped to deal with the ever increasing number of sick and injured officers serving the community throughout the very large state of Western Australia.*⁵⁰²

WA Police were not being resourced to enable officers to complete mandatory training in a timely manner, and there was not enough funding for all officers to complete recommended training programs. Although face-to-face training was preferable to online styles of training, this was considered too costly.

There was also evidence that supervising officers were rushing internal misconduct investigations (to the detriment of the officer being investigated) because the investigation removed them from other duties and there was no one to replace them.

Lack of police officers was also presumed to be a factor in the failure of WA Police to meet a key performance indicator target for timeliness of police response in 2014-15. Only 69.5 per cent of priority 1 and 2 incidents were responded to within the requisite 12 minutes, falling well short of the target of 80 per cent.⁵⁰³ This impacts on the response to serious domestic violence incidents, and there were in fact specific instances relayed through the media of unacceptably slow responses to domestic violence.⁵⁰⁴

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 while on duty.

*They are often missing meal breaks and not getting the rest that they actually need, and we have previously outlined that there have been instances where our members are so fatigued travelling home after work that they have actually been involved in traffic crashes, which is very concerning.*⁵⁰⁵

502 Submission No. 6 from Medically Retired Western Australian Police Officers Association, 2 November 2015, p9.

503 WA Police, *Annual Report 2015*, WA Police, Perth, 2015, p88.

504 Community Development and Justice Standing Committee (39th Parliament), [*A measure of trust: How WA Police evaluates the effectiveness of its response to family and domestic violence*](#), Report No. 10, Parliament of Western Australia, Perth, October 2015, p52.

505 Mr George Tilbury, President, WA Police Union, *Transcript of Evidence*, 17 February 2016, p4.

In October 2015, following a surge in crime, the Minister for Police said she had discussed the need to boost police resources with the Police Commissioner and was satisfied “police had the resources to curb the rise in crime”.⁵⁰⁶

In February 2016, in evidence to the Committee, Dr O’Callaghan maintained the position that WA Police had the capacity to influence the crime rate based on the number of police being recruited.⁵⁰⁷ However, he also said there was a need for more officers in the next years, particularly on the frontline.

*There is no doubt that in the next four years we are going to need an increase in police officers. You get an increase in activity, an increase in population, Perth gets a lot larger and we do not see an increase in police officers and police resources... We really have to move as an agency from counting the total numbers of police employed to the total numbers of police that are actually on the street in the frontline, because that is the thing that makes the difference.*⁵⁰⁸

In response to the suggestion that the *Frontline 2020* model, which was based on an operational model adopted by Greater Manchester Police, could not work unless there was a major injection of police officers, Dr O’Callaghan conceded that the model “does need the right sort of resourcing levels”.⁵⁰⁹

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.⁵¹⁰

The accounts proffered to the Committee by the WAPU of enlarged policing districts resulting in officer fatigue and resources being stretched are strikingly similar to what the Committee heard from Greater Manchester Police in 2014.

WA Police travelled to Manchester to study their policing model, but presumably did not speak to the frontline officers that the Committee was able to meet. In the absence of their managers, those officers told Committee members that morale was “absolutely terrible”, “no one enjoys coming in to work at the moment with the lack of staff”, “none of us get a break – it’s all take, take, take”, “you see more people going on stress leave”, “people can wait quite some time for police to come out – for burglary it could be four to five hours or days”.

506 O’Connor, A., [‘No need for extra funds to curb rise in crime, Police Minister Liza Harvey says’](#), *ABC News*, 28 October 2015.

507 Dr Karl O’Callaghan, Commissioner of Police, WA Police, *Transcript of Evidence*, 15 February 2016, p15.

508 *ibid.*, p6.

509 *ibid.*, p14.

510 *ibid.*

Although they had been told crime was decreasing, they thought the figures were being fudged. A representative of the UK Home Office's Crime and Policing Group told the Committee that crime (across England and Wales) was down 10 per cent, despite police budgets having been cut by 20 per cent and officer numbers decreasing by 10 per cent.⁵¹¹ However in The Greater Manchester Police Federation (the equivalent of WA's police union) said that violent crime in Manchester city centre had gone up by 30 per cent.

