



ROYAL COMMISSION

**INTO WHETHER THERE HAS BEEN CORRUPT OR
CRIMINAL CONDUCT BY ANY WESTERN
AUSTRALIAN POLICE OFFICER**

FINAL REPORT

VOLUME II

**Commissioner: The Hon G A Kennedy AO QC
January 2004**

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CHAPTER 1

THE INQUIRY

1.1 TERMS OF REFERENCE

In addition to the requirement that the Royal Commission inquire into and report on corrupt conduct or criminal conduct by any Western Australian police officer since 1985, Terms 3 and 4 require the Royal Commission to inquire into and report on the effectiveness of existing procedures and statutory provisions in investigating and dealing with corrupt conduct or criminal conduct, and whether any changes are necessary for the purpose of “investigating or dealing with, preventing or exposing” such conduct.

The Terms of Reference permit an examination of a wide range of aspects of the conduct of the Western Australia Police Service (“WAPS”). The procedures that can relate to “investigating or dealing with” or “exposing” corrupt conduct by police officers are reasonably specific. However, the procedures that can be associated with “preventing” corrupt conduct can, on one view, include almost all aspects of the administration of WAPS. In particular, because it is accepted wisdom that issues associated with the culture of police services, and with the level of supervision and management of officers, bear directly on corrupt activity, it becomes relevant to consider issues such as:

- The system of recruitment;
- The promotion system;
- The system of training and education;
- The development of managers and executives;
- Lateral entry;
- Civilianization; and
- Police methodology.

An exhaustive examination of all the topics related to police culture is beyond the remit of the Royal Commission, but to the extent that aspects of these issues are directly linked to the assessment of the effectiveness of existing corruption prevention procedures, and the possible need for change, they have been examined and will be canvassed in this Report.

1.2 METHODOLOGY

As discussed in Volume I of this Report, Royal Commissions are *ad hoc* advisory bodies appointed by government to obtain information and to report on it, and, in many cases,

they are asked to make assessments of the information and to make recommendations (Hallett, 1982: 1). Royal Commissions are often established when the machinery of government is incapable of dealing with the matters that become the subject of the inquiry. In those instances, it is an obligation of the Royal Commission to recommend improvements to give existing systems greater capacity satisfactorily to resolve those types of issues. This Royal Commission falls into that category. In the Interim Report, already delivered to His Excellency the Governor, the Royal Commission identified deficiencies in the powers and functions of the Anti-Corruption Commission ("ACC"). These deficiencies allowed concerns with respect to corrupt conduct in WAPS to remain unresolved. It was recommended that the ACC be replaced by a Corruption and Crime Commission ("CCC"), with expanded powers and resources to take over the role of the ACC, and to carry on the work of this Royal Commission, in order that there be a permanent independent agency with the capacity to resolve police corruption issues.

In order to substantiate and justify the reforms recommended, a Royal Commission must expose facts that reveal the need for change. In Western Australia, Royal Commissions have powers under the *Royal Commissions Act 1968* to exercise coercive powers to summon witnesses and documents. Those powers were expanded for the purposes of this Royal Commission by the enactment of the *Royal Commission (Police) Act 2002*. The Royal Commission is not, however, limited in the way in which it can carry out its information gathering activities. It is not bound by the rules of evidence, and may inform itself in any manner in which it thinks fit. Indeed, this Royal Commission and its officers have used a number of sources and methods of gathering information upon which to form views and express opinions. They included:

- Public hearings;
- Private hearings;
- Complaint submissions;
- Intelligence dissemination;
- Investigations;
- Research activities;
- Discussion papers;
- Public submissions;
- Round Table Conferences;
- Stakeholder meetings;
- Literature reviews;
- Analysis of the Report on Government Services 2003;
- Site visits; and
- Liaison with anti-corruption agencies.

The fact that there has been corrupt or criminal conduct by WAPS officers, as reported in Volume I of this Report, sufficiently appears from the hearings of the Royal Commission. The effectiveness of the practices of WAPS and the processes used elsewhere, to which reference is made in this Volume of this Report, have been identified partly from the same evidence and also from a diversity of the methods listed above.

1.3 HEARING PROCESS

The hearing process of the Royal Commission presented a public face to the community and to the media, and it was that evidence which featured almost nightly on the evening news and was well reported in the daily newspapers. The hearings were conducted in segments and, if possible, segments were defined by reference to strategic issues of potential interest in order to provide a platform for the consideration of the need for change. The corruption thus exposed was by what Finn (1994: 34) referred to as cameo technique, and not by exhaustive catalogue.

Public hearings were conducted over 161 days, and generated 17,883 pages of transcript. The transcript can be found at the Royal Commission's website – www.police.royalcommission.wa.gov.au. The hearings were public, in that members of the public were able to attend and witness the proceedings. The inability of the ACC to hold public hearings was problematic and was commented upon at length in the Interim Report.

In addition to public hearings, a number of private hearings were conducted. These hearings were held in private for a variety of reasons, including protecting the identity of the witness or testing the veracity of claims being made before making them public, due to their potential to damage reputations.

1.4 COMPLAINTS

In the early period of the Royal Commission's operations, notices were placed in local and national newspapers and on the Royal Commission's website calling for persons or organizations with information relevant to the inquiry to make a complaint, with details of the allegation being made. Over 280 complaints were received by the Royal Commission. They are referred to in more detail in Volume I of this Report. Whilst very few of the allegations featured in the public hearings, these complaints have provided an additional source of information that has contributed to gaining an understanding of the extent and range of complaints about police misconduct in Western Australia, and of the problems facing those who investigate them.

1.5 INTELLIGENCE DISSEMINATION

The Royal Commission has benefited greatly from the dissemination and sharing of intelligence from the law enforcement community, including the ACC, the National Crime Authority ("NCA"), the Australian Crime Commission, and the Australian Federal Police ("AFP"). Financial information has been received from the Australian Taxation Office ("ATO") and the Australian Transaction Reports and Analysis Centre ("AUSTRAC"). This has been valuable in developing profiles of individuals suspected of corruption. The ability to share information with other agencies, and to access their databases for analytical purposes, has provided substantial assistance to the Royal Commission in satisfying its Terms of Reference. It is comforting that those and other agencies that have co-operated with the Royal Commission have been united in their commitment to the elimination of police corruption.

1.6 INVESTIGATORY ACTIVITIES

The *Royal Commission (Police) Act* provided additional powers to the Royal Commission in respect of the use of assumed identities, controlled operations and integrity testing programmes. All of these powers were utilized by officers of the Royal Commission and were invaluable to its work. The Federal Government appointed the Royal Commission an eligible authority for the purposes of the *Telecommunications (Interception) Act 1979*, which enabled the Royal Commission to receive information obtained as a result of the interception of telecommunications. The Federal Government declined to declare the Royal Commission to be an agency for the purposes of carrying out telecommunications interceptions pursuant to that Act. The Federal Government had adopted a similar position in relation to the Wood Royal Commission (1997) and applies the policy to all *ad hoc* agencies. Where circumstances permitted, the Royal Commission entered into arrangements for joint operations with agencies that were authorized to intercept telecommunications and to provide the information obtained to the Royal Commission. Whilst these arrangements were not ideal, they did provide a workable basis for operations by the Royal Commission into investigations of corrupt conduct. These investigatory tools have generated intelligence and evidence that might not otherwise have been obtained. In particular, proactive investigations gathered useful information concerning the behavioural patterns, work histories and associations of targeted officers.

1.7 RESEARCH ACTIVITIES

Considerable research has been carried out recently across the country and overseas into many aspects of policing, and WAPS has received its share of attention. WAPS officers have been subjected to several recent surveys, including:

- *Practical Ethics Survey*, conducted by the Standards Development Unit of the Professional Standards Portfolio, WAPS in 1997;
- *Reporting Police Misconduct*, a joint research project by the Parliamentary Commissioner for Administrative Investigations (“Ombudsman”) of Western Australia, WAPS, and the Sellenger Centre for Police Research at Edith Cowan University in 2001;
- *Gendered Work Cultures as a Factor in Harassment in the Police Service*, a collaborative research project between WAPS and the University of Western Australia, funded through a Strategic Partnership with Industry – Research and Training (“SPIRT”) grant, Commonwealth research funding that supports the application of practical industry experience, grounded in academic research, commenced in May 2001 and completed at the end of 2003;
- *Western Australia Police Service Recruits Practical Ethics Survey*, conducted by the Professional Standards Portfolio in 2002;
- *Sworn Recruitment and Career Development for Women: An Examination of the Issues in the Western Australia Police Service*, conducted by the Office of Equal Employment Opportunity, Government of Western Australia in 2002; and
- *A Review of the Physical Performance Evaluation within the Western Australia Police Service*, conducted by the Human Resources Directorate, WAPS, in 2002.

Finding a different angle that had not previously been canvassed, and attracting the interest of the officers being polled, was difficult, but the Royal Commission completed two research activities which involved surveys of police officers:

RESEARCH ACTIVITY 1

A survey of constables and probationary constables who had left WAPS during the period October 1997 to October 2002, and who had left within five years of first joining WAPS, was undertaken in an endeavour to identify their reasons for leaving, and to determine whether exposure to corruption had been an element in that decision. From the results obtained, it

was possible to conclude that exposure to, or participation in, corruption did not feature in the decision to leave the Police Service.

RESEARCH ACTIVITY 2

A survey of sergeants and senior sergeants to ascertain their views on:

- Recruit selection;
- Promotion system;
- Training and education;
- Organizational environment;
- Leadership;
- Police culture;
- Organizational structure; and
- Public perception and image of the Police Service.

This study provided a wide range of qualitative information, due to the open-ended style adopted in the research tool.

In addition to these two activities, reference was also made to the results of studies undertaken by other agencies, including:

- *Perceptions of Ethical Dilemmas: Ethics and Policing Study 1*, conducted by the Australasian Centre for Policing Research ("ACPR") in 1995;
- *Individual Perspectives on Police Ethics: Ethics and Policing Study 2*, conducted by the ACPR in 1995;
- *Practical Ethics in the Police Service: Ethics and Policing Study 3*, conducted by the ACPR in 1996;
- *Royal Commission Survey of NSW Police Officers*, conducted by the Royal Commission into the NSW Police Service in 1996;
- *Women in Senior Police Management*, conducted by ACPR in 2001; and
- *Contemporary Issues Facing Women in Policing*, conducted by the ACPR in 2002.

1.8 DISCUSSION PAPERS AND SUBMISSIONS

Early in the life of the Royal Commission, the decision was made to emulate the procedures adopted by the Wood Royal Commission in conducting what are referred to as Round Table Conferences as a means of exploring issues concerning areas of possible reform. This

process provided a forum in which stakeholders and other interested parties could exchange views in a constructive and non-confrontational atmosphere. To facilitate the conferences, the Royal Commission prepared discussion papers prior to each conference in order to define the topic to be discussed and to put forward, in summary form, competing views on the particular topic. The discussion papers were made available publicly on the Royal Commission's website, and copies were sent to the stakeholders invited to attend the conference, and to selected academics and other police services.

Four discussion papers were issued:

- External Oversight, Western Australia Police Service, October 2002;
- Information Management and Security, February 2003;
- Corruption Prevention Strategies, March 2003; and
- Internal Investigations and Disciplinary Processes, April 2003.

In addition, advertisements calling for submissions from the public relating to the discussion papers were placed in local and national newspapers. Submissions were received from a range of individuals and organizations, including academics, external oversight agencies, police organizations and members of the public.

1.9 ROUND TABLE CONFERENCES

Flowing from the discussion papers and submissions, a series of Round Table Conferences were held. Each Conference was attended by a variety of experts on the specific subject areas, representatives from police and other government agencies throughout Australia, and from academic institutions in Western Australia. The organizations that were represented at these conferences were:

- Anti-Corruption Commission (WA);
- Australian Federal Police;
- Crime and Misconduct Commission (Qld);
- Department of Premier and Cabinet (WA);
- Edith Cowan University (WA);
- Independent Commission Against Corruption (NSW);
- Joint Standing Committee on the Anti-Corruption Commission (WA);
- Minister for Police (WA);
- New South Wales Police;
- Office of the Auditor General (WA);
- Office of the Director of Public Prosecutions (WA);

- Office of the Parliamentary Commissioner for Administrative Investigations (Ombudsman) (WA);
- Office of the Privacy Commissioner (WA);
- Office of the Public Sector Standards Commissioner (WA);
- Ombudsman (Vic);
- Police Integrity Commission (NSW);
- South Australia Police;
- Western Australia Police Service;
- Western Australian Police Union of Workers; and
- University of Western Australia.

The conferences provided a valuable contribution to the formulation of recommendations for reform expressed in this Report. The attendance of representatives from interstate agencies provided different views and approaches regarding means of dealing with various issues. The discussions were conducted in a constructive atmosphere and the process provided a forum for all stakeholders to express their views on the relevant issues.

Following the first Conference concerning external oversight agencies, the Royal Commission submitted its Interim Report to His Excellency the Governor on 20 December 2002 recommending the establishment of a Corruption and Crime Commission as a replacement for the ACC.

1.10 STAKEHOLDER MEETINGS

In addition to the group consultation process of the Round Table Conferences, a number of separate stakeholder meetings were held with representatives from WAPS, other government agencies and academic institutions, including:

- Australian Graduate School of Police Management, Charles Sturt University (NSW) – Dr Margaret Mitchell;
- Consultants, Mr Ron Bogan and Mr Stuart Hicks;
- Crime and Misconduct Commission (Qld);
- Department of Local Government and Regional Development (WA);
- Edith Cowan University (WA) – Associate Professor Irene Froyland and Mr Wayne Snell;
- Joint Standing Committee on the Anti-Corruption Commission (WA);
- Office of the Auditor General (WA);
- Office of the Public Sector Standards Commissioner (WA);
- Ombudsman (WA);

- University of New South Wales – Professor David Dixon;
- Western Australia Police Service; and
- Western Australian Police Union of Workers.

These stakeholder meetings served an important function in obtaining specific information, and as a sounding board for the testing of formative views and understandings.

1.11 LITERATURE REVIEWS

As society has demanded a higher standard of delivery of police services, and has become increasingly intolerant of police misconduct, policing issues have attracted greater public interest and debate. As a result, after many years of attracting little in the way of serious study, in recent years much has been written about the administration of police services, and about the prevention and investigation of corrupt conduct. Royal Commissions and other inquiries in Australia and overseas have produced scholarly reports dealing with the administrative and cultural deficiencies in the agencies investigated and with the processes recommended to remedy those deficiencies. In addition, studies have been carried out by police services themselves, by private consultants and by external oversight agencies into many aspects of policing, and their reports are publicly available. Policing has now become a subject of academic learning and teaching, probably because the occurrence and nature of police corruption has become a proven fact, rather than a matter of allegations or suspicions, and books, papers and other publications are appearing regularly. As a result, there are now many detailed studies available regarding issues associated with police corruption. Without endeavouring to provide an exhaustive bibliography, the following sources were found to be informative:

TEXTS AND REFERENCES

- Bayley, D. (1994), *Police for the future*. Oxford University Press: New York;
- Chan, J. (1997), *Changing police culture: Policing in a multicultural society*. Cambridge University Press: Cambridge;
- Chan, J., Devery, C. and Doran, S. (2003), *Fair cop: Learning the art of policing*. University of Toronto Press: Toronto;
- Coady, T., James, S., Miller, S. and O’Keefe, M. (eds) (2000), *Violence and police culture*. Melbourne University Press: Carlton South;
- Crawford, P. (2003), *Captive of the system*. Richmond Ventures: Sydney;
- Dixon, D. (ed) (1999), *A culture of corruption: Changing an Australian police service*. Hawkins Press: Sydney;

- Lewis, C. (1999), *Complaints against police: The politics of reform*. Hawkins Press: Sydney;
- Newburn, T. (1999), *Understanding and preventing police corruption: Lessons from the literature*. Police Research Series Paper 110, Home Office: London; and
- Prenzler, T. and Ransley, J. (eds) (2002), *Police reform: Building integrity*. Hawkins Press: Sydney.

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- Fitzgerald, G. E. (1989), *Report of a Commission of Inquiry pursuant to Orders in Council*. Queensland State Government;
- Mollen, M. (Chairperson) (1994), *Commission to investigate allegations of police corruption and the anti-corruption procedures of the police department*. City of New York;
- Wood, J. (1997), *Report of the Royal Commission into the NSW Police Service*. New South Wales State Government;
- Patten, C. (Chairperson) (1999), *A new beginning: Policing in Northern Ireland*. Report of the Independent Commission on Policing for Northern Ireland; and
- Parks, B. (2000), *Board of Inquiry into the Rampart Area corruption incident: Public report*. Los Angeles Police Department.

WEBSITES

Most external oversight agencies now have websites available to the public, on which details of current activities are described, and publications are made available. It is generally accepted that it is not enough for such agencies to perform their functions effectively, but that steps should also be taken to develop public confidence in the system of oversight by publishing the results of agencies' activities. The following is a list of internet sites that provided useful sources of information with respect to current trends in corruption issues:

www.pic.nsw.gov.au

www.icac.nsw.gov.au

www.cmc.qld.gov.au

www.transparency.org.au

www.homeoffice.gov.uk

www.interpol.int

www.icac.org.hk

www.nacole.org

www.cacole.org

www.aic.gov.au

www.policereform.gov.uk

www.appsc.gov.au

www.acpr.gov.au

The external agencies have also produced high quality research papers into issues concerning corruption and policing generally, and their works have added to the library of literature available.

1.12 REPORT ON GOVERNMENT SERVICES 2003

The practical significance of the proliferation of writing on policing is that it has provided an opportunity to identify contemporary standards of many aspects of police administration and corruption prevention, and to assess the performance of WAPS against those benchmarks. As will be seen from the balance of this Report, in relation to many of the issues associated with the conduct of a police service, WAPS has introduced, or is in the course of introducing, measures that compare favourably with contemporary models. What will be important is to ensure that these measures are implemented with sufficient vigour and traction to achieve a level of improvement necessary to provide community satisfaction.

A significant development in Australia regarding the measurement of the effectiveness of the provision of government services, particularly policing, occurred in 1993 with the establishment, pursuant to an agreement between the heads of government, of a Steering Committee for the Review of Commonwealth/State Service Provisions. Each year since then, the Committee has published a report on the effectiveness and efficiency of Commonwealth, State and Territory government services. The reports canvassed a wide range of government services, including police services. The Committee indicated that the processes by which information is collected and analysed are being continually improved and refined, and that the information published, which compares the performance of government agencies across Australia, does not always lend itself to an accurate and reliable comparison. Nevertheless, the substantial body of statistical material published with regard to the provision of police services provides a reasonable basis for comparing the performance of WAPS with the provision of police services in other States and Territories. According to the information published, policing in the Northern Territory is anomalous, in that the information obtained and published is well out of alignment with the data for the other States and Territories. With that exception in mind, there are a number of significant

observations to be made concerning the information relating to WAPS. These matters will be the subject of more detailed observations in the appropriate context later in this Report.

1.13 SITE VISITS

Senior officers of the Royal Commission undertook site visits to observe first-hand the conditions under which policing duties are performed, and to gain a better appreciation of policing and corruption issues in metropolitan and regional locations. Visits were conducted at the following locations:

- Armadale Police Station;
- Armadale Detectives' Office;
- Commercial Crime Unit;
- Fremantle Tactical Investigation Group;
- Human Resources Branch;
- Inglewood Police Station;
- Joondalup Police Academy;
- Karratha Police Station;
- Mirrabooka Police Station;
- Organized Crime Investigations;
- Pilbara Regional Office;
- Roebourne Police Station; and
- Wembley Police Station.

Staff at each station were co-operative and frank. Not only did the visits provide an official intelligence about the strategies of WAPS from an operational perspective, but they were also timely reminders that there are in WAPS many dedicated and diligent officers who have to meet complex community challenges on a daily basis in difficult circumstances.

1.14 ANTI-CORRUPTION AGENCIES

Considerable attention has been given to the work of anti-corruption agencies to identify areas for review and best practice models. They include:

- Anti-Corruption Branch, South Australia Police;
- Anti-Corruption Commission (WA);
- Commission to Combat Police Corruption (New York);
- Crime and Misconduct Commission (Qld.);
- Ethical Standards Department, Victoria Police;

- Independent Commission Against Corruption (Hong Kong);
- Independent Commission Against Corruption (NSW);
- Ombudsman (Vic.);
- Ombudsman (WA);
- Police Integrity Commission (NSW);
- Professional Standards, Australian Federal Police; and
- Serious Crime and Internal Affairs, New South Wales Police.

There is a commonality of issues confronting these agencies in responding to matters of police and public sector corruption. It is evident that the issues experienced by WAPS differ little, in general terms, from those experienced by police and public sector agencies in other jurisdictions.

1.15 ROYAL COMMISSION RESOURCES

A criticism that is sometimes levelled at Royal Commissions is that they can take an overly legalistic approach to the matter being investigated. This Royal Commission has adopted a multi-disciplinary approach to information gathering, and has employed persons experienced in the following professions to ensure that a wide variety of skills and perspectives has been brought to the task:

- Investigations;
- Policing;
- Criminal analysis;
- Financial analysis;
- Forensic accountancy;
- Criminal law;
- Criminology; and
- Psychology.

Royal Commissions have also been criticized on the ground that, being temporary, they do not accumulate experience, and therefore may lack a comprehensive understanding of the matter that is the subject of the inquiry. This Royal Commission has been fortunate in that it has assembled personnel with considerable expertise in Royal Commissions and other inquiries pertaining to corruption and police. Furthermore, it has been able to obtain the services of experienced staff from the following government agencies and permanent commissions:

- Attorney General's Department (Fed.);
- Australian Federal Police;

- Australian Taxation Office;
- Crime and Misconduct Commission (Qld.);
- Department of Justice (WA);
- National Crime Authority/Australian Crime Commission;
- Northern Territory Police;
- NSW Crime Commission;
- NSW Police;
- Ombudsman (WA);
- Police Integrity Commission (NSW);
- Queensland Police;
- South Australia Police;
- Tasmania Police; and
- Victoria Police

The ability to be able to recruit officers with previous experience and diverse qualifications undoubtedly gave the Royal Commission a forensic advantage not usually available to a more mono-cultural police service. The accumulation of knowledge and experience within the Royal Commission staff was such that it was able to hold useful internal workshops to gather information and views on corruption issues.

The co-operation of the abovementioned agencies who made staff available on secondment, or by granting them leave, is greatly appreciated. It reflects the fact that there is a national determination to co-operate in the battle to curb police corruption. The benefits accrue to all parties, as the officers are broadened by the experience of dealing with new challenges in another jurisdiction, and by working alongside officers from other agencies, and they invariably return to their employment the better for the experience.

The Royal Commission's inquiry into police corruption has benefited from such diversity of experience and views. However, the range of skill and expertise of the Royal Commission has not been exhaustive and, in particular, the Royal Commission has not retained management consultants as was done by Wood in order to formulate some of his recommendations for the restructuring of the New South Wales Police. In areas in which substantial surveys and reviews have been undertaken shortly before or during the time of the Royal Commission, the Royal Commission has endeavoured to avoid duplication and has been comfortable in drawing upon the findings and observations of those who carried out the particular studies.

1.16 OUTCOME

The significance of the capacity to hold public hearings was explained more fully in the Interim Report, and it has been an important part of the function of this Royal Commission to explore allegations of corruption in public. However, the process of ascertaining information concerning the necessity for changes to existing laws and procedures has been much more extensive than indicated by the actions of the Royal Commission in its public hearings. The consequence of using a variety of information sources is that it has enabled many of the findings of the Royal Commission to be arrived at by “triangulation”, where multiple forms of overlapping diverse pieces of evidence and perspectives have combined to give a consistent view. This enables a greater degree of confidence to be placed in the findings and recommendations of the Royal Commission than would have been the case using limited information sources.

CHAPTER 2

MODERN HISTORY OF POLICE REFORM IN WESTERN AUSTRALIA

2.1 PREVIOUS AUSTRALIAN POLICE CORRUPTION INQUIRIES

In Volume I of this Report, a summary is provided of a number of significant inquiries into police corruption in recent years, in Australia and overseas, which have exposed consistent patterns of police corruption. These inquiries have uniformly identified the causes of the corruption and have reasonably settled the principles by which the reform of police services may be achieved in order to reach acceptable standards of corruption resistance. The Western Australia Police Service ("WAPS") has recognized those developments and has advanced along the process of improvement, but is still short of where it should be if it is to meet the standard of best practice in policing. In order to identify the point on the pathway of reform that WAPS has reached, and thus be able to particularize in a practical manner what still needs to be done, it is appropriate to trace briefly the recent history of police reform in Western Australia.

In Australia, apart from the inquiries that have been dedicated to the investigation of police corruption, police services have been involved in other inquiries which were not specifically directed at police corruption but which indirectly involved an examination of police policies and procedures. Invariably, the inquiries brought about a refinement of, or improvement in, the delivery of police services, in both the jurisdiction involved and in other States or Territories, as the lessons learned were acknowledged and changes to policies and procedures were made. These inquiries include the following:

- Beach (Victoria 1976);
- Lucas (Queensland 1977);
- Lusher (New South Wales 1981);
- Neesham (Victoria 1985);
- Stewart (Commonwealth, NSW, Victoria and Queensland 1981);
- Fitzgerald (Queensland 1989);
- Lee (NSW 1990); and
- Wood (NSW 1997).

Although none of the above related directly to this State, the issues highlighted, and the reforms recommended, have been acknowledged in Western Australia. There have also been a number of inquiries or reviews conducted into aspects associated with the operations of WAPS. These include:

- Dixon, O. (1982), *The Report of O. F. Dixon on (A) The Action Taken by the Police Regarding Allegations of Graft and Corruption within the Police Force and (B) What Further Action is Necessary Regarding such Allegations*. Western Australia State Government;
- Gregor, J. (Chairperson), (1992), *Report on Government, Report No. 2*. State Law Publishers: Perth;
- Freeman, E. (1989), *Report to the Speaker of the Legislative Assembly of the Parliament of Western Australia on the Current Investigation by the Commissioner of Police Involving Deputy Commissioner Peters*. Western Australia State Government;
- McCarrey, L. (Chairperson) (1993), *Report of the Independent Commission to Review Public Sector Finances: Agenda for Reform*. Western Australia State Government;
- Arthur Andersen (1994), *Scoping Review of the Police Department of Western Australia*: Prepared for the Commissioner of Police and the Minister for Police. Western Australia State Government; and
- Tomlinson, D. (Chairman) (1996), *Interim Report of the Select Committee on the Western Australia Police Service*. Western Australia State Government.

If the Fitzgerald Inquiry (1989) is selected as the beginning of modern policing inquiries in Australia, it will be seen that since then, in Western Australia and in the rest of Australia, there has been an almost continual sequence of investigations or reviews of police services. It is worth reflecting on the reason for the extraordinary degree of attention devoted to the scrutiny of police services, which is particularly marked when compared with other community services such as health and education, which are equally important to the community and about which there is ongoing public dissatisfaction, but which do not receive the same detailed examination. There are a number of observations that can explain that phenomenon:

- Police have exceptional powers which are not available to any other sector of the community and which require greater scrutiny;
- Police services have deteriorated to such an entrenched level of corruption that protracted public reviews are essential;

- Police management has been slow to accept the existence of corruption and to react to it; and
- Police management has been incapable of implementing adequate and timely reform measures.

This Report provides an account of reform within WAPS, which is not limited to corrupt or criminal conduct, but rather considers reform in a broader context, in keeping with the above-mentioned inquiries.

During the period under consideration by the Royal Commission, 1985 to the present, WAPS had three Commissioners of Police, Mr Brian Bull, Mr Robert Falconer and the current Commissioner, Mr Barry Matthews. Given the important strategic and managerial role that Commissioners of Police play in the operation of police services, it is appropriate to consider the reform process in terms of the events during the leadership of each Commissioner of Police.

2.2 THE PERIOD OF BRIAN BULL

Mr Brian Bull became Commissioner of Police on 1 March 1985, following Commissioner John Porter's retirement on 28 February 1985. Commissioner Bull had joined WAPS as a cadet in 1949 and was only the second person to progress from cadet to the highest rank of Commissioner (Conole, 2002).

In the wake of the stock market crash in the late 1980s, and the 1992 report of the WA Inc Royal Commission, in 1993 the Western Australian Government established the Independent Commission to Review Public Sector Finances (the McCarrey Report). As a result, along with all other public sector organizations in Western Australia, WAPS was subject to "an overview assessment of police management practices" (McCarrey 1993: 255). In the chapter dealing with WAPS, the McCarrey Report included the following observations and comments, some of which, it will be seen from what follows, disturbingly, still apply to WAPS ten years on:

- The past response by governments to public concerns about rising crime rates had been to increase police numbers, without providing the additional funding required to enable the extra police to be fully effective;
- The ratio of salaries to contingent expenditures had deteriorated from 70:30 in 1988/1989 to 83:17 at the time of the report, which

suggested that insufficient support was being provided to equip the significantly increased staff numbers;

- Sworn police officers and public service staff operated under different award conditions which leads to operational inefficiencies;
- There had been significant increases in the number of police officers over recent years, without similar increases in support staff, equipment and accommodation;
- The consultants were made aware of opportunities to introduce new technology to improve productivity, including an integrated secure digital communication system incorporating a global positioning system for vehicle management, lap-top computers for patrol vehicles and a transponder system for foot patrols;
- The preoccupation of senior police officers with the day-to-day pressures of operations, public concerns, and responding to the media spotlight, detracted from their ability to make the most efficient use of police resources. Additionally, there was little training on the principles and techniques of management and little opportunity during their careers to obtain these skills;
- A lack of resources in the area responsible for the confiscation of the proceeds of crime contributed to considerable amounts not being collected; and
- A number of "non" police duties were identified which, it was felt, could be undertaken by persons other than sworn police officers, including:
 - Attending to the needs of prisoners in lockups;
 - Acting as court orderlies; and
 - Providing prisoner escorts.

Whilst some of these issues have been attended to, the references to concerns about resources, the communications system, management training, police numbers and the use of police for non-operational functions remain current a decade later.

In anticipation of the McCarrey Report, a conference of executive management was convened in June 1993, during which Commissioner Bull determined that an in-depth review of organizational planning, structure and processes was required. Following consultation with the Minister for Police and the Cabinet Sub-Committee for Public Sector Reform, the services of an external consultant, Arthur Andersen, were

retained to undertake a “Scoping Review” of the Police Department, as it was then (Arthur Andersen, 1994).

The purpose of this Scoping Review was to provide a blueprint for organizational reform. The terms of reference for the review were to:

- Develop a Scoping Paper which incorporates the parameters and sequence for review of WAPS, including consideration of:
 - Purpose and direction;
 - Management practice;
 - Organizational structure;
 - Human and physical resources; and
 - Financial and resource management.

In 1994, Arthur Andersen produced their report, which identified the following key issues:

- The police service operated in “silos”;
- There was a strong central control of decision making;
- There was a poor relationship with other agencies;
- There was poor customer focus;
- There should be increased civilianization/limited function police officers;
- There was an emphasis on command and control, leading to autocratic leadership; and
- There were problems with morale, a lack of training, a lack of evaluation and a distrust of the promotional system (Arthur Andersen, 1994: 1).

The recommendations of the Arthur Anderson report were to form the basis for what was to become the Delta Reform Programme. Commissioner Bull was not, however, involved in the implementation of the recommendations of this report, as he retired in June 1994.

2.3 THE PERIOD OF ROBERT FALCONER

Commissioner Bull was followed by Commissioner Robert Falconer, a senior Victorian police officer, who assumed the position of Commissioner on 11 July 1994. He was to

remain in office until the expiration of his five-year contract in June 1999. It was during the changeover period between Commissioner Bull and Commissioner Falconer that the Delta Reform Programme ("Delta") was conceptualized and was subsequently launched by Commissioner Falconer in September 1994.

The objective of Delta was to implement a series of change management strategies aimed at transforming the organizational culture of WAPS, redefining its core business, restructuring the organization, and redesigning business processes to meet the needs of the Western Australian community. Under Delta, there was to be a fundamental change in how WAPS went about the business of policing. There was a clear recognition that the Service needed to be more customer focused and to project a convincing picture of leadership within the community. There was also a recognition that WAPS needed to be creative in solving problems and working with the community to ensure that they took ownership of their own safety and security. The concept of partnerships and the need to work closely with a range of different community organizations was also recognized.

Delta identified and sought to introduce many examples of best practice in policing, including a number of measures that dealt specifically with cultural change and ethical behaviour – important concepts in the fight against corruption. In the aftermath of the Fitzgerald Report (1989) into police and political corruption in Queensland, and the commencement of inquiries by the Western Australian Parliamentary Upper House Select Committee ("the Tomlinson Report"), a major review of the Internal Investigations Branch ("IIB"), Internal Affairs Branch ("IAB") and the Office of the Commander of the Inspectorate was undertaken in 1994. As a result of this review, it was decided that there was a need for the consolidation of these common functions into one co-ordinated body. Thus, on 1 March 1996, the Professional Standards Portfolio came into existence, which, in a reflection of the importance placed on this new branch, was to be headed by an Assistant Commissioner with a direct reporting relationship to the Commissioner of Police. The role of the Inspectorate was abolished.

The WAPS Professional Standards Portfolio was tasked with the primary responsibility for ensuring the integrity of the Police Service. Its principal philosophy was to provide support to regional, district and local managers in their accountability for the conduct of those under their control, the nature and outcome of investigations and improved performance.

The Delta Reform Programme won the 1996 Western Australian Premier's Award for Excellence in the Change Management Category. In the publicity surrounding this announcement, it was stated that "[t]he Delta Programme is the engine of change that will take the Service from a centrally driven, functionally aligned and inward looking agency to a more accountable, open Service with local area management" (Premier's Award for Change Management, 1996: <http://premiersawards.dpc.wa.gov.au>).

Delta spawned many reform projects including the following:

COMMENCE DATE	Project	PURPOSE
Sept, 1994	Promotion System	To develop a promotion system that was simple, fair and appointed the best person to the position.
Sept, 1994	Human Resources ("HR") Amalgamation	To develop a more efficient and contemporary HR function.
Commence Date	Project	PURPOSE
Sept, 1994	Civilianisation	To develop an equitable civilianisation and deployment policy, and to facilitate the return of 300 sworn officers to operational duties.
Sept, 1994	Productivity Initiatives	To record the gains from productivity initiatives and determine the potential for further savings.
Sept, 1994	Purpose and Direction	To review and refine the Vision, Mission, Objectives and Core Business of the Service and improve/integrate strategic management.
Aug, 1995	Organisation Structural Review	To ensure that management practices and structure support the new "purpose and direction".
Aug, 1995	HR Management Practices Review	To review various administration practices within the HR function.
Aug, 1995	Financial and Resource Management	To review the structure and operations within the Finance function.
1996	Core Functions Review	To review the involvement of police in court-based functions with a view to returning 200 officers to operational duties.
Feb, 1997	Review of Human Services	To review the effectiveness and efficiency of the new Human Resources Development structure and functioning.
Oct, 1997	Investigative Practices Review	To develop a blueprint that provides the Service with the best possible investigation capability.

Feb, 1998	ADVANCE Review	To review the ADVANCE promotion system.
March, 1998	Devolution	To devolve responsibility, accountability and authority for appropriate functions to the Regions, Districts and Sub-districts.
May, 1999	Training/Development Review	To review the effectiveness and efficiency of training and development.
June, 1999	Corporate Projects Committee	To oversee and evaluate major corporate projects.

(Adapted from Bogan and Hicks, 2002)

During Commissioner Falconer's period as Commissioner of Police, WAPS was affected by two major reports, the findings and recommendations of the 1996 Select Committee on the Western Australia Police Service (Hon D Tomlinson MLC, Chairperson) and the recommendations of the Wood Royal Commission into the NSW Police Service (1997). As a consequence, rather than being a fixed reform programme with a set agenda, Delta came to embrace the reform initiatives that emanated from those inquiries.

Commissioner Falconer pursued a vigorous campaign of reform during his term of office and was conscious of the need to make profound changes to the culture of WAPS. Against considerable opposition, he made substantial improvements in devolving the Criminal Investigation Branch ("CIB"), bringing about a "spill and fill" of many positions in order to change attitudes and improve enthusiasm, and to increase the resources and calibre of staff in the Internal Affairs Unit ("IAU").