This returns us to the vexed question of whether crime figures are a reasonable indicator of police performance.

6.2 Crime statistics as a performance measure

WA Police amended its operational strategy (*Frontline 2020*) immediately following a period of increasing crime which was showing no sign of abating, and in the wake of some intensive media scrutiny and commentary about WA having the worst crime figures in Australia.

Given this, it was reasonable to ask the Police Commissioner if the unfavourable crime data was the main catalyst for altering the strategy.

While not answering the question directly, Commissioner O'Callaghan said that the types of crimes – and not just the volume of crimes – were of concern (in particular the increase in family and domestic violence), and that there were a range of measures which were taken into account. These included total prosecutions and total types of processes issued.⁵¹²

In regard to these statistics, there were “a range of things going on at the same time” but while the statistics were “quite interesting” they “do not give us any better answers”.⁵¹³

However, in relation to measuring the success of the amendment to the strategy, he said WA Police would be focussed 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.

“The easiest way to measure success for us is whether we are seeing an increase in the actual numbers of burglaries or thefts or whatever.”⁵¹⁴

511 Mr Chris Blairs, Head of Police Integrity and Powers Unit, Crime and Policing Group, Home Office, UK, *Briefing*, 2 July 2014.

512 Dr Karl O'Callaghan, Commissioner of Police, WA Police, *Transcript of Evidence*, 15 February 2016, p3.

513 *ibid*.

Malcolm Sparrow, a leading international expert in regulatory and enforcement strategy, security and risk control,⁵¹⁵ writes that despite the learning of the past 20 years in regard to the limitations of reported crime statistics, reductions in the number of serious crime reports still dominate many departments' claims of success, "being the closest thing available to a genuine crime-control outcome measure".⁵¹⁶

The limitations of using crime statistics to measure performance include: relentless pressure to lower the numbers inviting manipulation of statistics; focussing on reported crime overlooks unreported crimes, which are generally much higher; the costs or side effects of strategies to lower crime are not considered; the emphasis on comparison with prior time periods is a short-term, local perspective - "pressure to beat one's own performance, year after year, can produce bizarre and perverse incentives"; crimes may be counted numerically but one particular crime may have a disproportionate effect on a community's sense of safety and security.⁵¹⁷

Furthermore, Sparrow writes, other important police duties are not captured through crime statistics or in measures of enforcement output. He quotes an internal NYPD strategy document in which NYPD Assistant Commissioner Ronald J. Wilhelmy wrote (in November 2013):

*[W]e cannot continue to evaluate personnel on the simple measure of whether crime is up or down relative to a prior period. Most importantly, CompStat has ignored measurement of other core functions. Chiefly, we fail to measure what may be our highest priority: public satisfaction. We also fail to measure quality of life, integrity, community relations, administrative efficiency, and employee satisfaction, to name just a few other important areas.*⁵¹⁸

While many police agencies around the world (including WA Police) have based their crime analysis and accountability systems on a version of CompStat, there is now recognition that the narrowest form of CompStat is no longer appropriate.⁵¹⁹

514 Dr Karl O'Callaghan, Commissioner of Police, WA Police, *Transcript of Evidence*, 15 February 2016, p5.

515 He is also Professor of the Practice of Public Management at the John F. Kennedy School of Government, Harvard University.

516 Sparrow, M.K., [*Measuring Performance in a Modern Police Organization*](#), New Perspectives in Policing Bulletin, Department of Justice, National Institute of Justice, Washington, D.C., March 2015, p2.

517 *ibid.*, pp3-4.

518 Assistant Commissioner Ronald J. Wilhelmy quoted in *ibid*, p5.

519 Sparrow, M.K., [*Measuring Performance in a Modern Police Organization*](#), New Perspectives in Policing Bulletin, Department of Justice, National Institute of Justice, Washington, D.C., March 2015, p28.

Variations and improvements to the model have emerged, some of which are “broader, more mature, and seem both more versatile and, in some ways, more humane”.⁵²⁰ Examples of what a narrow and a broad version of CompStat would look like are in Figure 6.1.