Commissioner Falconer completed his five-year contract of employment on 20 June 1999 and returned to Victoria to commence a career in the private sector after having spent 36 years in policing. He attended the Royal Commission to provide evidence in a public hearing. His contribution was greatly appreciated.

2.4 THE PERIOD OF BARRY MATTHEWS

Mr Barry Matthews, a New Zealand police officer, became the Commissioner of Police on 21 June 1999. He was the second consecutive Commissioner appointed from outside WAPS and the first from outside the country. His term expires in 2004.

Commissioner Matthews faced different challenges from those that had confronted Commissioner Falconer. Structural changes had been made, accompanied by a significant turnover in personnel, but there remained complex issues to be addressed

in relation to culture and performance, as identified by Wood (1997). Commissioner Matthews committed WAPS to follow the reform guidelines enunciated by Wood, and caused an audit to be made of the performance of WAPS in adopting Wood's recommendations. The change processes have been continued under the umbrella of Delta and have been supplemented with his own initiatives, some of which are as follows.

COMMENCE DATE	Project	PURPOSE
Oct, 2000	Boundary Review	Alignment of the Local Government Authority boundaries with District boundaries to improve service delivery.
June, 2001	Women's Advisory Network	To improve equity and diversity in policing.
Nov, 2001	Strategic Plan	Five year forward plan for the Service 2001-2006.
2002	Organisation Performance Review	To measure and improve police performance.

(Adapted from Bogan and Hicks, 2002)

In December 2001, the Government announced the appointment of this Royal Commission. In April 2002, consultants Ron Bogan and Stuart Hicks were engaged by WAPS to conduct a review of the WAPS Delta Reform Programme. It has been a criticism of police services in the past that they operate as a "closed shop", and the use of consultants to undertake such a major review, as opposed to utilizing internal resources, was a commendable initiative.

The objectives of the review by Bogan and Hicks were to:

- Assess the extent to which the expected outcomes contained in the various change management programmes had been realized;
- Assess the effectiveness of the change management initiatives in producing cultural change across the organization;
- Benchmark WAPS against other policing jurisdictions;
- Identify the areas of reform WAPS still needed to address; and
- Make recommendations on how WAPS could more effectively undertake its reform programme to create a contemporary police service with effective human resource management and a corruption-resistant culture.

In many respects, the review anticipated the issues of interest to the Royal Commission and amounted to a further assessment of the rate of transformation of

WAPS into the model police service prescribed by Wood (1997). The comprehensive and contemporaneous review, conducted by two reputable consultants, both highly experienced in public administration, over several months, has been accepted by the Royal Commission as an accurate appraisal of the state of affairs within WAPS. Criticism can be made of the fact that the consultants were retained by and reported to WAPS, which exercised the right to comment on early drafts of the report. In a perfect world, a completely independent external review would be desirable. However, the findings of the review of Messrs Bogan and Hicks are consistent with the observations made independently by the Royal Commission, and the review presents as a critical evaluation of the process of change within WAPS. It has been accepted as a valuable aid in the identification of the strategic and management issues that WAPS still has to adequately address. Their report entitled "Western Australia Police Service Qualitative and Strategic Reform – The Way Ahead" identified two key problems associated with the reform programme: the need to develop "corporacy" and "traction".

Corporacy was defined as the attribute of "[j]ointly developing and reliably practising a consistent set of values, plans and activities throughout the Service, and building on them through a strong and growing network of alliances". Traction was defined as the practice of "[f]ollowing-through agreed plans and directions, ensuring that they are reliably put in place, with clear accountabilities and timelines, and that they continue to be monitored and improved upon" (Bogan and Hicks, 2002: 52-53).

Bogan and Hicks (2002) found that, although WAPS was not short of initiative, the success rate for change programmes was low. Many initiatives were found to be in danger of failure, due to loss of impetus, inadequate planning and resourcing, and want of priority or attention. An additional complication was the risk of "reform-fatigue" and a lessening of effort as a consequence.

Whilst the harsh reality of their comments is softened by the jargon of the consultants, serious deficiencies in the leadership and management of WAPS were exposed. In a sense, the findings are not surprising as they confirm suspicions that the management of police services are generally adept at the formulation and production of glossy brochures extolling the complexity and sophistication of innovative strategies, but are less adept at the more demanding task of co-ordinating and implementing them. This weakness in the process of change management is emerging as the "Achilles heel" of police management. The difficulties of change

management are well known and were aptly encapsulated by Machiavelli (circa 1513: 19):

It should be borne in mind that there is nothing more difficult to handle, more doubtful of success, and more dangerous to carry through than initiating changes ... The innovator makes enemies of all those who prospered under the old order, and only lukewarm support is forthcoming from those who would prosper under the new. Their support is lukewarm partly from fear of their adversaries, who have the existing laws on their side, and partly because men are generally incredulous, never really trusting new things unless they have tested them by experience.

To the credit of Commissioner Matthews and the other members of the Executive Command of WAPS, the criticisms of Bogan and Hicks have been accepted, and in response a "Strategic Reform Programme" has been established in an endeavour to rescue the change programme and bring it back on track. Commissioner Matthews appointed an Assistant Commissioner to lead the strategic reform process, in conjunction with another Assistant Commissioner, who was assigned responsibility for the strategic reform of Policing Models and Practices.

The recommended plan for overcoming the corporacy and traction deficiencies comprised five key elements (Bogan and Hicks, 2002) :

- Reformulation of the existing Police Service Command as a Police Strategic Executive;
- Creation of a Police Advisory Council;
- An intensified focus on senior levels of the Service;
- An enhanced role for middle management; and
- The prioritized early fixing of systems that currently hamper outcomes delivery.

In themselves these proposals only provide a framework for the process of change management. However, WAPS has since obtained further external advice concerning the establishment of a more efficient strategic control over reform proposals, and it is to be hoped that the Service is now better placed to ensure more effective implementation of new strategies.

In addition, the Royal Commission seems to have already generated significant benefits in that, since it commenced, a number of additional management initiatives have been introduced or announced by WAPS, which will be mentioned in the appropriate context later in this Volume of this Report. Conceptually, these are each

appropriate and necessary, but history shows that it is unwise to express approbation until sufficient time has elapsed to measure the benefits in the workplace.

Commissioner Matthews has lent his weight to the continuation of the Delta Reform Programme, and has displayed initiative in inviting external review of the change management capacity of his organization.

2.5 THE PRESENT

In her book "Changing Police Culture", Janet Chan (1997) acknowledges the progress that has been made in changing the police culture in New South Wales, but laments the distance that is yet to be travelled. A passage from that book has equal application to WAPS:

It is easy to be dazzled by the proliferation of symbolic enterprises – the glossy corporate mission and strategic plans, the streamlining and restructuring, the surveys and the statistics, as well as the "newspeak" among management consultants and senior officers. With so much "happening" within the organisation, there is a temptation to assume that "it's all happening". (Chan, 1997: 188)

In undertaking work associated with this Inquiry, officers of the Royal Commission have been exposed to a vast array of corporate material that has been provided by WAPS as evidence of what is being done. In common with Bogan and Hicks (2002), there is a concern as to how far this is being translated into practice. Particular concern is held for the new Strategic Reform Programme, in that at least one of the Assistant Commissioners responsible for the programme continues to be responsible for day-to-day operational matters, such as the recent operations to reduce burglary rates. This may indicate that the strategic reform of the Police Service still assumes second place to tactical requirements, a situation that often gives rise to the "traction" problems identified by Bogan and Hicks (2002).

2.6 THE FUTURE

The reality is that the Delta Reform Programme has run its race and a new programme should be formally substituted. The groundwork for the future has already begun, and there are encouraging signs of a willingness to seek external advice and to act upon it.

The recommendations contained within this Report will undoubtedly require a significant and long-term commitment to an additional change programme. Strong

leadership will be critical. In the time that remains in the term of the current Commissioner of Police, there will be an opportunity to give priority to efforts to establish the supporting project management infrastructure, adequate resources, and the detailed implementation plan necessary to drive the change programme. A project of the scope envisaged will require a dedicated staff of internal change agents, aided and supported by external change management experts. In practical terms, programmes currently being introduced or recently implemented need to be re-assessed in order to achieve maximum co-ordination and to incorporate the necessary “clear accountabilities and timelines” to ensure their effectiveness.

There are indications that there will be opportunities for the appointment of new members of the Executive Command. It is critical that a new police executive be installed as soon as is practicable, and that the selection process includes an examination of the applicants’ willingness and capacity to carry forward the change agenda.

CHAPTER 3

THE CULTURE OF POLICE

3.1 INTRODUCTION

The notion of police culture has been the subject of a great deal of analysis and comment in recent literature. The changing of police culture is an issue that is complex and appears to be intransigent, but it is critical in the process of achieving reform. Structural change and new operational strategies are essential. Unless, however, there is a metamorphosis of the attitudes and insensitivities that comprise current police cultures, only limited progress is likely to be made.

The blue wall of silence, the code, brotherhood, secrecy, loyalty, solidarity and protecting your mates; these are the constructs upon which traditional assumptions about police culture have been built. They shape the behaviour of police officers and are exemplified in the stereotypical "tough copper", who looks out for his mates and never "dobs them in", is by nature suspicious, is tough on criminals, and does what he has to do to get the job done.

To some extent, it is an attitude that has been deliberately introduced and cultivated in police services. Recruit training has traditionally given, and still gives, emphasis on teamwork and loyalty, and much of the operational and physical training provided is directed at developing those qualities. Fortunately, recruits are now educated simultaneously on expected standards of integrity and honesty, but that has not always been the case.

The negative concept of police culture has repeatedly come under fire in recent times and has been the subject of close scrutiny by a number of inquiries into police corruption, notably, the Fitzgerald Commission of Inquiry in Queensland (1989), the Mollen Commission to Investigate Allegations of Police Corruption and the Anti-Corruption Procedures of the New York City Police Department (1994) and the Wood Royal Commission in New South Wales (1997). These inquiries have each linked police culture with police corruption. Fitzgerald (1989: 200) related police culture in the then Queensland Police Force to "misconduct, inefficiency, incompetence, and deficient leadership". Furthermore, Fitzgerald (1989: 200) observed "[t]he culture which shares responsibility for and is supported by this grossly unsatisfactory situation includes contempt for the criminal justice system, disdain for the law and rejection of its application to police, disregard for the truth, and abuse of authority". Similarly, Mollen (1994: 51) believed that "[p]olice culture – the attitudes and

values that shape officers' behavior – is a critical component of the problem of police corruption today". Wood (1997: 25) asserted that the "associated siege mentality and code of silence [of police culture] have been often linked to the proliferation and concealment of police corruption".

The Western Australia Police Service ("WAPS") has been conscious of its own cultural shortcomings. In 1999, it participated in a joint project with the Parliamentary Commissioner for Administrative Investigations ("Ombudsman") and the Sellenger Centre at Edith Cowan University ("ECU") in identifying and addressing issues relating to perceptions and responses to misconduct by WAPS officers. The Report of the joint research project (Western Australia Police Service, 2001d) was published in August 2001, and recorded that WAPS was cognizant of the need to focus on promoting cultural change initiatives that raised ethical standards and the level of professionalism. The project confirmed the findings of a 1997 survey conducted by WAPS that there was a strong reluctance within the Police Service to report unethical behaviour, and few officers had confidence that they would be protected from victimization if indeed they did report misconduct. In response to the outcome of the 1997 survey, WAPS introduced the "Blueline" telephone reporting system and the Supported Internal Witness Programme in June 1999. Notwithstanding these initiatives, the responses to the survey conducted by the Ombudsman and ECU indicated that many police were still unlikely to report misconduct, even when that misconduct apparently involved criminality. The project also reported a lingering attitude amongst police that misconduct that could be described as "noble cause corruption" was in some way justified because of perceived deficiencies in the justice system, which favoured offenders. The Report recommended significant improvements to training to improve the ethical understanding of police. However, the outcome represents a disturbing indication that WAPS suffers the same cultural deficiencies as the other police services that have been the subject of previous inquiries, such as those described above.

Despite the negative attributes of police culture, the research and inquiries that have to date been conducted into police ethical standards do accept the potential for police culture to influence positively the behaviour of its members. The fact that history, tradition and experiences form the culture of a police service should not be used as a rationale to disregard police culture completely. To do so would be unfortunate in terms of understanding the dynamics of police culture and how they can be changed to create a culture within police that is positive, accountable and professional, and which influences individuals accordingly.

Culture will not be changed on command. The challenge is to identify the circumstances that are capable of influencing the quality of police culture, and to reinforce them. To be

able to do so, it is necessary to have an appreciation of the complexity of organizational dynamics and culture.

3.2 THE NATURE OF CULTURE IN ORGANIZATIONS

Schein (1990: 149) maintains that "culture is ubiquitous. It covers all areas of group life". Explanations regarding the development of organizational culture provide a useful framework for interpreting the evolution of police culture. Schein (1990: 153-154) argues that:

Culture is learned ... Culture perpetuates and reproduces itself through the socialisation of new members entering the group. The socialisation process really begins with recruitment and selection in that the organisation is likely to look for new members who already have the "right" set of assumptions, beliefs and values.

All organizations function according to a set of rules, values and traditions that provide the framework for its culture. Operating within a specific cultural framework, therefore, is not unique to police organizations. Indeed, an organizational culture is crucial to the efficient functioning of an organization as a tool for directing behaviour, establishing values, and ultimately assisting it in achieving its vision. However, the culture of an organization, in particular, police culture in this context, becomes a negative influence on the behaviour of members when the:

- Organizational vision of the members is not consistent with that of top management;
- Culture is used as a shield that protects members from the realities of the consequences of their behaviour;
- Characteristics that define culture are perceived negatively and, more importantly, internalized inappropriately;
- Concept of an organization's culture is misunderstood, both by its members and by the public in general, which results in a distorted perception of the nature of culture; and
- Stereotypes that arise from these distorted perceptions are imposed rigidly on the organization without regard to the dialogue between members and the organizational culture.

3.3 CHARACTERISTICS OF POLICE CULTURE

Chan (1997) proposes a theory of the way in which police culture has traditionally been conceptualized, and is founded on the following four premises:

- (a) Police culture is often described as monolithic, universal and predictable, but this interpretation does not account either for the differences that exist within police organizations, for example between general duties officers and detectives, or for the differences that exist between jurisdictions.
- (b) Members of any culture are not passive absorbers and followers of that culture. Rather they bring to the culture their own attitudes, values and experiences and shape the culture accordingly. In addition, the demands that the nature of the work inevitably imposes upon members contribute to the development of an organizational culture that allows members to satisfy these demands. Police culture, therefore, is a product of the values, attitudes, experiences and job requirements of its members who are active influencers of the culture.
- (c) Police culture does not exist in a vacuum. Rather, it operates within a broader social and political context that contributes to the flavour of the culture. Accordingly, police culture is vulnerable to external pressures, as is evidenced by the breakdown of the secrecy and loyalty under the strain of external investigations into police activities. The culture that exists within an organization is thus not static, rather it transforms over time according to shifts in organizational priorities, most often determined by changes in broader society and the role of police in society.
- (d) Chan states that "a satisfactory formulation of police culture should allow for the possibility of change as well as resistance to change" (1997: 67). This premise is the logical conclusion of the three previous premises which advance the theory that police culture is not universal, rigid or a stand-alone structure, but rather incorporates multiple cultures, is influenced by the temperaments and experiences of its individual members, and fluctuates according to the role of police in the constantly changing social and political environment.

Traditional assumptions about police culture are generally based upon the negative exposure received in response to allegations and inquiries into the ethical behaviour and level of integrity among police officers. These assumptions inevitably portray police culture unfavourably, as a sinister presence that perpetuates a chauvinistic atmosphere, and is characterized by a fierce sense of loyalty among colleagues that sets police apart from other groups, including some police sectors. Further, these assumptions ultimately create a

perception of law enforcement culture as tolerating, and even facilitating, corruption. Referring to the code of silence that characterizes police culture, Mollen (1994: 51) said:

These aspects of police culture facilitate corruption primarily in two ways. First, they encourage corruption by setting a standard that nothing is more important than the unswerving loyalty of officers to one another – not even stopping the most serious forms of corruption. This emboldens corrupt cops and those susceptible to corruption. Second, these attitudes thwart efforts to control corruption. They lead officers to protect or cover up for others' crimes – even crimes of which they heartily disapprove ... Changing these aspects of police culture must be a central task if corruption controls are ever to succeed.

Isolation is a fundamental feature of police culture that is perpetuated by the following factors (Harrison, 1998):

- The nature of policing is such that it requires a suspicious attitude on the part of police officers. This is primarily a survival tactic that has been taught to police officers from day one at the Police Academy as essential for coping with the policing environment. This often extends to friends and family. Constant suspicion of others isolates police from the rest of society;
- Shift work, rostering, and working overtime increases the isolation of police;
- The criminal justice system fuels the isolation of police who feel "let down" by a system they perceive to be soft on criminals and that does not acknowledge the hard work police invest in apprehending criminals. This sets police officers apart from the criminal justice system, which they perceive is not on their side; and
- Police are tasked with the responsibility for upholding the law at all times. This may affect their social life in that, " ... many officers feel they are 'living in a fish bowl'. They believe that any indiscretions on their part, such as drinking too much alcohol at a party, would be viewed by non-police as hypocritical. Thus, they tend to socialize together and begin to count on each other for support".

If police do not feel part of society, but rather feel isolated from it, then the rules for ethical behaviour that are presumed to apply to everybody in society do not apply to police who are disengaged from mainstream society. This allows police officers all manner of freedoms in conducting police work.

The isolation fosters a “them and us” relationship. The more isolated police are from mainstream society, the more connected they become with one another. This notion of police solidarity is a characteristic of police culture that provides a sense of protection and care in a hostile environment. Associated with police solidarity is the perception police have of themselves as “the thin blue line, [society’s] last defence against the encroachments of the jungle” (Kleinig, 2000: 222).

The isolation of police officers inevitably sets them apart from the rest of society. This in turn fosters a sense of loyalty among police officers, which is characterized by a code of silence. In a contemporary model of police culture (Chan, 1997), however, the code of silence, although a feature of police culture, does not necessarily apply universally to all members. Experience shows that to be the case. For example, in the Royal Commission, a number of officers co-operated and gave evidence of corrupt conduct by themselves and their colleagues. It is also true that a significant number of officers denied corrupt conduct even in the face of substantial evidence to the contrary.

Police officers face a dilemma between being loyal to their colleagues and being loyal to the organization and the professional standards valued by the organization, since often the two are mutually exclusive. Members are perceived as being disloyal when they show allegiance to the organization over allegiance to their colleagues (Kleinig, 1996 and 2000). Loyalty to the organization is compromised when members feel let down by, and become disillusioned with, the organization.

Harrison (1998) suggests two additional characteristics of police culture that may contribute towards this feeling of mistrust:

- The system of promotion in police organizations seems to be universally controversial, particularly due to the perception among police officers that the promotion system is controlled by senior management. This feeds the discontent felt particularly among those who have missed out on promotion opportunities; and
- The system of ranks in police organizations remains fundamentally based on a para-military system. This has positive and negative implications: it enhances police solidarity in that there exists a requirement for a certain level of respect for, and courtesy towards, those higher in rank and is generally associated with a sense of discipline and loyalty and belonging - those higher in rank look after their subordinates. However, the higher up one goes in the rank structure the more distanced and alienated senior management are from day to day policing activities and priorities. This

creates a tension between senior and lower ranks and the rank system becomes an alienating factor, existing only to remind lower ranks of the command and control structure. This fuels the mistrust, particularly regarding any new initiatives adopted by senior management and imposed upon lower ranks.

These characteristics must be considered in the context of a dynamic police culture made up of the experiences, traditions, values and attitudes of the individuals that constitute police organizations. Thus, although these characteristics are useful in explaining what constitutes police culture, they must not be seen as separate from the individual members of the culture to whom they apply, and who constantly interact with the culture, and shape it according to their own values and frameworks.

3.4 MEASURES THAT CAN INFLUENCE POLICE CULTURE

It is unlikely that Fitzgerald (1989: 200) set out to be prescriptive when he related unsatisfactory police culture to "misconduct, inefficiency, incompetence and deficient leadership", but his statement captures most of the qualities that exert negative influences upon the culture of a police service. It follows that circumstances that improve those issues will also improve the culture.

In New South Wales, the Qualitative and Strategic Audit of the Reform Process ("QSARP") conducted by the Hay group which monitored the introduction of the Wood reform recommendation, identified the recruitment of sworn staff, the development of sworn staff for policing practice, civilianization, building teams and supervisory practices as areas in which improvement can also enhance culture. There are many factors that are relevant to achieving improvements in those processes. It is no coincidence that the areas identified for enhancement in the context of improving culture are the same areas that are identified for improvement in increasing the corruption resistance of an organization. These fall into three categories: operational/methodological strategies, human resource issues, and external influences.

The style and effectiveness of the operational methodologies adopted by a police service can affect its culture. The now out-moded authoritarian style of policing fostered an internal culture that reflected the external demeanour of the organization. Similarly, an inefficient and poorly performing organization leads to a culture of dissatisfaction and defeat, which is fertile ground for corrupt conduct. The methodological measures relevant to improving culture are:

- The adoption of modern and efficient police methodologies;
- The provision of adequate resources;

- Civilianization, which frees sworn officers to engage in operational functions; and
- Efficient leadership, management and supervision.

In addition, the influential human resource issues include:

- Recruitment of appropriately qualified personnel;
- Gender equality and diversity of staff;
- Lateral entry;
- Training and development of staff; and
- Executive development.

There are also external influences that have an effect upon the culture of a police organization. It is recognized that unenforceable or inefficient laws can provide scope for corrupt conduct and contribute to negative aspects of police culture. Accordingly, law reform that removes uncertainty and circumscribes the discretionary conduct of police not only reduces the opportunity for corruption but also has positive effects on the culture of the organization.

3.5 POLICE CULTURE AS A PRODUCT OF ITS METHODOLOGY

It is difficult, if not impossible, to separate corruption reform from police organizational reform. Many of the circumstances that give rise to, or which permit, the opportunities for a culture to develop, relate to the manner in which an organization is structured and functions. In this regard, Wood (1996: 2) maintained:

The long term solution to the problems uncovered lies only partially in the investigation and prosecution of corrupt individuals. The more significant reform lies in addressing the structure, attitudes and professionalism of the Service, with a view to preventing the occurrence of such conduct. Failure to achieve this reform can only result in the cyclical reappearance of the very same culture and conduct that led to the setting up of the current inquiry.

In order to prescribe appropriate standards for the culture of the police service, it is necessary first to settle the definition of the role of the organization in society. The reasons for taking that approach are probably self-evident, but they warrant stating. The culture of an organization is very much influenced by its management, and its management is dictated by its function. An organization that is run on a para-military or command and control style of management has a different culture from one that operates on a premise of consultation and equity. Similarly, the culture of a police body that delivers police services

according to a policy of authoritarianism and intolerance differs from that of an agency that seeks to be co-operative and proactive.

Some might think that the task of defining the methodology and role of a police service is superfluous, on the basis that for almost the last two centuries the role of police has not changed. However, it needs to be remembered that the existence of police forces in society is relatively recent. Sir Robert Peel is credited with the creation of the first police force when, as Chief Secretary of Ireland, he established in 1814 the Irish Peace Preservation Force and then later, as Home Secretary in London, he was responsible for the *Police Act 1829* which led to the establishment of a police force for the London Metropolitan Area. The continuing controversy over the status and powers of constables is reflected in the fact that policing in Australia took many years to reach its present form. The formal creation of the Mounted Police Corps in 1834 seems to have been the first entity established in this State with an identifiable responsibility for policing the community in a manner resembling the present system. The police force in Western Australia received statutory authority by the passing of the *Police Ordinances of 1849 and 1861*, and it was not until the *Police Act 1892* that police powers and functions, and the summary offences that they were responsible for enforcing, became enshrined in the law (Conole, 2002). The *Police Act* has been amended many times since its enactment, although some of the original provisions remain. The question of the current relevance of the *Police Act* is referred to in a later section.

The style of delivery of the Western Australian Police Force, as it was then known, did not significantly change for the next 100 years. It remained authoritarian and reactive. In the last ten years, however, circumstances have changed. No longer is the status and authority of a police officer unquestioned. Partly because of the corrosive effect of corruption scandals, the increased emphasis upon the human rights of members of society, and the dramatic improvements in information technology, the fundamental principles upon which police services have been delivered have been seriously questioned and, as a result, significantly redefined.

It is not the function of the Royal Commission to review the operational methodology of WAPS. However, it is appropriate to make some short observations about recent trends in policing in the context of canvassing matters that relate to the culture of the police service. Operational strategies certainly are of that character.

It is noted that WAPS carried out a major "Investigative Practices Review", the Final Report of which was published in January 1998. Two senior officers from Strathclyde Police in Scotland assisted WAPS in the review. The report recommended major changes to the structures and processes used by WAPS in criminal investigation. The report recognized the

need to modernize criminal investigative practices, in particular by developing and maintaining effective community partnerships, and by placing greater value on the gathering, collation and analysis of information. There is no doubt that the structural changes recommended have been substantially implemented, but it is not so clear that the transition to intelligence-based policing has been as successful, particularly as the information management system necessary to give effect to the strategies has only just been installed, five years later. However it is to be hoped that substantial changes in methodology will be reflected by commensurably positive changes in culture.

UNIFORMED VS "PLAIN CLOTHES" POLICING

The starkest illustration of how different policing methodologies can affect police culture is evident in the significant difference between the standards of behaviour of uniformed officers and those of plain-clothes officers. With few exceptions, the recent exposures of serious police corruption in Australia involve detectives (plain clothes officers). There have been very few examples of uniformed officers being involved in the most serious corrupt activity. This difference can be explained in large measure as being due to the differences in the opportunities that are presented to uniformed officers and plain-clothes officers to engage in corrupt conduct. However, that is not the only reason for the distinction. Even though the underlying cultures in both groups are similar, the difference in behaviour of the two groups clearly indicates that there are cultural differences between them. This phenomenon has been well recognized, and various attempts have been made to eliminate the perceived barriers between uniformed and plain clothes officers, although with limited success.

COMMUNITY POLICING

For some years now, it has been accepted that there is a requirement for operational strategies of police services to include community policing. Fitzgerald (1989) recommended community policing as a primary policing strategy, the object of which is to set up a liaison between the police service and strategic community groups in order to ensure that the provision of police services is directed towards the needs of the community. This was intended to mark a significant departure from traditional police models and methodology. The authoritarian para-military approach and reliance upon patrols, investigations and arrests was no longer considered appropriate. The contemporary principle upon which policing is to be provided is one of accountability to the community based upon a partnership that is designed to identify issues within the community and solutions to those issues. The approach is particularly appropriate in multicultural societies involving various ethnic groups with particular issues and needs. Police liaison with such groups is particularly

important in the provision of services to them. The issues covered by community policing involve not only crime prevention, but also broader issues of social control.

As recognized in the Investigative Practices Review, WAPS has embraced this concept and encourages its officers to participate actively in community affairs. There may well be issues concerning the success of WAPS in discharging its responsibilities in community policing, but it is not within the terms of this Inquiry to carry out an analysis of the effectiveness of its work. What is more important for the present purposes is to recognize the role that police have to play in that area and to ensure that it is properly acknowledged in the recruitment and deployment of staff. Appropriate allowance needs to be made in the allocation of resources to enable police to discharge the functions of community policing. One officer in charge of a suburban station in Perth who was interviewed by Royal Commission staff advised that, in addition to his involvement in operational policing and the supervision of staff under his command, he was also involved in the following community projects:

- President, Police and Citizens Youth Club;
- Local Domestic Violence Intervention Project;
- Aboriginal and Torres Strait Islander Advisory Committee;
- Community Safety Action Plan;
- Local Emergency Management Committee;
- Safer WA Committee;
- Seniors Safety Forum;
- Neighbourhood Watch with Crime Prevention;
- Local Redevelopment Authority;
- Bushfires Board;
- Youth Identification Project;
- Local Crimes Issues Committee;
- Drug Arm WA;
- Local Chamber of Commerce Crime/Security Group; and
- Local Health Service and Police Committee.

Whilst not all WAPS officers have the same obligations, in one form or another, similar obligations arise in relation to the duties of many positions within the Police Service. This has several implications. One consequence is the obvious need for different qualities in officers from those that were required in their historical role, with the result that the qualifications of recruits should vary accordingly. There is also a need to retrain officers in the sociological, psychological and managerial skills necessary to carry out the new requirements. The other significant consequence has implications for the culture of the Police Service. The interaction with the community brings with it a desirable level of

transparency of police strategies and methodology. This development should be fostered, as it has the potential to break down the boundaries of the existing closed organization and to influence the culture of the Police Service in a positive manner.

CRIMINAL INVESTIGATION

The present role of police has provided further challenges as a result of the refinement of investigative practices. There was an accepted practice during the 1980s and 1990s for police investigating crimes to place undue reliance on information from informants in order to identify offenders, and then to press for or fabricate confessions as evidence of their guilt, forsaking other investigatory practices. Such an approach has had negative cultural implications. Unregulated association with, and the manipulation of, criminals in order to gain intelligence led to behavioural issues that were incompatible with the standards of integrity required of police.

The use of informants has proved to be of doubtful value. The motives of informants are often mischievous and their actions are often motivated by self-interest. Relationships between police and informants have been poorly administered and are very much open to abuse. Informant management plans are now generally in use in police services. They impose onerous obligations upon police who wish to utilize the services of informants, to the point that the practice of using informants has been significantly reduced.

In 1992, provision was made in Chapter LXA of *The Criminal Code* for the videotaping of the interviews of suspects. Section 570D, as amended in 1999, provides that, on the trial of an accused person for a "serious offence" (as defined in the section), evidence of any admission by the accused shall not be admissible unless, (a) the evidence is a videotape on which is a recording of the admission; or (b) the prosecution proves, on the balance of probabilities, that there is a reasonable excuse for there not being a recording on videotape of the admission; or (c) the court is satisfied that there are exceptional circumstances which, in the interests of justice, justify the admission of the evidence. Seemingly, the introduction of this requirement that confessions for serious offences must be videotaped, has removed much of the controversy in relation to the admission of confessions into evidence, the benefits of which have become apparent in the more efficient dispatch of criminal trials, but which have also significantly reduced the number of confessions volunteered by suspects. Fortunately, this barrier to a quick clearance of crimes has been compensated to some extent by an improvement in forensic science and other technology.

However, the outcome of these changes has been the need to improve techniques to maintain the capacity of police services to investigate and successfully prove criminal

activity on the part of the accused. As recognized in the WAPS Investigative Practices Review, this has led to the adoption of a strategy of what is generally referred to as intelligence-led investigations. The strategy involves the use of a system for gathering and analyzing intelligence that enables the identification of patterns of crime and individual offenders. The technique has two essential requirements:

- The police service must be able to provide the technological resources to gather and process the information necessary; and
- Police officers must have the intellectual and technical ability to operate the system in order to utilize its capacity.

The efforts of WAPS to put in place an effective information technology and communication system has had a sad history. The details of the arrangements for the installation of CADCOM are well known and have not been furthered investigated by the Royal Commission. WAPS is in the process of installing its Information Management System ("IMS"), which is said to be capable of meeting the needs of police in an intelligence-based system. IMS has been the subject of consistent criticism by police officers to Royal Commission staff because it is said to be intolerably slow. WAPS has claimed that the system will be effective within two years. It is essential that the current problems be overcome as it is a source of frustration to officers and a failure on the part of WAPS to honour its obligation to support operational police, from whom a high level of professionalism and integrity is to be demanded, with adequate technical support. It is important that the project be brought to a successful conclusion as soon as possible. If necessary the opportunity should be taken to retain a specialist project manager from outside the organization (as was done in New South Wales when similar problems were being encountered) in order to render the system fully functional.

The requirement that police officers have the capacity to operate within an intelligence-led system of crime investigation adds further complexity to their role and is an illustration of the changing demands made upon contemporary police. Provided police are adequately resourced and trained to take advantage of the technology now available, the consequence is positive in terms of the culture of the organization. The result is an increasing attitude of professionalism and job satisfaction that differs from the negative attitudes of the past, and a move away from those undesirable practices that were a feature of problematic police culture.

CRIME PREVENTION

It is not within the capacity of a police service to put an end to all crime. There are a significant proportion of criminal offences that no expansion of the resources of a police service will ever prevent. Professor Bayley asserts (1994: 3):

The police do not prevent crime. This is one of the best-kept secrets of modern life. Experts know it, the police know it, but the public does not know it. Yet the police pretend that they are society's best defense against crime and continually argue that if they are given more resources, especially personnel, they will be able to protect communities against crime. This is a myth.

Assaults, burglaries, and even drug trafficking, the most prevalent offences in society, will not all be prevented by police. Social changes are more likely to affect the rate at which such crimes are committed than the efforts of the police. Accordingly, to assess the performance of police by reference to the crime rates is illogical. Factors outside the control of the police, such as employment, health, housing and welfare services, have a much greater influence on crime statistics than the preventative efforts of police officers. The practice of political point-scoring directed at alleged failures of police services having regard to variations in crime statistics is not only illogical but also unfair. It has a negative impact on the morale of the community, which tends to lose confidence in its police service, and also on the police officers who feel that they are being criticized for failing to carry out a task that is ultimately impossible.

This point has been captured by Chemerinsky (2000: 27) when he said:

The public creates additional corrupting dynamics by assigning police Sisyphean missions and demanding measurable results. Asked to wage highly politicised and unwinnable wars on drugs, gangs and crime ... problems, 90% of which are caused by circumstances the police cannot control or impact, ... police face the exclusive task of pretending to master these forces and have police tactics and actions masquerade as solutions.

As has previously been the subject of comment, political campaigns in which law and order are emphasized and police are called upon to produce higher crime clear-up rates, or explain their inability to do so, are detrimental. Such political pressure allows the ends to easily justify the means and, for some officers, "process corruption" can become a method of crime control (Wood, 1997: 37).

It is also necessary to say something about the populist theory of "zero-tolerance policing". The term is ascribed to the technique of saturating particular areas or activities with law enforcement officers who are instructed to take action for every minor misdemeanour

detected (McLaughlin and Muncie, 2001; Wilson and Kelling, 1982). The theory is that potential offenders will be prevented from committing offences either by their being arrested for unrelated minor matters, or because they have been deterred from entering the area or activity, having regard to the prevalence of the threat of arrest. Commissioner Bratton of the New York Police Department ("NYPD") is generally credited with the introduction of that technique in about 1990 (Bratton, 1998). It is said that zero-tolerance policing re-establishes order on the streets by tackling minor offences and at the same time it has the capacity to generate higher levels of intelligence for use in proactive intelligence-led policing. It is generally associated with the "broken window" theory of policing, which is to the effect that attention to small detail, such as the existence of a broken window in premises which are vacant, prevents greater harm in the longer term, for example, by persons becoming aware that the premises are neglected and empty and inflicting further damage (McLaughlin and Muncie, 2001; Wilson and Kelling, 1982).

This theory is perceived to be a short-sighted policy that has the principal consequence of simply removing criminals from the streets for a short period of incarceration, or displacing them into other areas to carry out the same unlawful activities.

The confrontational and authoritarian style of policing involved is fraught with negative implications. It has a strong tendency to perpetuate the undesirable characteristics of the culture in police that have been identified. It also has the potential for opportunities for abuse because of the encouragement to adopt a hard-line style of policing. This is illustrated in the report by the Ombudsman of Western Australia on the investigation into "Operation Safe Trains" (2002). It was an operation conducted by WAPS for a period of three months, with the objective of reducing anti-social and criminal behaviour on trains. The operation was a form of get-tough policing, but all it seemed to achieve was to attract a number of complaints that suggested it adopted overly aggressive policing tactics, following which a number of criminal charges that had been laid had to be withdrawn and significant costs were awarded against the police. The report of the Ombudsman (2002) indicated that the operation was accompanied by poor management, but it provides an example of the problems that can arise when police are given tacit encouragement to adopt vigorous policing methods.

In any event, it would seem that the zero-tolerance theory is largely misunderstood in terms of its perceived success in New York. There is no doubt that the crime rates in New York fell dramatically at first, and have continued to do so until they are some of the lowest in the United States. However, when it was introduced in New York, there was a concomitant increase in complaints regarding police, particularly concerning the

over-zealous use of force and discrimination, leading to an escalation in litigation and a major increase in punitive damages against police.