Figure 6.1: CompStat implementation options

Dimensions	Narrow forms	Broader (mature) forms
Data sources	Reported crime rates	Multiple sources, including victimisation surveys
Forms of analysis	Geographic (by precinct and cluster) and temporal	Versatile, considering full range of relevant dimensions
Performance focus	Drive the numbers down	Emphasise increased reporting to expose and deal with hidden problems
Locus of responsibility	Precinct commanders	Tailored to each problem
Managerial style	Adversarial	Cooperative/coaching
Preferred tactics	Directed patrol, street order maintenance	Full range of interventions

Sparrow obviously recommends that police departments adopt a broader style, since a modern policing organisation needs “a broader view of the dimensions of performance ... and a clear understanding of the metrics that go with different types of work”.⁵²¹

*Police executives need a more sophisticated understanding of how to use different types of information to understand the condition of their organizations and what is happening in the communities they serve.*⁵²²

The WA Police approach, particularly in relation to the “data sources”, “forms of analysis” and “performance focus” dimensions, sits at the narrower end of the spectrum. The agency’s response to identified issues, such as PTSD, is painfully slow and the Committee notes a tendency to attribute factors outside of their responsibility to other systems or people for their inability to fix problems.

For example, at various times the public has been blamed for the spike in crimes and for the road toll, the slow response to domestic violence victims has been blamed on traffic congestion, the IT system has been blamed for the inability to track the number of officers with PTSD, the over-use of online training was blamed on having to meet compliance requirements and PTSD was considered to be the consequence of being a baby-boomer. Even Rosie Batty was blamed for driving up the number of domestic violence reports.

⁵²⁰ *ibid.*

⁵²¹ *ibid.*, pp30-31.

⁵²² *ibid.*, p30.

While it is true that many of the problems police deal with are complex whole-of-government issues, this should not be used as an excuse by WA Police to not reflect on its own practice and make improvements.

The agency is not helped in this process by the absence of up-to-date strategic plans and performance indicators. Effective management is dependent not only on relevant and comprehensive performance indicators, but on broader vision statements that outline a cohesive direction for the agency. These should be in the public domain. The annual report should provide a much more detailed account of how the agency is performing, so that the public can have confidence that it is on the right track.

Strategies also require the conviction of the agency's leadership to nurture them to success. It is likely that the public may no longer have confidence in the *Frontline 2020* operational strategy – which was rolled out over a period months with a series of public meetings and promotional material – if it can be virtually dismissed by the Commissioner in a two-page memo to staff.

A handwritten signature in black ink, appearing to read 'M.M. Quirk'. The signature is fluid and cursive, with the first letters of the first and last names being capitalized and prominent.

MS M.M. QUIRK, MLA
CHAIR

Appendix One

Inquiry Terms of Reference

1. How recruitment practices are managed, in particular in relation to developing ethnic and cultural diversity within the force.
2. How training is managed, both for recruits and on an ongoing basis.
3. How police misconduct is managed internally.
4. How employment-acquired medical issues, such as post-traumatic stress disorder, are managed.

Appendix Two

Committee's functions and powers

The functions of the Committee are to review and report to the Assembly on: -

- a) the outcomes and administration of the departments within the Committee's portfolio responsibilities;
- b) annual reports of government departments laid on the Table of the House;
- c) the adequacy of legislation and regulations within its jurisdiction; and
- d) any matters referred to it by the Assembly including a bill, motion, petition, vote or expenditure, other financial matter, report or paper.

At the commencement of each Parliament and as often thereafter as the Speaker considers necessary, the Speaker will determine and table a schedule showing the portfolio responsibilities for each committee. Annual reports of government departments and authorities tabled in the Assembly will stand referred to the relevant committee for any inquiry the committee may make.

Whenever a committee receives or determines for itself fresh or amended terms of reference, the committee will forward them to each standing and select committee of the Assembly and Joint Committee of the Assembly and Council. The Speaker will announce them to the Assembly at the next opportunity and arrange for them to be placed on the notice boards of the Assembly.