Additionally, the zero-tolerance approach in New York was part of a package of policies, the most important of which was the introduction of a process called COMPSTAT, a strategy that had not been used previously, whereby crime statistics were collected and analysed every day in order to recognize patterns and potential "hotspots". The process involved meetings at which commanders were required to face scrutiny over the crime rate in their areas and the strategies adopted to control it. Previously, the information that drew most attention was the number of arrests and the reaction times to emergency calls. Statistics concerning crime rates were often already obsolete by the time they became available. The COMPSTAT process was accompanied by an on-line complaint system whereby police officers in the street would make a report that would be instantly transmitted to a COMPSTAT mainframe and entered on a map showing the geographical concentration of criminal activity and a weekly summary of crime complaints that displayed trends over various periods.

Undoubtedly, the COMPSTAT process was followed by an intense application of resources to the areas in which patterns of criminal activity had been observed, but the zero-tolerance approach was very much consequential upon the primary innovation of the COMPSTAT system.

WAPS has introduced a modified version of COMPSTAT in the form of "Insight", as well as the process of Organisational Performance Reviews ("OPR"), albeit at three-monthly intervals, rather than twice weekly, as in the New York system.

While the need for beat and patrol policing will remain, in order to provide evidence of a police presence in neighbourhoods, there is no doubt that there has been a major change of emphasis in relation to crime prevention and crime investigation by the adaptation of information technology systems that can record and analyse criminal activity more effectively and efficiently.

The transition towards contemporary policing methodologies has a number of encouraging implications, not only for the benefit to the community in terms of the improved delivery of police services, but also for the reformation of the culture of the police service itself. The following table (Murray, 2002: 11) is lengthy, but it is worth reproducing, as it encapsulates the changes occurring as police services move from traditional policing to contemporary practices.

TRADITIONAL	CONTEMPORARY
<p><i>Policing As A Craft/Trade</i></p> <p>Policing has traditionally been regarded as a vocation where the skills are learned "on-the-job". It assumes that, after being taught the practical skills at the academy, the ability to do the job will be learned from an experienced officer in the field. Here the culture is simply passed from one generation to the next without any outside influences. The "craft" which was taught relied on militaristic principles and manifested in such things as drill, command and control and a strictly enforced punitive disciplinary process.</p>	<p><i>Policing As A Profession</i></p> <p>Especially over the last 10 years there has been a conscious drive for policing to be accepted as a "profession". What profession means in this sense is open to different interpretations, but it will usually involve developing a body of knowledge of policing (like recognised professions such as medicine, law), a requirement for higher and better education, a strict code of ethics, and working to values rather than just rules. Police culture, instead of relying solely on past practices/behaviour, is influenced by broader influences of society and research/learning.</p>
<p><i>Authoritarian Approach To Policing</i></p> <p>Here there is an emphasis on strictly enforcing the laws without being concerned about the causes of crime, prosecutorial discretion is limited, being less concerned with preventing crime, and generally telling the public how policing is going to be conducted. Research into the traditional street-level culture suggests there has been a tendency for authoritarianism, defensiveness, cynicism and action-orientation which together result in a general distancing from the community.</p>	<p><i>Problem Solving</i></p> <p>Here there is an emphasis on understanding what contributes to crime and there is a conscious commitment to joining with the community in determining how to prevent crime. This identifies programs like Neighbourhood Watch as a critical part in this process, the requirement of police to adopt a partnership approach with the community, and the allowance of that community to make contributions to policing the community overall. The move from authoritarianism to this community consultative style represents a significant shift in police culture.</p>
<p><i>Quasi Military Management Style</i></p> <p>Early establishment of policing saw the need to have structures and managerial styles which were either entirely built on military lines or at least drew from their principles. In those days there were few other models to draw from. What becomes controversial is the extent to which this is appropriate today. With quasi militarism there is a culture which is typified by strict reliance on rank-based authority, an expectation of unquestioned acceptance of direction from a senior officer, and one-way communication. A military-type culture assumes that subordinate ranks have to be told what to do. The force was characterised by:</p> <ul style="list-style-type: none"> ○ bureaucratic management ○ administrative management ○ maintenance management 	<p><i>Democratic Management Style</i></p> <p>The military model certainly has its place when command and control situations demand it. However, these situations are relatively few and a system of management which allows contributions from all ranks as to how the job is done is much more successful. This, in effect, suggests that the conventional private sector management styles, like team building and democratic decision-making can work to the betterment of policing. A desired culture is one which empowers officers at lower ranks so that they have more authority and greater decision-making powers at the lowest possible level. The force/service is characterised by:</p> <ul style="list-style-type: none"> ○ strategic management ○ people management ○ management of change

TRADITIONAL	CONTEMPORARY
<p><i>Emphasis On Physical Attributes</i></p> <p>Traditionally there was an assumption that being physically strong was a pre-requisite for policing. Until relatively recently (varies across countries) this effectively excluded women from the workforce. Strict, and often ill-founded, standards were insisted upon which effectively cut out large portions of the population. Emphasis in training was geared around fitness and developing upper body strength. Early traditional culture insisted on a physically strong male.</p>	<p><i>Emphasis On Intellect</i></p> <p>Progressive forces/services are recognising that key skills required to police a modern society are intellect and good interpersonal skills. Studies repeatedly show that upper body strength is required in relatively few instances and, furthermore, with higher intellect and good communication skills there is less likelihood of conflict situations developing. A desired culture insists on a man or woman who is smart and a good communicator.</p>
<p><i>Insular And Defensive Culture</i></p> <p>It is not so long ago that police would defiantly claim that they were the only ones who knew anything about policing. "Outsiders"—and this usually included academics and the media who criticised (or even commented on) the police—were regarded as unwelcome intruders. At public seminars, whenever police felt they should comment, their contributions were usually seen to be defensive and insular. With a defensive culture within policing there is a tendency towards secrecy.</p>	<p><i>Open And Consultative Culture</i></p> <p>In progressive police forces/services, individual police are encouraged to contribute to public debates on justice issues. The police contribution when well reasoned is a worthwhile dimension to the overall debate. This openness is critical for community policing initiatives like Neighbourhood Watch. A desired culture is one which allows the public to know how and why policing operates the way it does.</p>

It would be too early to suggest that WAPS operates fully in the right-hand column. Although progress towards contemporary management practices can be observed, the closed nature of their operations can still be seen in a number of their management practices.

OTHER OPERATIONAL MEASURES

Inadequate support for operational police is an obvious source of dissatisfaction and frustration, and contributes to the negative culture of the organization. Accordingly, it is important that operational police be properly supported by adequate resources, both in the form of equipment and technology, and also by support staff. The proper provision of facilities enhances the atmosphere of professionalism and provides operational police with a sense of support and satisfaction. It should also lead to an increase in efficiency, which in itself provides a positive effect upon culture (Champion and Rush, 1997).

Civilianization is discussed in more detail later and is a significant issue, as it has been since McCarrey (1993) drew attention to it ten years ago. The continued use of police in clerical

functions, or in specialist roles for which they have no qualifications, is not only inefficient but also demoralizing.

MANAGEMENT

A critical influence on the culture of a police service is the quality of its management. Management has the capacity to control the behaviour of officers through better supervision, thereby minimizing opportunities for corrupt conduct. In addition, if greater vigilance significantly reduces incidents of misconduct, the culture of the organization in which it had become the norm, or acceptable, can be changed. Furthermore, if officers have confidence in their managers as competent and supportive, attitudes of frustration and dissatisfaction, in which misconduct is rationalized as excusable, are reduced.

3.6 HUMAN RESOURCE ISSUES AFFECTING POLICE CULTURE

There are a number of issues associated with the provision and management of human resources that have the capacity to affect the culture of an organization such as a police service. These include:

- The calibre of personnel recruited;
- The gender and diversity balance of personnel;
- The training of staff;
- Executive development; and
- Lateral entry.

RECRUITMENT

The departure of long-term officers and the recruitment of new staff into the organization can contribute to the process of cultural change, provided that there are mechanisms in place to minimize the prospect of the recruits falling into the same attitudes and standards that are to be changed. It is notorious that recruits can be provided with the best training and education in policing at an academy, but the benefits are immediately lost when recruits are posted to a station where traditional attitudes prevail. Since the Wood Royal Commission in New South Wales (1997), 5,000 police officers have left the NSW Police, which has approximately 16,000 officers (Sage, 2003, personal communication). That has provided an enormous opportunity to effect fundamental change. It is offset by a reduction in corporate experience, but that has a short-term impact and can be compensated by the quality and training of recruits. Unfortunately, the turnover of sworn staff of WAPS is one of the lowest in Australia, according to the "Police Agencies HR Benchmarking Report: 1 July

2001 to 30 June 2002" (WAPS, 2002c). Not only does it indicate that officers may be in a comfort zone that they are reluctant to leave, but it also indicates that the opportunity for exploiting the benefits of a turnover in personnel is limited.

The character and intellectual capacity of staff recruited into a police service are major factors in shaping its culture. The relevance of good character and high ethical standards to the culture of a police service is self-evident. In principle, improving the intellectual quality of recruits is also likely to have a constructive effect. Those who are already well educated or those with a better capacity to absorb training and education, especially in ethical standards of behaviour, are likely to be able to deal better with the complexity of the job, and thus avoid its frustrations and temptations.

DIVERSITY

Achieving a better gender balance will improve the culture of the police service, as will racial diversity. It is a circular argument as it will be necessary to change the culture of the police service in order to attract more women, and to achieve a greater ethnic mix, but once the process of change gains momentum, the factors will interact and the benefits will flow in both directions.

Women may bring different experiences and values to the organization than men, and people from different ethnic and religious backgrounds certainly provide a broad range of cultural ideals and priorities that are assimilated into the culture.

TRAINING AND DEVELOPMENT

It is axiomatic that the culture of an organization can be influenced by training and personal development of staff, not only in ethical standards, but also in other areas that increase their expertise and efficiency. Officers who become more skilled as a result of training also become more demanding of their colleagues and less tolerant of deficiencies in expertise and probity.

EXECUTIVE DEVELOPMENT

Recognition of the relevance of the qualities of leadership and management highlights the position that the development of executives with better skills in those areas not only adds to the efficiency of the organization, but also bears upon its culture. Leadership that is rigorous and decisive, which can clearly identify goals and strategies and set standards, has a significant capacity to influence the standards of the entire organization. On the other

hand, leadership that is indecisive, confusing or unsupportive can lead to a lack of commitment and motivation in staff, which in turn engenders an atmosphere in which misconduct becomes regarded as inconsequential or acceptable. Development of the expertise of executives is critical in the process of improving the culture of the Police Service.

LATERAL ENTRY

A means of circumventing the concept of the "blue circle of loyalty" in a police service is the introduction of staff from outside the organization, who are not only alien to the same loyalties and attitudes, but can also add different skills and experiences to the organization. Too often in the past, attempts at lateral entry have failed because the new staff either became frozen out of the groups within the police organization or came to accept the same cultural attitudes in order to gain acceptance. However, times have now changed and further attempts must be made to make lateral appointments to the police service.

3.7 EXTERNAL INFLUENCES UPON POLICE

COMMUNITY EXPECTATIONS

The increasing sophistication of society includes a greater awareness of individual rights, and an insistence upon the enjoyment of them. This impacts directly upon law enforcement activities where both victims and suspects are more alert to their legal entitlements and to the obligations of police to recognize them. Furthermore, within the limits imposed by the law concerning the conduct of police, there is pressure on police to improve the quality of service provided, as evidenced by the fact that deficiencies in attitude and demeanour are the most typical subject of complaints about police.

There has also been increased judicial demand for proper and lawful conduct by police, and a commensurate intolerance towards police failures to comply with laws and procedures. This is reflected by a series of cases in the High Court of Australia. At least since the decision of *Bunning v Cross* (1978) 141 CLR 54, it has been part of the common law of Australia that a trial judge has a discretion to exclude prosecution evidence on public policy grounds in circumstances where it has been obtained by unlawful or improper conduct on the part of police. That discretion is distinct from the discretion to exclude evidence of a confessional statement on the grounds that its reception would be unfair to the accused. In *A v Hayden* (No 2) (1984) 156 CLR 532, where a number of part-time members of the Australian Secret Intelligence Service were alleged to have committed breaches of the criminal law in the course of participating in a security training exercise, the High Court held

that government officials were not above the law and that it was no defence to the commission of a criminal act or omission that it was done in discharge of a government function. Then, in *Ridgeway v The Queen* (1995) 184 CLR 19 the High Court ruled that there was a general discretion to exclude any evidence of guilt in a case where the actual commission of the offence was procured by the unlawful conduct of law enforcement officers for the purpose of obtaining a conviction. This decision was a blow to long-standing practices in law enforcement circles of using undercover police or informants, acting under the direction of the police, to participate in criminal activity, such as drug importations or trafficking, to bring about circumstances leading to the arrest of a suspect. The court also recognized that, where the conduct of the police involved in the unlawful conduct was sufficiently reprehensible, a stay of the prosecution proceedings could be granted, notwithstanding that the officers had acted in the genuine discharge of their duties, and that a guilty person might avoid prosecution. Since that decision, the Commonwealth and some States have introduced legislation to permit unlawful activity by police officers in prescribed circumstances. Western Australia has yet to introduce similar legislation.

In the above cases, the High Court reflected the more discerning standards of society and recognized that there may be cases in which the interests of the community in securing the conviction of guilty persons would be subservient to the interests of the community in ensuring that police had obeyed the law.

There has been criticism in the past of a lack of intervention by the judiciary and the legal profession in circumstances in which there were signs of corruption. Whether that be true or not, the fact is that now that police corruption has been shown to be a fact, courts are quicker to intervene in cases in which there are indications of police misconduct. This fact also means that the previous police culture, in which there was a degree of confidence or invincibility, has to be tempered because of the existence of unsympathetic external influences.

LEGISLATIVE INFLUENCES

Society generally has to grapple with the ever increasing complexity of legislation that regulates the conduct of members of the community. The task of police is, of course, more challenging because of their obligation to enforce many of those laws, and because they are subject to greater scrutiny in relation to their conduct in doing so, and in complying with new laws which circumscribe their own conduct.

Every year legislation is enacted which impacts on the role of police officers. Not only do police have the burden of keeping up to date with the content of new legislation, they also

have to adapt to changes to the existing laws that they are required to enforce, and which direct the manner by which they are to carry out their duties.

WAPS administers the following legislation (WAPS, 2002a):

- *Criminal Investigation (Identifying People) Act 2002;*
- *Firearms Act 1973;*
- *Misuse of Drugs Act 1981;*
- *National Crime Authority (State Provisions) Act 1985;*
- *Pawnbrokers and Secondhand Dealers Act 1994;*
- *Police Act 1892;*
- *Police Assistance Compensation Act 1964;*
- *Prostitution Act 2000;*
- *Protective Custody Act 2000;*
- *Public Meetings and Processions Act 1984;*
- *Security and Related Activities (Control) Act 1996;*
- *Spear Guns Control Act 1955;*
- *Surveillance Devices Act 1998;*
- *Telecommunications (Interception) Western Australia Act 1996;*
- *Weapons Act 1999;* and
- *Witness Protection (Western Australia) Act 1996.*

WAPS also has a corporate responsibility to monitor the effectiveness of existing laws and to advise on the drafting of amendments to those laws to meet society's changing needs.

More will be said in a later chapter about the need for specific legislative changes, but the point that is now made is that the culture of the police service is being affected by the growing number of legislative provisions which increasingly impose on police the higher expectations of the community and circumscribe the discharge of their duties.

3.8 CODE OF CONDUCT

The publication of a code of conduct for an organization can also influence its culture. Alone, it is unlikely to have a marked impact, but it can serve the purpose of focusing the attention of employees generally on a need to meet standards of probity, and also to provide guidance as to what is acceptable and what is unacceptable conduct within the organization.

The standards of conduct are formulated according to general assumptions about appropriate behaviour held by the public whom the organization serves. Codes of conduct,

or codes of ethics in Kleinig's terms (1996), are therefore not merely internal documents. Rather, Kleinig (1996: 242) maintains that codes of ethics are in fact public documents, in that they prescribe standards of behaviour in a broad community context:

... it is a distinguishing feature of codes ... that they do not function purely as internal documents, but manifest from within, or are intended to do so, the public accountability of organisations, agencies, and members of associations ... codes are put forward as public evidence of a determination, on the part of the providers themselves, to serve in ways that are predictable and acceptable.

Codes of conduct, therefore, are public documents, generated internally by the organization for whom they are intended, and which should be subject to continuous critical reflection, both by the organization and by the public. They constitute an accountability mechanism.

On 26 February 2003, the Commissioner of Police, Mr Barry Matthews introduced a new Code of Conduct (the "Code") for WAPS (WAPS, 2003c). The Code was designed to outline with certainty and clarity expectations for appropriate standards of behaviour in carrying out officers' duties as members of WAPS. Each WAPS member was issued with a personal copy of this Code. On receipt of the Code, personnel were required to acknowledge that they had read and understood its contents by signing an acknowledgement contained on the last page of the Code in the presence of a supervisor. Supervisors were required to ensure that receiving members read and signed the acknowledgement in their presence. The supervisors then had to counter-sign the documents as witnesses.

The joint research project between WAPS, the Ombudsman and ECU referred to in an earlier section of this chapter (WAPS, 2001d), revealed confusion amongst police officers as to what constitutes misconduct, and the differences between professional and criminal misconduct. In view of these findings, the publication of a code of conduct by WAPS was highly appropriate.

The WAPS Code contains general standards for the appropriate behaviour of WAPS members. These standards are consistent with the WAPS Ethical Guidelines of honesty, respect, fairness, empathy, openness and accountability. The Code outlines standards for behaviour and other policy issues in the context of:

- Ethics;
- Reporting corruption or unprofessional conduct;
- Conflicts of interest;
- Gifts or benefits;
- Discrimination;
- Inappropriate communication;

- Guidelines for managers and supervisors;
- Drugs and alcohol;
- Rights of victims of crime;
- Duty of care;
- Misuse of the powers of office;
- Competence;
- Officers' private lives;
- The media;
- Public comment, for example on political and community issues;
- Confidentiality;
- Secondary employment; and
- The Ombudsman and the Anti-Corruption Commission.

Where applicable, the Code refers officers to other publications that provide more particular rules. It might have been of greater value if the rules had been incorporated into the publication itself, which otherwise consists of very broad statements about particular areas of conduct, but officers should not be able to claim that they were unaware of the rules, or where to find them.

There has been some criticism of codes of conduct in law enforcement agencies, particularly regarding enforceability. Although WAPS' efforts in developing and implementing the Code are commendable, the Code itself is not immune to these criticisms.

Dixon (1999: 71) suggests that "[t]o many police officers, such codes are just more irrelevant paper generated by headquarters". It is apparent, therefore, that the concept of a code of conduct on its own is insufficient. Individuals to whom the code applies must accept and "internalize" the code of conduct as something inherently personal that applies to their behaviour as individuals. Kleinig (1996) maintains that codes of conduct are difficult to enforce without recourse to some kind of sanctions. And even when sanctions do exist, Kleinig (1996: 249) asserts that members are reluctant to report breaches: "The so-called blue wall of silence is notorious. The very code that evokes and reinforces group loyalty also encourages its ineffectiveness".

The ideology espoused in an organization's code of conduct must be supported by that organization's culture. The culture of an organization directs the way its members behave in satisfying their functions. Therefore, a culture informed by a strong ethical framework would encourage adherence to a code of conduct and discourage deviations.

3.9 THE NEW SOUTH WALES EXPERIENCE

As indicated previously, the culture of police services has been identified as a factor that contributes to the occurrence of corruption. Mollen (1994: 51-52) particularly focused upon the undesirable features of police culture when he said:

First, they encourage corruption by setting a standard that nothing is more important than the unswerving loyalty of officers to one another – not even stopping the most serious forms of corruption. This emboldens corrupt cops and those susceptible to corruption. Second, these attitudes thwart efforts to control corruption. They lead officers to protect or cover up for others' crimes – even crimes of which they heartily disapprove.

The last and perhaps most significant of the recommendations stipulated by Wood regarding reform in the New South Wales Police (1997: 560) was the "[a]ppointment of an external strategic auditor upon engagement to the Police Integrity Commission ("PIC"), to carry out a qualitative and strategic audit of the reform process, and to report to PIC, which in turn should report to the Minister and the Service". In so doing, Wood ensured that reform would be given high priority within the NSW Police since progress of their reform strategies would be monitored annually by an independent consultant and be accountable to PIC and ultimately to the Minister for Police. Wood (1997) also recommended that the reform process be driven from within the Police Service by an Internal Reform Committee, responsible to the Minister, the Commissioner of Police and to PIC.

The pivotal reform platform was set out in Appendix 31 to Wood's Report (1997), a document entitled "Details of the External Audit of the Reform Process", which provided the basis for the audit. The document was prepared in a workshop attended by experts in the field of management and transformational change. The group of experts recognized that the rebuilding of the NSW Police Service would take many years, making it important to identify high impact areas in the reform agenda. Ten key reform areas were identified, the second being "Change in Culture and Values". A three-year audit process was contemplated.

PIC contracted external management consultants to conduct a qualitative and strategic audit of the reform process of the NSW Police, known as QSARP, set up in response to Appendix 31. QSARP has been in progress since March 1999. The issue of reform of police culture has been included as a Key Reform Area in each of the three QSARP reports that have been released to date (Hay Group: 1999/2000; 2000/2001; 2001/2002). The reports

for year one (1999/2000: 47) and year two (2000/2001: 63) emphasized the following factors regarding cultural change as a component of the reform process:

- The Wood Royal Commission identified the existence of a highly pervasive and entrenched culture of fear and control within the New South Wales Police Service and advocated that changes in culture and values would indicate the achievement of reform;
- It is the role of leadership to articulate the requirement and direction for change and to paint a picture of the desired values, culture and behaviours. Culture change is a long-term process that would be expected to remain on the leadership agenda and continue to be monitored;
- A process of consultation is required to build ownership of the need for, and direction of, culture change. Engaging with staff in a meaningful way will overcome resistance to change and accelerate the change process; and
- Successful culture change can be measured by the extent to which employees and stakeholders can observe, experience and describe real changes in organisation behaviour, climate and processes.

The QSARP report for year three (Hay Group: 2001/2002) reflects the importance of the implementation of the reform proposals directed at changing the culture of the police service, and is critical of the executives of the NSW Police for appearing to give greater priority to performance figures based upon crime rates, rather than the fundamental changes which would affect culture as envisaged by Wood (1997). Cultural change is viewed as part of building a new human resource system, and as such focuses specifically on the people that make up the culture by reviewing reform in:

- Recruitment of sworn staff;
- Development of sworn staff for policing practice;
- Civilianisation in the NSW Police; and
- Building teams and supervisory practices.

The cultural reforms described in the QSARP process acknowledge the intrinsically human identity of police culture. A review of recent inquiries into policing issues, that included recommendations for police reform, had, as a common feature, an emphasis on the role of leaders and senior management in leading the reform process.

3.10 POLICE CULTURE – THE WAY FORWARD

Organizational culture is an esoteric and ephemeral concept. It is complex and not readily capable of measurement. However, there undoubtedly has been a significant improvement in the culture of WAPS as a result of the reform processes dating back to the commencement of Delta in 1994. There have been changes made, both external and internal, together with a substantial change in personnel.

Despite this improvement, it is equally obvious that problems remain. As indicated earlier, during the hearings of the Royal Commission only a few officers admitted to participating in corruption and gave evidence of the corrupt conduct of others. There is little doubt that the majority of their evidence was true, with the consequence that the other officers who participated in the same conduct but denied it, and still more, officers who must have known of it, have held the line in the traditional cultural manner. Clearly, these officers were influenced by the blue wall of silence that characterizes traditional police culture and that is notorious in terms of infusing the police culture with a corruption-tolerant flavour. The conduct of these particular officers is not the only matter of concern for the Royal Commission. Rather, and more significantly, the fact that they remain in the Police Service (and may continue to do so for many years to come) is an even more serious cause for concern.

This chapter has primarily identified the features and influencing factors of police culture. Issues such as the isolation of police organizations, the intense loyalty displayed by police officers, the blue wall of silence and the role of police leadership in perpetuating the so-called traditional police culture have been highlighted as problematic areas. Further changes to these and other components of police culture need to be effected if police services, including WAPS, are to build a thoroughly corruption-resistant culture. It is to be hoped that an increase in the corruption resistance of WAPS will not only limit the opportunities for those officers who act corruptly, but also ultimately eradicate their influence.

There is no magic wand that will bring about cultural change. The issue is very much intertwined with corruption prevention, which will be dealt with in more detail in later chapters. The adoption of the corruption prevention measures suggested in those chapters is likely to improve the culture of concurrently.

CHAPTER 4

THE PROFILE OF THE WESTERN AUSTRALIA POLICE SERVICE

4.1 ORGANIZATIONAL PROFILE OF THE WESTERN AUSTRALIA POLICE SERVICE

The Western Australia Police Service ("WAPS") is responsible for policing what is said to be the largest single police jurisdiction in the world, an area covering 2.5 million square kilometres. WAPS provides policing services to the community through a regional structure comprising three regions, 14 districts, and 157 police stations (WAPS, 2003e).

As at 30 June 2003, WAPS had a full-time equivalent sworn police component of 5,063, including 182 recruits in training, which together with 1,284 unsworn staff makes up a total establishment of 6,347. The distribution of staff members was as follows:

Level	As at 30 June 2001	As at 30 June 2002	As at 30 June 2003
Sworn Personnel			
Senior Executive	8	8	7
Commissioned Officers	143	140	137
Sergeants	1,005	991	991
Senior Constables	1,633	1,647	1,702
Constables	1,919	1,948	1,921
Recruits	184	111	182
Aboriginal Police Liaison Officers	100	109	122
Special Constables	1	1	1
Sub-total sworn	4,993	4,955	5,063
Unsworn Personnel			
Levels 8 and 9	12	10	9
Levels 6 and 7	51	59	73
Levels 4 and 5	167	170	176
Levels 2 and 3	374	352	353
Level 1	601	553	564
Other and Wages	120	110	109
Sub-total unsworn	1,325	1,254	1,284
TOTALS	6318	6,209	6,347

* Includes Band Officers

The 5,063 sworn members are distributed within the following organizational divisions and regions:

▪ Executive and Administration	45
▪ Professional Standards Portfolio	41
▪ Strategic and Corporate Development	80
▪ Metropolitan Region	2,156
▪ Southern Region	636
▪ North Eastern Region	691
▪ Traffic and Operations Support	554
▪ Crime Investigation Support	525
▪ Academy	105
▪ Recruits	182
▪ Other	48

The Professional Standards Portfolio is the unit that has the most direct relevance to corruption prevention and comprises 40 officers and one senior police officer. The role of the Professional Standards Portfolio is stated to be to establish standards, values and codes of conduct that reflect community expectations and values, with particular emphasis on organizational and individual integrity and accountability (WAPS website: www.police.wa.gov.au)

The "Report on Government Services 2003" indicates that in 2001-2002 WAPS had 249 sworn staff per 100,000 population. Apart from the Northern Territory ("NT"), this was the highest figure in Australia. When unsworn staff were included, the total police staff per 100,000 population for Western Australia ("WA") was 310, which again, apart from the NT, was the highest in Australia (Table 4.1).

Table 4.1 Police staff, by sworn/unsworn status

	NSW	Vic	Qld	WA	SA	Tas	ACT	NT	Aust
SWORN POLICE STAFF									
<i>Sworn staff per 100,000 population</i>									
2001-02	206	204	218	249	244	231	181	477	218
UNSWORN POLICE STAFF									
<i>Unsworn staff per 100,000 population</i>									
2001-02	61	46	87	61	64	76	61	103	63
TOTAL POLICE STAFF									
<i>Total staff per 100,000 population</i>									
2001-02	267	250	305	310	308	307	242	580	281

The figures in the "Report on Government Services 2003" for police staff, by operational status, are also interesting in that WAPS is shown as comprising 91.8 per cent operational staff¹. This is significantly above the national average of 83.8 per cent. Non-operational staff² accordingly comprise 8.2 per cent, which is below the national average of 16.2 per cent. These figures tend to confirm that operational police in WAPS receive less administrative and specialist support than police in other States (Table 4.2).

Table 4.2 Police staff, by operational status (per cent)

	NSW	Vic	Qld	WA	SA	Tas	ACT	NT	Aust
OPERATIONAL STAFF									
2001-02	83.6	82.2	82.6	91.8	91.7	83.5	86.9	81.3	83.8
NON-OPERATIONAL STAFF									
2001-02	16.4	17.8	17.4	8.2	8.3	16.5	13.1	18.7	16.2

4.2 FINANCIAL RESOURCES

According to the 2003 WAPS Annual Report, the total cost of providing police services to the community of WA in 2002-2003 was \$550 million (\$283 per person). This is a \$32 million increase from the previous financial years (\$518 million and \$270 per person), which had been increased from \$468 million in 2000/2001 financial year. The budget for 2003/2004 is still higher again at \$617 million. In four years the budget has gone from \$468 million to \$617 million, an increase of over 30 per cent. Care does need to be taken with the use of these figures due to changes in accounting practices, including the introduction of accrual accounting and capital user charges, and the shifting of superannuation responsibilities.

Information in the "Report on Government Services 2003" concerning the apportionment of expenditure is also noteworthy. The data concerning real recurrent expenditure per person on police services has been apportioned to significant service delivery areas; community safety and support, crime investigation, road safety and traffic management, and services to the judicial process. The services to the judicial process include the preparation of briefs and the presentation of evidence at court. In relation to community safety and support, the WA expenditure of \$116 per person is below the national average of \$125 per person. Similarly, the amount per person expended on crime investigation is below the national average. However, in relation to road safety and traffic management, the WA rate of \$36 per person is well in excess of the national average of \$19 per person. When expressed as expenditure on road safety and traffic management per registered vehicle, WA is also the

¹ Operational staff are those sworn members who identify themselves as working predominantly in direct operational policing duties.

² Non-operational staff are those sworn members who identify themselves as working predominantly in areas that support operational policing such as administration, policy, training or research.

highest in the country (Table 4.3). The per person figures are consistent with the percentages of total expenditure where the WAPS expenditure on community safety and support of 48 per cent of its total expenditure is low, whereas the 15.1 per cent on road safety and traffic management is high³.

This emphasis on road safety in WA is disproportionate to other States and is not simply explained by the fact that WA has a great many kilometres of road. Whilst the police no doubt assume a responsibility for managing the road toll, it is a joint responsibility that is shared with organizations such as those responsible for road construction and maintenance and traffic management (traffic lights, roundabouts, etc.) throughout the State. The road toll must also be seen as affected by the prompt attendance of ambulance and SES officers at accident sites, the distance to be travelled to hospital and the skills of trauma staff, and by advances in vehicle design (seatbelts, air-bags, etc.). Given these additional factors, it is wrong for WAPS to accept total responsibility, or to be solely castigated, for any increase in the road toll, just as it is unwise for WAPS to accept any plaudits when the toll reduces.

This high proportionate expenditure level on road safety compared with community safety may possibly help to explain the figures relating to community confidence. The comparatively low expenditure on community safety and support may correlate with the low level of confidence in the police service and in the safety factor in the community. The figures on community confidence are set out later in this chapter.

Table 4.3 Real recurrent expenditure (less revenue from own sources) per person on police services, by service delivery area, 2000-01 (2001-02 dollars)

	Unit	NSW	Vic	Qld	WA	SA	Tas	ACT	NT	Aust
EXPENDITURE PER PERSON										
<i>Road safety and traffic management</i>										
\$/person	\$	17	18	na	36	17	35	13	na	19
\$/registered vehicle	\$	28	26	na	51	18	49	21	na	24
SHARE OF TOTAL EXPENDITURE										
<i>Community safety and support</i>	%	62.5	48.4	na	48.0	68.4	45.4	45.7	na	53.9
<i>Road safety and traffic management</i>	%	7.1	8.3	na	15.1	7.6	16.2	5.5	na	8.2

The "Report on Government Services 2003" also provides a comparison of real recurrent expenditure (less revenue from own sources) on police services per person across the States and Territories of Australia. For 2001/2002 WA is recorded as expending \$260 per person, which is second only to NT, which expends \$541 per person. Net recurrent

³ The WAPS Annual Report 2003 provides later figures showing a further deterioration in community and safety support to 36.3 % of expenditure and an increase in road safety and traffic management expenditure to 18.5 %

expenditure is recurrent expenditure less revenue from own sources, which includes user charges and other types of revenue, and the figures exclude the user cost capital. In Table 4.4, the notes indicate that WA and the Australian Capital Territory ("ACT") did not pay payroll tax which, if included, would have increased the WA figure by \$11 per person, taking the per person figure to \$271, even further ahead than all other States and Territories, apart from NT.

Table 4.4 Real recurrent expenditure (less revenue from own sources) on police services per person (dollars 2001-02) (a)

	NSW	Vic	Qld	WA(a)	SA	Tas	ACT	NT	Aust
NET RECURRENT EXPENDITURE ON POLICE SERVICES PER HEAD OF POPULATION									
2001-02	233	225	226	260	238	232	227	541	240
AVERAGE ANNUAL CHANGE IN REAL RECURRENT EXPENDITURE PER PERSON									
1997-98 to 2001-02	2.1	0.2	6.6	5.6	3.8	1.4	2.6	2.7	3.3

(a) All police services are subject to payroll tax except in WA and the ACT (Australian Federal Police). If WA and the ACT were liable for paying payroll tax, real recurrent expenditure (less revenue from own sources) in 2001-02 would have increased by \$11 per person and \$12 per person respectively.

4.3 CRIME PATTERNS IN WESTERN AUSTRALIA

In the light of the information set out concerning expenditure on police services across Australia, it is useful to examine that data against information available concerning crime rates across the country. The "Report on Government Services 2003" data is set out in Table 4.5. For the year 2001, WA had the highest number of victims per 100,000 people for crimes against property nationally. On the other hand, the figure for victims of crimes against people per 100,000 was below the national average.

Table 4.5 Victims of recorded crimes

	Unit	NSW	Vic	Qld	WA	SA	Tas	ACT	NT	Aust
CRIMES AGAINST PROPERTY										
<i>Victims per 100,000 people</i>										
2001	No.	6,795	5,604	5,730	8,669	8,443	5,539	5,878	7,789	6,577
CRIMES AGAINST PEOPLE										
<i>Victims per 100,000 people</i>										
2001	No.	1,497	491	750	997	1,311	829	739	1,664	1,016

The WAPS 2003 Annual Report provides updated information on victims, but not in a form that enables a determination to be made as to whether there has been a significant variation against the national average. It is likely that the position has not changed significantly, even though crimes against property decreased by 2.8 per cent (minus 392) compared to the 2001/02 rate (p60).

The point was made in the previous chapter of this Report, when referring to crime prevention, that crime rates are not regarded as accurate performance indicators of police services. Accordingly, in isolation, the foregoing information would not be of particular significance, but as part of a package of indicators that record WAPS as apparently being below standards elsewhere, it assumes greater significance.

It is not the function of the Royal Commission to inquire into the social and geographical factors that might explain the variation in the figures. Nor is it feasible to ascertain whether differences in the methodology of the provision of police services across the States of Australia account in any way for the variations in the crime rates recorded. This is not to ignore the differences in demography and geography in a large State such as WA. For example, the WA Government website advises that WA spans over 2.5 million square kilometres covering around one-third of the continent of Australia (www.wa.gov.au), and the Australian Bureau of Statistics estimates the resident population for each of the States and Territories of Australia as at the end of December 2002 as follows:

State / Territory	Population
New South Wales	6,671,426
Victoria	4,902,920
Queensland	3,750,543
Western Australia	1,940,485
South Australia	1,524,136
Tasmania	474,388
Northern Territory	197,374
Australian Capital Territory	322,680
Other Territories	2,618
Australia	19,786,570

These factors of demography and geography do not of themselves explain the variations in crime rates. Nor do these factors mean that there should be significant differences in the structure and resources of WAPS when compared with other Australian police services.