Appendix Three

Submissions received

Submission Number	Name	Position	Organisation
1	Cr Brendan Kelly	Deputy Mayor	City of Bunbury
		Chairman	Bunbury Community Access Committee
2	Mr Kevin Moran	Father of Susan Moran, former WA Police officer (medically retired)	
3	Name withheld	Former WA Police officer (medically retired)	
4	Mr John Rinaldi	Former WA Police officer (medically retired)	
5	Mr Alan Gelmi	Father of former WA Police officer (medically retired)	
6	Mr David Bentley	President	Medically Retired Western Australian Police Officers' Association (Inc)
7	Closed	Former WA Police officer (medically retired)	
8	Mr Jon Groves	WA Police sergeant	
9	Mr Matthew Carroll	Former WA Police officer (medically retired)	
10	Mr Kevin Moran	Former WA Police superintendent	
11	Mr Allan Macdonald	Acting Commissioner for Equal Opportunity	Equal Opportunity Commission
12	Mr George Tilbury	President	WA Police Union

Appendix Four

Hearings

Date	Name	Position	Organisation
18 November 2015	Mr Doug Brewer	Clinical Coordinator, Trauma Recovery, Growth Programs	The Hollywood Clinic
	Dr Mathew Samuel	Clinical Lead, Post-traumatic Stress Disorder Program	
	Mr David Bentley	President	Medically Retired Western Australian Police Officers Association Inc.
	Mr Michael Thornbury	Former WA Police officer (medically retired)	
23 November 2015	Ms Christina Ward	Deputy Director	Edmund Rice Centre Mirrabooka
	Mr Allan Macdonald	Acting Commissioner for Equal Opportunity	Equal Opportunity Commission
25 November 2015	Mr Michael Thorne	Manager	Indigenous Community Links Service, PEEDAC Pty Ltd
15 February 2015	Dr Karl O'Callaghan	Commissioner of Police	WA Police
	Mr Anthony Kannis	Executive Director	
	Mr Craig Ward	Assistant Commissioner, Workforce	
	Mr Nicholas Anticich	Assistant Commissioner, Professional Standards	
	Ms Renae Lavell	Human Resources Director	
17 February 2016	Mr George Tilbury	President	WA Police Union of Workers
	Mr Brandon Shortland	Senior Vice-President	
	Mrs Jane Baker	Research Officer	

Briefings

Date	Name	Position	Organisation
24 February 2016	Mr Abdullahi Farah	Police Ranger	Balga Senior High School, Balga
	Miss Dayle Gregory	Police Ranger	
	Mr Doh Nay Taw Mya Tun	Police Ranger	
	Miss Easter Bell	Police Ranger	
	Miss Stellar	Police Ranger	
	Miss Vanshini Ghumundee	Police Ranger	
	Miss Salado Mohamed	Police Ranger	
	Mr Bejhan Alitovski	Police Rangers Unit Leader	
	Mr Geoffrey Harris	Principal	

Appendix Five

Acronyms

ADF	Australian Defence Force
ANZPAA	Australia New Zealand Policing Advisory Agency
AVETMISS	Australian Vocational Education and Training Management Information Statistical Standard
CaLD	Culturally and Linguistically Diverse
CCC	Corruption and Crime Commission
CISM	Critical Incident Stress Management
COPs (Manual)	Commissioner's Orders and Procedures
CRO	Community Relations Officer
EAP	Employee Assistance Program
FTE	Full-Time Equivalent
HWS	Health and Welfare Services
KPI	Key Performance Indicator
LGBTI	Lesbian, Gay, Bisexual, Transgender and/or Intersex
LPT	Local policing team
MHFA	Mental Health First Aid
MoE	Method of Entry
MRWAPOA	Medically Retired Western Australian Police Officers Association
NSW	New South Wales
NZ	New Zealand
OSH	Occupational Safety and Health
PAO	Police Auxiliary Officer
PEE	Police Entrance Evaluation
PFA	Psychological First Aid
PPSM	Police Practice Standards Model
PSC	Public Sector Commission
PSO	Peer Support Officer
PTSD	Post-Traumatic Stress Disorder
PwC	PricewaterhouseCoopers
QPS	Queensland Police Service
ROGS	<i>Report on Government Services</i>
RTO	Registered Training Organisation
SHS	Senior High School
TEDD	Training, Education, Design and Development division
VET	Vocational Education and Training
WA	Western Australia
WAPU	WA Police Union

Appendix Six

Training police officers are required to complete to remain operational

Course	Duration	Frequency
Critical Skills 1 and 2 (Pistol/Taser annual competency assessment)	8 hours	Annually
Critical Skills 3 (Active Shooter/Life Support/Deployment Readiness Test annual competency assessment)	8 hours	Annually
Critical Skills 4 (Emergency Driving)	Online assessment	Every 2 years Not completed by all officers other than Priority 1 and Pursuit Drivers
Emergency Driving Requalification (EDR)	Online assessment	Every 2 years Only completed by Priority 1 and Pursuit Drivers

Source: Correspondence from WA Police, 10 February 2016.

Appendix Seven

Compulsory Blackboard courses for WA Police officers

Course	Duration (minutes)	Frequency
Australasian Inter-Service Incident Management System (AIIMS) - Introduction	Approx. 60 minutes	Annually
Bushfire Behaviour and Officer Safety Training	Approx. 60 minutes	Once
Operation of Road Closures During Emergencies	Approx. 30 minutes	Once
OSH - Fire Extinguisher Awareness	20 minutes	Every 5 years
OSH - Infection Control Course	20 minutes	Every 5 years
OSH - Introduction to Fatigue Management	20 minutes	Every 5 years
OSH - Manual Handling	20 minutes	Every 5 years
Frontline Investigation Training (FIT)	60 minutes	Annually
Bullying Prevention & Equal Opportunity Awareness Training	Approx. 60 minutes	Every 3 years
Reporting Family & Domestic Violence	20 minutes	Once
Frontline IMS FDV Incident Report 1-9 Enhancement	10 minutes	Once
Active Shooter Response Guidelines	10 minutes	Once
Local Emergency Coordinator (LEG) Awareness	Approx. 20 minutes	Once Only completed by Officers in Charge and Relief Officers
OSH - Fundamentals - OIC and Managers	60 minutes	Every three years Only completed by Sergeant, Supervisors and above
Custodial Management - General User Training	Approx. 45 minutes	Only completed by non-commissioner police/auxiliary/custodial/support officers

Course	Duration
WA Police (WAPOL) Induction - Essential Information	25 minutes
WAPOL Information Systems Security	
OSH - Fire Extinguisher Awareness	20 minutes
OSH - Fundamentals - OIC and Managers	60 minutes
	Only completed by level 6 staff, Supervisors and above
OSH - Infection Control Course	20 minutes
OSH - Introduction to Fatigue Management	20 minutes
OSH - Manual Handling	20 minutes
OSH - Police Staff Safety Awareness	20 minutes
Bullying Prevention & Equal Opportunity Awareness Training	60 minutes

Source: Correspondence from WA Police, 10 February 2016.

Appendix Eight

Section 23 and section 33E of *Police Act 1892*

23. Disciplinary offences, how they are dealt with

(1) The Commissioner, or an officer appointed by the Commissioner for the purpose, may examine on oath any member of the Police Force, police auxiliary officer, police cadet or Aboriginal police liaison officer upon a charge of an offence against the discipline of the Police Force being made against any member of the Force, police auxiliary officer, cadet or liaison officer.

(2) Where the member of the Force against whom the charge is alleged is an officer, an examination under this section shall be conducted by an officer of the rank of Chief Superintendent or above.

(3) The Commissioner or officer conducting an examination under this section shall have the same power to summon and examine witnesses and to administer oaths as a Justice.

(4) Where the Commissioner or officer conducting an examination under this section determines as a result of that examination that any other member of the Police Force or any police auxiliary officer, police cadet or Aboriginal police liaison officer has committed an offence against the discipline of the Police Force, he shall record that determination in writing and, subject to the provisions of subsection (5), may thereupon caution such member, police auxiliary officer, cadet or liaison officer or by order in writing impose on him one or more of the following punishments —

(a) a reprimand;

(b) a fine of not more than 3% of the annual base rate of pay of the member, police auxiliary officer, cadet or liaison officer;

(c) demotion;

(d) reduction in salary to a specified rate within the limits of salary fixed in relation to the office held by him;

(e) suspension from duty;

(f) discharge or dismissal from the Force or, in the case of a police auxiliary officer or Aboriginal police liaison officer, cancellation of his appointment.