4.4 RANK DISTRIBUTION

The rank structure within WAPS consists of Constable, Senior Constable, Sergeant, Senior Sergeant, Inspector, Superintendent, Commander, Assistant Commissioner, Deputy Commissioner and Commissioner, having previously abolished the ranks of Chief Superintendent and Chief Inspector. This structure is in keeping with contemporary policing

practices which see police organizations moving to a more flattened rank distribution as opposed to a complex and steep hierarchy.

Of the various ranks within WAPS, the largest group of sworn officers occupies the rank of Constable/Senior Constable (3,623 with an additional 182 in training), with Sergeants/Senior Sergeants constituting a further 991 of the sworn officer component (WAPS, 2003e). The ratio of Constable to supervisor (Sergeant and Senior Sergeant) varies across the different portfolios. The Professional Standards Portfolio, for example, has a more heavy structure, with its ratio of supervisor to Constable being 1:0.6. The Southern Region, on the other hand, has one supervisor for every 5.4 Constables. Although this ratio may not seem disproportionate, given the different functions and geographic locations, WAPS does recognize that strategies are required to enhance the level and effectiveness of supervision within the agency, primarily to provide more supervisory support to front-line operational police officers by freeing up supervisors from administrative tasks and commitments for other policing functions (WAPS, 2003a).

There are 144 executive and commissioned officers within WAPS. Of these, seven are members of the Police Executive, two are commanders, 36 are superintendents, and 99 are inspectors (WAPS, 2003b). The Metropolitan Region has the largest number of commissioned officers – six superintendents and 30 inspectors⁴. As indicated above, the Metropolitan Region is also the largest division of WAPS.

According to the "Police Agencies HR Benchmarking Report: 1 July 2001 to 30 June 2002" (WAPS, 2002c) the percentage of commissioned officers against total sworn members was the lowest in Australia, and has been dropping for each of the last four years. This contrasts with New South Wales, for example, where the percentage has increased for each of the four last years. Concern is held that the low percentage of commissioned officers in WA may contribute to "under-management".

4.5 RANK AND AGE

Of concern to WAPS is an ageing Senior Constable workforce (WAPS, 2003a). The average age of Senior Constables in the operational portfolios is 38.5 years. This has implications for the career development of these officers whose age and position in the rank structure of the organization is disproportionate. This situation may be due to a number of factors, such as the length of service required before being eligible for promotion to Sergeant (nine years), the "rank, lock, step" method of progressing through the organization, and

⁴ Different sources have been used for officer numbers, making summations difficult.

bottlenecks in the promotion system which mean more officers are eligible for promotion than positions available.

The "Police Agencies HR Benchmarking Report: 1 July 2001 to 30 June 2002 " (WAPS, 2002c) also provides a comparison of the rate of turnover of staff of WAPS compared with other States and New Zealand. WAPS has the second lowest percentage of turnover of total sworn and unsworn personnel (4.62 per cent) and a low percentage of turnover of sworn members (3.65 per cent). The rates in the NSW Police are 7.52 per cent and 6.45 per cent, respectively. These figures also indicate some of the difficulties in advancing from the rank of Constable, when there is such a low turnover of staff.

The position also seems to represent an outcome of the flattening of the rank structures with the resultant reduction in opportunities for promotion which, combined with the increase in numbers of officers in recent years, has swollen the numbers of Senior Constables, whose future careers are blocked by limited opportunities for promotion. An alternative explanation for the high retention rate might be that there is high job satisfaction, but in any event, the result is that the turnover is low and this is identified as an impediment in making organizational and cultural change, such as is required by WAPS.

4.6 DIVERSITY WITHIN WAPS – GENDER

Women comprise 15.15 per cent of the total sworn personnel component of WAPS. A comparison of gender distribution in police organizations in the other Australian States and Territories, revealed that WAPS has the lowest percentage of sworn female police officers (Australian Institute of Criminology, 2002). Women constitute 22.6 per cent of the sworn police officers in NSW; 24.9 per cent in NT; 20.2 per cent in Queensland; 20.5 per cent in South Australia and Tasmania; 17.4 per cent in Victoria; and 24.3 per cent and 23.8 per cent in the ACT and Australian Federal Police respectively, each of which has a total sworn capacity of less than 1,000 members. The low percentage of female police officers in WAPS cannot be attributed to the relatively small size of WAPS, since NSW, Queensland and Victoria, although they maintain larger police organizations, have fewer police officers available per 100,000 of the population and yet still manage to have much higher percentages of sworn female police officers. The low percentage of female representation within WAPS is not reflective of the community that WAPS is responsible for policing, since females account for a larger proportion of the WA population than males.

WAPS currently has three female commissioned officers, compared with 141 male executive and commissioned officers. This figure is also the lowest in the country. Until recently, each of the three female commissioned officers occupied the rank of Inspector, but one of them

has now been promoted to Superintendent. NSW, admittedly with a police service nearly three times as large as WAPS, has 35 female Superintendents.

The WAPS 2002/2003 Annual Business Plan (2002e: 11) includes as a priority the requirement to “attract and retain quality people with diverse backgrounds and experiences”. In terms of gender, this means “assisting staff to balance work and family commitments by implementing Flexible Work Options”, and “demonstrating support for the Women’s Advisory Network”. Commissioner of Police, Mr Barry Matthews has strongly promoted these and other strategies to improve the gender diversity within the organization. These strategies are reviewed in Chapter 5 of this Volume the Report. Their effectiveness is evident in the increase in the number of sworn female personnel in WAPS from 11.69 per cent in 1999 to the current figure of 15.15 per cent, although it still leaves WAPS well behind the rest of the country.

4.7 DIVERSITY WITHIN WAPS – INDIGENOUS REPRESENTATION

The “Report on Government Services 2003” provides information pertaining to the number of indigenous staff in the various Australian police organizations as a proportion of the estimated indigenous working age population (20 to 64 years), which are taken to be those persons eligible for police employment. The figures presented in the report are based on information collected from the various police agencies at the time of recruitment, and include sworn and unsworn staff. In WAPS, the percentage of sworn and/or unsworn indigenous personnel is 2.5 per cent. This is the same as the proportion of working age indigenous people in the population. According to the “Report on Government Services 2003”, in most jurisdictions, the proportion of indigenous police staff was broadly in line with the representation of indigenous people in the population aged 20 to 64 years. The number of indigenous personnel in WAPS is largely made up of Aboriginal Police Liaison Officers (122).

The issue of indigenous representation is complicated by organizational policies regarding collecting data relevant to ethnic status, as well as by personal preferences, which may include an unwillingness to reveal ethnic background. This context must be taken into account when interpreting data about indigenous representation. The figure provided by WAPS regarding the number of sworn members who are indigenous Australians (additional to the APLOs) is 45, comprising 29 males and 16 females.

The advancement of indigenous issues is another of the key organizational priorities of Commissioner Matthews (Bogan and Hicks, 2002). In 1996 the Aboriginal Affairs Directorate was established within WAPS. It aimed to raise the capacity of WAPS to manage internal

organizational requirements in terms of indigenous representation, as well as to be able to better respond to customer needs for the indigenous community. WAPS has to consolidate the strategy with regard to indigenous issues in line with a whole of government approach to indigenous issues. This, it seems, is a constant challenge, due to changing priorities, and the issues revealed by the number of recent inquiries relating to problems facing indigenous people in Western Australia, namely, the Royal Commission into Aboriginal Deaths in Custody (Johnston, 1991) and, more recently, the Gordon Inquiry in 2002. It is also necessary to recognize that the regulated and sometimes aggressive atmosphere of WAPS provides additional challenges in the assimilation of indigenous personnel.

4.8 UNSWORN SUPPORT

According to the "Police Agencies HR Benchmarking Report: 1 July 2001 to 30 June 2002 " (WAPS, 2002c), the unsworn staff component of WAPS comprised almost 22 per cent of the whole organization, the third lowest in Australia at that time. This figure has, however, reduced in the financial year just past and now stands at 20 percent. This compares unfavourably with NSW (23 per cent), Queensland (28 per cent), South Australia (21 per cent) and favourably with Victoria on 18 per cent.

WAPS recognizes the requirement to include more unsworn staff within the organization to increase administrative support, particularly for operational police officers, and to release sworn officers from clerical and administrative duties in order to carry out operational functions. Currently, the average ratio of unsworn to sworn members is 1:4.57. This figure, however, does not adequately reflect the position in the different regions where the ratios are considerably more unequal, notably 1:16.8 in the Metropolitan Region, 1:11.4 in the Southern Region, and 1:14.7 in the North Eastern Region.

Nationally, the ratio of unsworn to sworn police personnel for the period 2001–2002 was 1:3.5 with the unsworn component of police agencies across Australia making up 22 per cent of the entire police personnel. In NSW these figures are 1:3.4 and 23 per cent; in Queensland 1:2.5 and 29 per cent; in Victoria 1:4.4 and 19 per cent; and in South Australia 1:3.8 and 21 per cent. Comparatively, therefore, the average percentage of unsworn personnel in WAPS is slightly higher than the national average, and comparable with that in the NSW Police. The ratio of sworn to unsworn personnel in WAPS is similar to that in Victoria, both jurisdictions reflecting the highest number of sworn police to unsworn members compared with other jurisdictions. Queensland has the highest figures in terms of the percentage of unsworn personnel, which means a relatively low number of sworn members for every unsworn member. This is set to improve even further as the Queensland Government has announced a planning project to civilianize 800 positions in areas such as crime scene investigations, forensics, watchhouse management, prosecutions,

communications centres, freedom of information, media and public relations, general administration, corporate support and middle management (Parnell, 2003).

WAPS has the lowest percentage of unsworn staff that are at the level of senior management. Its percentage of 0.88 per cent is out of alignment with other states such as Victoria with 13.35 per cent and New South Wales with 7.77 per cent (WAPS, 2002c). Again, care needs to be taken with these figures due to the different definitions used in individual agencies as to what constitutes “senior” management. It is reasonable, however, to conclude that the level of unsworn senior staff in WAPS is below standards elsewhere, and needs urgent review.

In addition to the use of unsworn staff in administrative and clerical duties, there is a need to consider unsworn staff in professional and technical capacities in positions such as criminal analysis, forensic science, and forensic accounting. Given the increasing requirement for these specialist roles, the ratio of unsworn to sworn should be increasing at a far greater rate than is observed. The civilianization of policing is an important issue in the pursuit of a higher level of professionalism and integrity.

The Government made an election promise that it would increase the number of sworn officers by 250 over a period of four years. The WAPS 2003 Annual Report records that it is on target to meet that goal. The programme is not logical. WAPS has sufficient sworn officers. It just needs to be able to deploy them on operational functions. The programme should be varied in order to give priority to making up the extra personnel with civilians, with the result that sworn officers now undertaking the same work would be released for operational duties, and the theme of the recruiting programme changed to an increase in quality of recruits rather than simply striving to meet an arbitrarily selected number.

4.9 COMPLAINTS AGAINST POLICE

The WAPS 2003 Annual Report records the following complaints received by the Internal Investigations Unit:

	2000-01	2001-02	2002-03
Public complaints			
Administration	0	0	0
Assault	140	124	101
Misconduct	136	117	116
Neglect	48	54	41
Stealing	9	11	17
Minor matters	684	588	496
Sub-total	1,017	894	771

	2000-01	2001-02	2002-03
Internal complaints			
Administration	5	0	0
Assault	7	8	8
Misconduct	96	115	107
Neglect	76	85	62
Stealing	9	6	7
Minor matters	1	2	1
Sub-total	194	216	185
Other inquiries	126	105	122
TOTAL	1,337	1,215	1,078

It is not possible to say with certainty whether the decline in complaints received over these three financial years is due to a decrease in misconduct, or to a disinclination for complaints to be made. It is, however, encouraging and may be reflective of the success of the Local Complaints Resolution (LCR) process.

In addition to internal complaints, WAPS also receives Information Reports relating to allegations of serious/improper misconduct or corruption:

Information Reports	2000-01	2001-02	2002-03
Official corruption	33	24	38
Unauthorized/inappropriate computer access	29	14	52
Disclose official secrets	22	20	32
Drug related	30	25	58
Improper associations	22	24	23
Serious improper misconduct	32	19	54
Disciplinary matters	10	7	24
Other	20	17	31
TOTAL	198	150	312

Whilst it is too early to place much reliance on the trend these figures suggest, and the Royal Commission may be a factor, the increase in Information Reports is an encouraging development.

4.10 PUBLIC PERCEPTIONS OF THE WESTERN AUSTRALIA POLICE SERVICE

According to the "Report on Government Services 2003", the majority (69.9 per cent) of people surveyed aged 18 years and over were either "satisfied" or "very satisfied" with the services provided by police during the period 2001/2002. In WA 68 per cent of those surveyed were either "satisfied" or "very satisfied" with police services, but that was the second lowest figure in the country with only NSW recording a lower level of satisfaction.

The same attitude is reflected in that WA had the lowest level of persons "very satisfied" with services provided by police (15.9 per cent – Table 4.6). Consistently, WAPS had the highest level of persons who were "dissatisfied" with police services (8.2 per cent – table 4.6).

Table 4.6 People aged 18 years and over: general satisfaction with services provided by the police, 2001-02

	Unit	NSW	Vic	Qld	WA	SA	Tas	ACT	NT	Aust
ALL PERSONS										
<i>Very satisfied</i>	%	16.0	22.5	20.4	15.9	25.3	20.2	16.0	18.7	19.3
<i>Dissatisfied</i>	%	8.0	4.0	4.4	8.2	4.7	7.1	5.7	7.1	6.0

The WAPS 2003 Annual Report provides updated information on public satisfaction, but not in a form that lends itself to the same national comparison. However, the Report notes that, despite the potential negative impact of the Royal Commission, the level of satisfaction with police services in WA did not change from the previous year. It also reports that the WA level of satisfaction remains below the Australian average. The proportion of the WA community very satisfied with services provided by the police was 64.6 per cent. The equivalent figure for Australia was 72.7 per cent.

Nationally, of those respondents who had contact with the police during 2001/2002, 80.2 per cent were either "satisfied" or "very satisfied" with the service they received during their most recent contact. In WA, 37 per cent responded that they were "satisfied", while 43 per cent responded that they were "very satisfied" with their most recent police contact. The most common indicators of satisfaction regarding contact with police were that police should be:

- Prompt;
- Approachable and friendly;
- Helpful and courteous;
- Handle the matter well;
- Take appropriate action

- Efficient; and
- Professional and fair.

In WA, 60.5 per cent of respondents 18 years and older "agreed" or "strongly agreed" that police treat people fairly and equally, while 75 per cent either "agreed" or "strongly agreed" that police perform their job professionally. Integrity was measured by the public's perception of honesty on the part of police officers. This was most positive in South Australia where 80.9 per cent "agreed" or "strongly agreed" that most police are honest. In WA this figure is 73 per cent, which is the second lowest, after NSW, which is the lowest. Consistently, WA had the second highest percentage of persons surveyed who disagreed with the statement that "most police are honest".

Furthermore, WA did not fare well in the poll concerning community safety (2001/2002). In relation to feelings of safety at home alone, 48.5 per cent of persons aged 18 years and over in WA felt "very safe". This was the lowest result in the country, while the corresponding percentage of those who felt "unsafe", 3.9 per cent, was the highest. Similarly for those who felt "very safe" at home alone after dark, the WA result of 30.7 per cent was the lowest, and the percentage who felt "unsafe", 9.4 per cent, was the highest.

Table 4.7 People aged 18 years and over: feelings of safety at home alone, 2001-02

	Unit	NSW	Vic	Qld	WA	SA	Tas	ACT	NT	Aust
HOME ALONE DURING DAY										
<i>Very safe</i>	%	50.6	64.6	63.3	48.5	53.6	62.8	57.8	60.2	57.0
<i>Unsafe</i>	%	2.8	1.2	1.4	3.9	2.4	1.7	1.6	1.3	2.1
HOME ALONE AFTER DARK										
<i>Very safe</i>	%	35.3	45.2	44.7	30.7	38.1	42.9	39.4	41.6	39.6
<i>Unsafe</i>	%	7.7	5.0	5.6	9.4	5.2	5.8	5.4	5.3	6.5

The WAPS 2003 Annual Report provides further information on the community's perception of safety, but not in a form that enables the same comparison. However, the Report notes that the feeling of safety of the WA community when at home alone increased, but both the results for the day, and after dark, were below the Australian average. The proportion of the WA community feeling very safe at home alone after dark was 72.7 per cent. The Australian average was 81.0 per cent (p 54).

WA has the lowest percentage nationally in relation to feelings of safety, with only 36.9 per cent and 11.2 per cent respectively of respondents aged 18 years or older reportedly feeling "very safe" while walking or jogging during the day or night. Furthermore, 28.5 per cent felt "unsafe" walking or jogging after dark (the highest figure nationally) while 3.6 per cent felt

“unsafe” walking or jogging during the day. This is second only to four per cent of respondents aged 18 and over who felt “unsafe” walking or jogging during the day in NSW.

Table 4.8 People aged 18 years and over: feelings of safety walking or jogging locally, 2001-02

	Unit	NSW	Vic	Qld	WA	SA	Tas	ACT	NT	Aust
WALKING OR JOGGING DURING THE DAY										
<i>Very safe</i>	%	40.1	50.1	49.1	36.9	44.0	47.0	43.4	43.6	44.5
<i>Unsafe</i>	%	4.0	2.7	3.1	3.6	2.7	3.3	3.9	3.4	3.4
WALKING OR JOGGING AFTER DARK										
<i>Very safe</i>	%	12.2	15.3	14.4	11.2	15.3	14.1	13.3	14.4	13.6
<i>Unsafe</i>	%	24.2	22.8	21.5	28.5	22.3	20.6	23.4	25.1	23.5

The WAPS 2003 Annual Report figures show that the WA community’s perception of safety when walking or jogging during the day or after dark remained below the Australian average (p 55).

Similarly, the percentage of persons in WA who felt “very safe” on public transport during the day and after dark were the lowest in the country, while the corresponding percentage of those who felt “very unsafe” was the highest each time.