(5) An order made under subsection (4) for demotion or reduction in salary, suspension from duty, discharge or for dismissal or cancellation of appointment, shall not have effect unless or until —

(a) in the case of a member who is not an officer, or of a police auxiliary officer, cadet or liaison officer, it is imposed or confirmed by the Commissioner; or

(b) in the case of an officer, it is confirmed by the Governor.

(6) An order made under subsection (4) which is subject to confirmation by the Governor shall not be submitted to the Governor for such confirmation unless or until —

(a) the time within which an appeal to the Board against the punishment, decision or finding to which the order relates may be made under this Act has elapsed and no such appeal has been instituted; or

(b) such an appeal to the Board has been instituted and has been determined by the Board in accordance with the provisions of this Act.

(7) A fine imposed on a person under this section may be recovered —

(a) by deducting the amount from the salary of the person as a single sum or by instalments, as the Commissioner decides; or

(b) as a debt due to the State in a court of competent jurisdiction.

[Section 23 inserted by No. 6 of 1978 s. 7; amended by No. 7 of 2003 s. 5; No. 8 of 2008 s. 7; No. 42 of 2009 s. 6.]

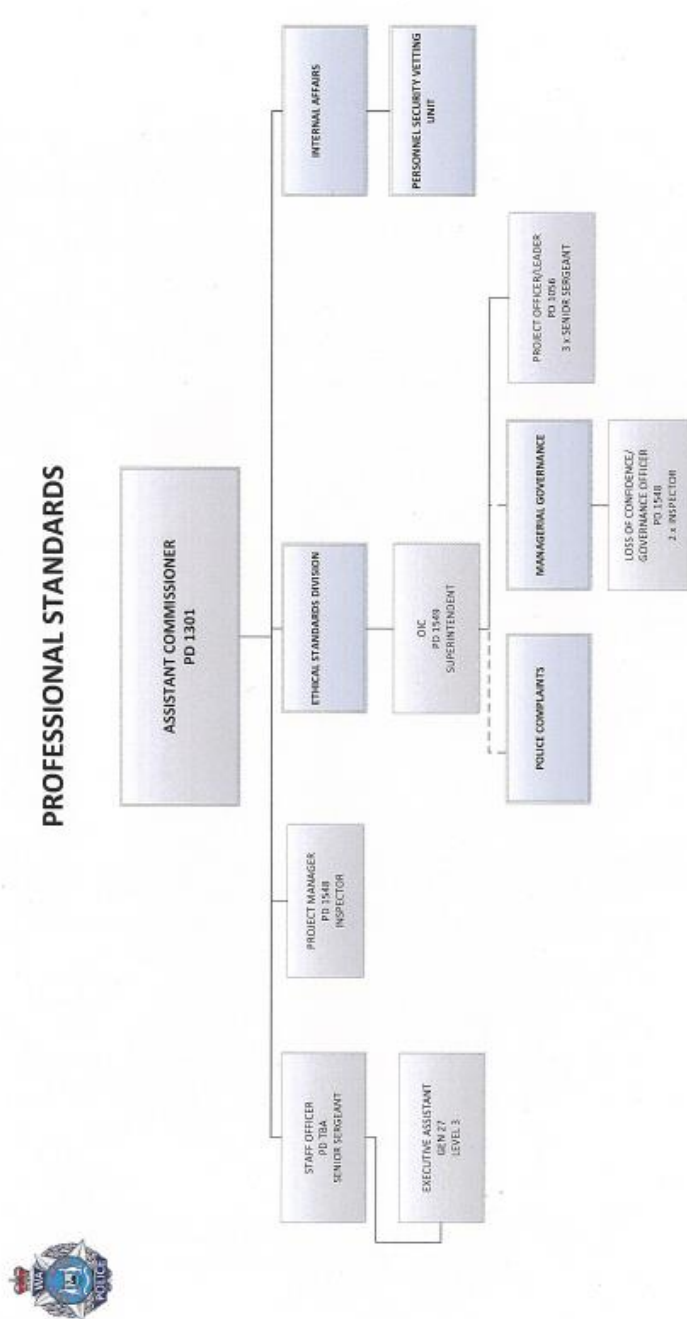
33E. Right of appeal to Board on disciplinary offences

Where under the provisions of this Act a member of the Police Force, a police auxiliary officer, a police cadet or an Aboriginal police liaison officer has been convicted upon a summary investigation by the Commissioner or other officer appointed by the Commissioner, of an offence against the discipline of the Police Force, if that member, cadet, police auxiliary officer, or liaison officer is punished by the Commissioner or other officer as the case may be, by being discharged or dismissed from the Police Force, suspended from duty, removed from the office of police auxiliary officer or Aboriginal police liaison officer, reduced in rank, fined or transferred by way of punishment, he may appeal to the Board in accordance with the provisions of this Act against the punishment and against any decision or finding on which the punishment was based.

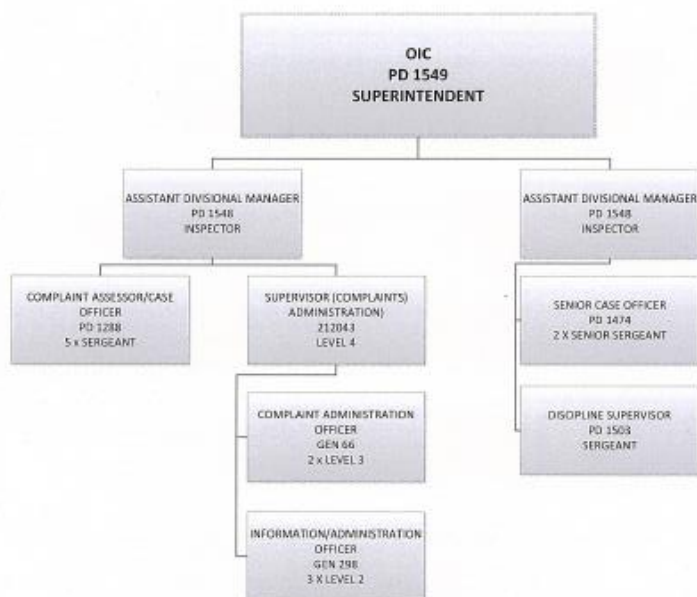
[Section 33E inserted by No. 25 of 1954 s. 7; amended by No. 6 of 1978 s. 9; No. 8 of 2008 s. 8; No. 42 of 200 s. 8.]

Appendix Nine

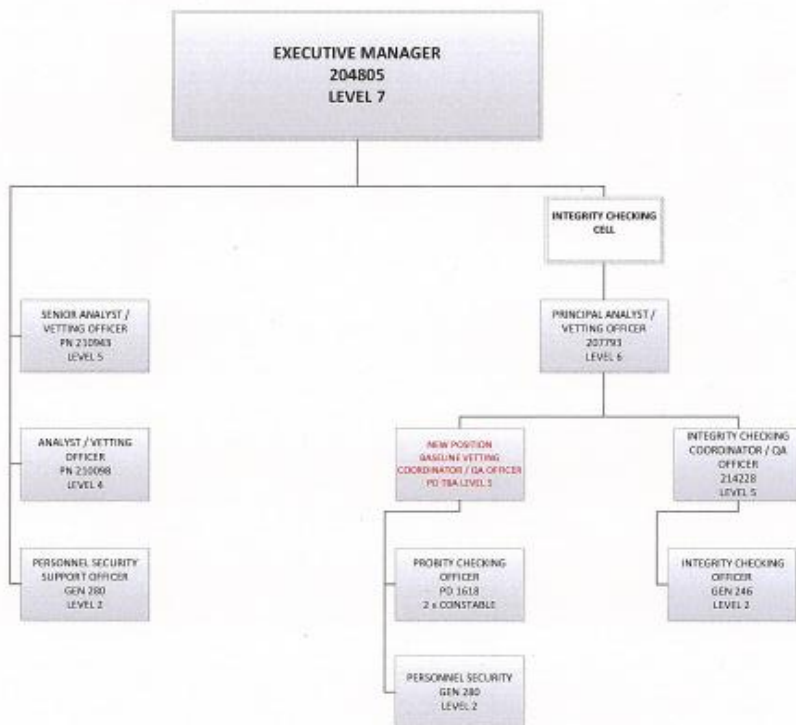
Professional Standards portfolio organisational structure



POLICE COMPLAINTS

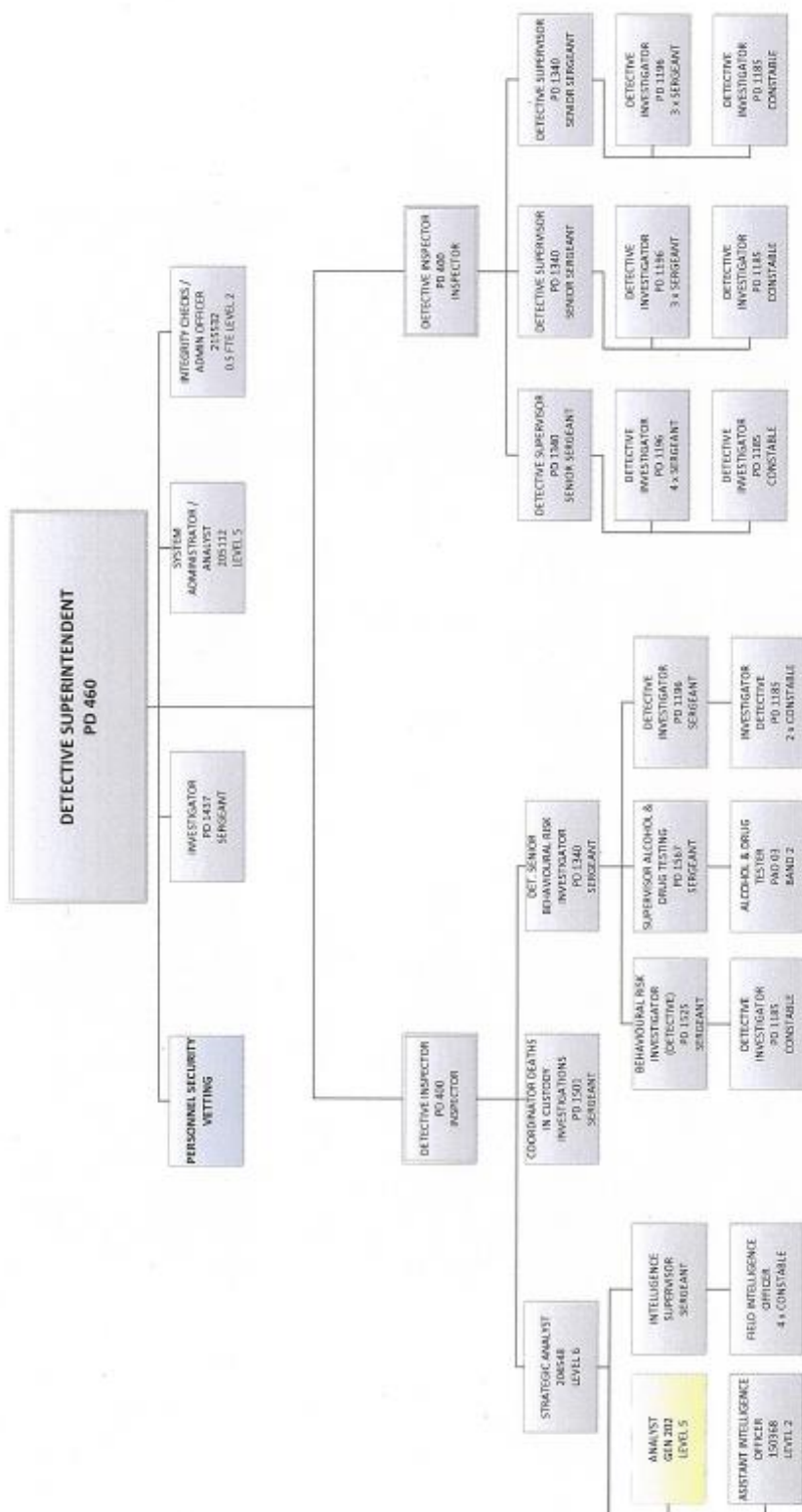


PERSONNEL SECURITY VETTING





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Box 3.1

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Box 5.1

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