Table 4.9 People aged 18 years and over: feelings of safety on public transport, 2001-02

	Unit	NSW	Vic	Qld	WA	SA	Tas	ACT	NT	Aust
ON PUBLIC TRANSPORT DURING THE DAY										
<i>Very safe</i>	%	23.3	25.4	39.3	18.3	25.3	26.9	35.2	22.1	26.7
<i>Very Unsafe</i>	%	1.7	0.8	0.6	1.9	0.5	0.4	0.3	0.6	1.1
ON PUBLIC TRANSPORT AFTER DARK										
<i>Very safe</i>	%	5.2	4.8	9.8	4.4	6.4	8.8	11.2	7.4	6.2
<i>Very unsafe</i>	%	13.7	10.9	9.2	14.8	7.1	6.9	5.3	5.0	11.4

The WAPS 2003 Annual Report figures show that the percentage of the WA community who felt safe when travelling on public transport during the day, although 7.1 per cent higher than in 2001/02, at 59.7 per cent, was still below the Australian average of 63.8 per cent. The figures for feeling safe on public transport after dark was also higher by 2.7 per cent in 2003, with the result of 15.6 per cent, again well below the Australian average of 23.3 per cent.

These results, which reflect public perceptions, do not show WAPS in a favourable light. It is an important part of the provision of police services to engender in the community a feeling of trust and confidence. The data consistently indicates that WAPS has not been as successful in that task as police services in other States and Territories.

4.11 SUMMARY

Statistics are notoriously malleable and no definitive conclusion is sought to be drawn from any of the information with reference to any specific field of data. In particular, the limited use of crime rates as performance indicators has been the subject of comment. Nevertheless, when the information is consolidated, an image of WAPS starts to emerge. There is a concern that WAPS is an organization that provides a modest return for the investment in it, and which has profound structural issues to address. These concerns can be summarized as follows:

- WA has the highest rate of crimes against property in Australia;
- WA has the second highest number of sworn police per person of the population in Australia;
- WA has the second highest expenditure on police per person in the country;
- WAPS has the lowest percentage of commissioned officers;
- WAPS has the lowest percentage of sworn female officers;
- WAPS has a low level of unsworn support for operational police;
- WAPS has the lowest percentage of unsworn staff at executive level; and
- WAPS has one of the lowest rates of community confidence.

Despite the considerable efforts of the current and past Commissioners of Police, these concerns paint a picture of an organization of mediocre achievements. As the discussion of other issues in later chapters tends to confirm, WAPS has lagged behind in terms of the administrative progress of police services in other States in Australia, and the profile of WAPS underscores that fact. These observations can be made with increased confidence in view of the variety of sources of information, and in the light of the evidence led during the hearings of the Royal Commission regarding the continuation of corrupt conduct and apparent unsatisfactory failures to deal with it as summarized in Volume I of this Report. This situation provides a platform from which to canvass the issues discussed in the following chapters of this Volume of this Report.

CHAPTER 5

GENDER ISSUES IN THE WESTERN AUSTRALIA POLICE SERVICE

5.1 INTRODUCTION

The statistical information cited in the previous chapter reveals that the Western Australia Police Service ("WAPS") has the lowest representation of female officers of all police services in Australia. Women comprise 15.15 per cent of all sworn staff, and there are only three female commissioned officers. This is despite the efforts of the Commissioner of Police, Barry Matthews, who has personally promoted a strategy to recruit more women since his appointment in 1999. Apart from the obvious inference of an apparent equal opportunity issue, there are other aspects of this inequitable situation that require consideration.

The point has already been made when dealing with police culture that practices and procedures that improve corruption resistance at the same time enhance the culture of the organization, and *vice versa*. Similar observations can be made in addressing issues of gender imbalance in a police service. Factors that improve the culture will make the workplace more acceptable to women, and enable WAPS to attract and retain more female officers.

Police organizations are, of course, not unique in presenting issues of gender bias. At the time of this Report, the legal profession is under attack for exactly the same reason, and in various states of Australia government intervention is being considered in an endeavour to bring about a cultural change that will overcome gender bias (Australian Financial Review, 14 November 2003, 57).

It is generally accepted that cultural change must be driven from the top. That has been the case with WAPS where the Commissioner of Police has been vigorous in promoting gender equality, but it has not provided the complete solution. As with many policing issues, the same shortcoming emerges, namely, an inability to cause new policies and strategies to take effect. Practical measures are necessary in order to achieve a permanent increase in the percentage of female officers.

In a keynote address at the "Women and Policing Globally" conference in Canberra in October 2002, Federal Sex Discrimination Commissioner, Pru Goward, confirmed that "women are poorly represented in police forces all around the world". This pre-supposes the position that female representation in police organizations is desirable. There is a range of

perspectives available in the literature to support this premise. A review conducted by the Director of Equal Opportunity in Public Employment in Western Australia argued that (2002: 16):

... proportionally more female applicants than male applicants pass the range of integrity checks. Research in Australia and other countries has found that women police officers are less likely to receive adverse reports of misconduct and improper use of force. Some research has concluded that women police officers have higher ethical standards than male officers. More diversity among police officers has been a recommendation of major Royal Commission reports into police corruption.

According to Trudy Manders (1999) from the European Network of Policewomen, women possess certain skills and characteristics that make them suitable in different yet significant respects from men in relation to professional and effective policing:

The quality of police work will improve with women in force in all ranks and positions. Women have a number of physiological qualities that are of advantage to them. Their greater power of observation and perceptive faculties are vital for police work. They have a feeling and an eye for details. Furthermore they have the ability to visualise the abstract; an essential skill, particularly for managers. In addition, women have greater linguistic skills than men. Therefore, confrontations with the public can be solved with less violence. The entry of women into managerial positions may bring about a cultural change that contributes to a high quality police organisation, open and accessible to everyone.

The Australian Commonwealth Office of the Status of Women ("OSW") also acknowledges the important contributions that women can make. The OSW Strategic Plan (2001) envisages more women in leadership positions, more women on boards, more women heading community organizations and improvements in women's financial position. Increasing representation of women in police agencies is consistent with the realizing of the objectives of OSW's Strategic Plan, as well as improving public confidence in police management and operations as a result of police organizations becoming more reflective of the society they "protect and serve".

This chapter examines challenges confronting women in WAPS and strategies to address these issues, and is based on the premise that improving the diversity of police organizations in terms of gender is beneficial in at least the following respects:

- Women should have equal opportunity for employment and promotion in the Police Service;
- The negative aspects of police culture can be diminished by greater deployment of female officers;

- It would form part of a corruption prevention strategy in that proportionally fewer female police officers than male police officers engage in corrupt activities; and
- Women possess particular skills and experiences, which may enhance certain policing functions.

5.2 ISSUES FOR WOMEN IN POLICING

The fundamental issues concerning women in policing relate to attracting and retaining women in police organizations. The former involves effective marketing of the organization and the profession as one in which women can contribute positively and which provides opportunities for career development and progression, as well as appropriate and relevant recruitment strategies and processes. The latter relates to the structure, policies and culture inherent in police organizations, and impacts primarily on middle and senior management.

Police organizations need to market themselves in ways that encourage women to apply if diversity requirements are to be satisfied. Once these have been effective in attracting female applicants, the criteria and processes involved in recruitment of these applicants must be appropriate and not discriminatory. Structurally, police organizations should be constituted in ways that do not impact adversely on women within the organization. Policies addressing the organizational structure should be implemented and supported by those in senior management positions. The negative features of organizational culture common to most police organizations can be a barrier to the acceptance and progression of women through the agency. The effectiveness of policies relating to equity issues is in direct relationship to the level of support for these policies, which in turn is determined by the culture that influences individual perceptions and behaviour. Thus it is clear that addressing the issue of improving equity and diversity in a policing environment is not just a matter of increasing the number of women in the organization, although this should be a priority, and has its own particular complications. Rather, the process should involve holistic changes and should be driven and supported by senior management.

Attracting and retaining women in police organizations is an iterative process with each issue affecting the other. Johnson (2001: 173) in his review of Victoria Police pointed out that "improved retention of women sworn staff can result in an increase in the proportion of women police recruits".

The literature suggests that a single focus on boosting numbers of women in any organization can be viewed as tokenistic, and "a token is somebody who is not considered as an individual, but as a representative of a certain group of people. Since women are outnumbered, policewomen are seen as representatives of the category of women"

(Manders, 1999: 20). Manders asserts that it is very difficult for such a token woman to be accepted in an organization that is dominated by men, and that this can cause various negative effects such as ill-health and ultimately departure from the organization. According to Manders, these negative effects only disappear when the "tokenistic" group of people comprise more than 35 per cent of the organization's personnel. WAPS is a long way from that goal.

The WAPS 2002/2003 Annual Business Plan (2002e: 11) includes as a priority the requirement to "attract and retain quality people with diverse backgrounds and experiences". Manders (1999: 21) emphasizes the importance of comprehensive organizational policies that reinforce such objectives:

The equal opportunity policy should get a firm shape within the organisation. The management should take the responsibility, put up the finances, formulate a policy plan, name specific actions and target figures, entrust a special officer with the proceedings, and regularly evaluate the implementation of the policy.

Johnson (2001) adds that police agencies must set rigorous gender objectives and benchmarks, which should be continually monitored. Johnson (2001) further suggests that the representation of women in police organizations should reflect the broader representation of women in the general workforce. This would counteract any potential "token" efforts to increase gender representativeness.

5.3 RESOURCES

There are organizations that have been established specifically to support women in policing and to address the issues associated with diversity and equal opportunity in police agencies. Three such organizations in Australia are:

- Commissioners' Australasian Women in Policing Advisory Committee ("CAWIPAC"). This is an advisory body that provides advice and develops strategies to assist Police Commissioners to maximize the contribution of women within policing organizations. Key achievements to date include the establishment of women's consultative networks in all jurisdictions and a best-practice mentoring programme for women. WAPS has implemented strategies in both respects, namely the "Women's Advisory Network" and the "Mentoring Project". The future focus of the organisation will be on increasing the number of women in leadership and influential roles, support and retention of women in policing, and enhancing family-friendly workplaces (Dellaca, 2002).

- Australia and New Zealand Equal Opportunity Consultative Committee (“ANZEOCC”), which was established in 1995 to address strategic objectives, such as those contained in “Directions in Australasian Policing 2002–2005”, that aim to “actively promote equity and diversity in police organizations to enhance service delivery to the community and to increase partner and stakeholder confidence in policing” (Objective 2.1.1).
- The Australasian Council of Women and Police (“ACWAP”) was established as an independent council in 1997. The ACWAP represents the views of women in policing at a broader government level and consults with a range of professions (including industry and academia) in order to articulate the views of women on policing, and to ensure that police services value women’s perspectives on policing and the community. The ACWAP works to:
 - Develop an Australasian information exchange network with women in policing through Australasia and with women in policing networks in other countries;
 - Facilitate conferences of women and policing (most recently, “Women and Policing Globally” Conference held in Canberra in October 2002);
 - Develop an independent resource centre for women and policing;
 - Provide spokeswomen to the media on relevant issues; and
 - Provide independent advisers to relevant community groups and committees.

Australia’s most senior female police officer, Chief Commissioner of Police in Victoria, Christine Nixon, is President of the ACWAP.

Gender issues in policing internationally are represented by the International Association of Women Police (“IAWP”) whose members primarily comprise representatives from police organizations and oversight agencies in Canada and America. The IAWP has representatives in 18 regions across the world including Australia, Africa, Pakistan and England. In 2001, the IAWP had 2,400 members from more than 45 countries. The organization provides training and networking opportunities, serves as a comprehensive source of information and referral, provides professional and technical expertise, encourages women to enter the criminal justice field, and has an awareness raising role.

5.4 GENDER REPRESENTATION IN OTHER JURISDICTIONS

Despite boasting the highest police to population ratio of any State in Australia, the "Report on Government Services 2003" positions Western Australia ("WA") last in terms of the percentage of female (sworn and unsworn) police personnel. Nationally, 28.2 per cent of police staff in 2001-2002 were female. This proportion ranged from 32.3 per cent in New South Wales ("NSW") to 20.1 per cent in WA. The proportion of female police staff across Australia has increased since 1998-1999 from 25 to 28 per cent of staff. All jurisdictions, except WA, which fell from 21 to 20 per cent, have increased their proportion of female police staff over this period.

The inclusion of unsworn staff in statistics relating to female police employees tends to distort an analysis of the position. There is a clear tendency to employ unsworn female staff in clerical or counter duties where issues relevant to operational policing do not arise.

The number of female police personnel is low across most police jurisdictions in Australia. There are, however, strategies to address this issue in many jurisdictions. The NSW Police, in line with the NSW Government Action Plan for Women, "seeks to increase to 50 per cent the number of women police recruits" (NSW Police Annual Report, 2001/2002: 67). The NSW Police almost reached this target in January 2002 when women comprised 49 per cent of the largest graduate class to undertake training.

It could possibly be said, however, that no strategies for reform in the context of women in policing in Australia are so bold as those of Christine Nixon, Chief Commissioner of Police in Victoria. Nixon has applied to have separate recruitment lists for male and female recruits in an attempt to boost the number of female police officers to 25 per cent of the entire organization within five years. In order to achieve this target, 50 per cent of Victoria Police recruits trained in the next four years will need to be female (*Herald Sun*, 29 April 2003). Evidence of Victoria Police's commitment to equity and diversity can be seen in the recent admission of Australia's first traditional Muslim woman to the Victoria Police Academy (*Herald Sun*, 26 August 2003).

5.5 GENDER REPRESENTATION IN THE WESTERN AUSTRALIA POLICE SERVICE

When Mr Matthews assumed the position of Commissioner of Police for WAPS in 1999, he identified gender equity as a priority area during his term of office. Matthews has also made the recruitment of more women a priority. The table below reflects the increase of female recruits joining WAPS since 1999 (WAPS, 2003b) .

	Male	Female	Total	% Female Recruits
30 June 1999	165	39	204	19.12%
30 June 2000	183	57	240	23.75%
30 June 2001	194	69	263	26.24%
30 June 2002*	70	49	119	41.18%
30 June 2003	184	90	274	32.85%
Total	796	304	1100	27.64%

*Only two recruit schools completed during the 2001–2002 financial year due to the Academy moving to Joondalup.

The percentage of female recruits has increased from 19.12 per cent in 1999 to 32.85 per cent in 2003. Despite this improvement, the percentage of female sworn police officers across the whole organization is the lowest in Australia, 15.15 per cent, and does not reflect the higher proportion of women who participate in the recruitment phase.

Under the leadership of Commissioner Matthews it is clear that WAPS does recognize that women are under-represented in the organization and there is a range of strategies, led and supported by senior management, currently being implemented within WAPS to address this issue.

5.6 DIVERSITY STRATEGIES IN WESTERN AUSTRALIA POLICE SERVICE

Gender equity in WAPS obviously warrants improvement. That only 15.15 per cent of the total sworn component of WAPS personnel are female is evidence of this. The current recruitment figures provided in the above table do however indicate a move on the part of the agency to address the under-representation of women in WAPS.

In January 2002, the Office of Equal Employment Opportunity conducted a review of gender issues in WAPS. This report, entitled "Sworn Recruitment and Career Development for Women: An Examination of the Issues in the Western Australia Police Service", (the "EEO Review") identified a range of issues relating to women in WAPS that required attention.

Those recommendations triggered a range of equity strategies designed to increase the representation of women in WAPS, and improve the organizational systems and processes to make them more accessible and open to women. What follows is an examination of a number of those strategies.

5.7 THE RECRUITMENT PROCESS

The steady progression of the number of female recruits into WAPS is encouraging, assuming that the increase is not artificially achieved and the selections are on merit. It indicates that at least the issue of gender is receiving appropriate focus at the point of recruitment. That does not necessarily mean that the process is ideal. More will be said later about recruiting, but there are two matters that may be mentioned now which may in fact alienate prospective suitable applicants. The two application criteria that stand out in this regard relate to applicants' visual ability and level of competence in swimming. Until recently individuals wishing to join WAPS had to conform to a specific formula regarding their vision, which in practice excluded applicants who depended upon the use of visual aids such as spectacles and contact lenses. WAPS has softened this policy, however, and has recently accepted a recruit who wears spectacles. An application criterion that still exists, however, is the requirement that applicants hold a current lifesaving "Bronze Medallion" swimming certificate. The job-related nature of this criterion is questionable and it certainly touches upon issues of discrimination, particularly regarding certain ethnic groups, but also in relation to women, who may be deterred by the prospect of having to be able to swim at "Bronze Medallion" standard.

In 1998, the Criminal Justice Commission ("CJC") in collaboration with the Queensland Police Service ("QPS") conducted research into the physical requirements of general duties policing. The research findings had a range of implications for recruitment procedures, training and education programmes, gender policies, and workplace health and safety. The following criticisms of Physical Competency Tests (1998: ix) were made:

- Some physical competency tests require a competency level that is considerably higher than that demanded of officers in the field;
- Many tests do not realistically represent what general duties officers do in the field;
- Such tests do not recognize the importance of teamwork to negotiate environmental obstacles; and
- Some tests are unlawfully discriminatory.

In relation to recruitment criteria and gender issues, the CJC-QPS research (1998: ix) did "not support the view that women are less able or willing to perform the physical requirements of policing". The study concluded that (1998: 28):

Training needs to ensure that officers have the agility and fitness to sustain short periods of physical exertion, such as wrestling with an offender. However, it is equally important for officers to be taught communication skills that minimise the need for force and reduce assault-related injuries.

Similarly the EEO Review mentioned earlier examined the various stages of the WAPS recruitment process for any potential adverse effects for female applicants. In this context, it was noted that there tends to be an emphasis on physical selection tests, which discriminate against female applicants (2002: 3):

There are nine stages in the recruit selection process. The process is designed to assess the 22 dimensions of the Constable as outlined in the Organisational Psychology Branch publication "The Dimensions of the Constable". Many of the officers interviewed considered that WAPS' recruitment process targets the competencies of a Patrol and Inquiry Officer. This has attracted considerable discussion amongst review participants. Many claim that after years of Delta policy, there has been little change, if any, in the competencies targeted in the recruitment process. In the opinion of some officers, this has resulted in a continued over-emphasis on physical selection tests.

Many participants in the EEO Review suggested that officers should be recruited for different streams according to their skills, qualifications, experience, and abilities. Indeed, the recommendations supported these views by proposing "recruitment for specialist streams, such as graduate entry programs and 'fast tracking programs' for future managers", and "a greater emphasis on personal values and integrity, communication and interpersonal skills and a lesser emphasis on physical strength tests" (2002: 20).

More will be said about these concerns later. It is sufficient to point out that women are most likely to be disadvantaged by unnecessary physical requirements and the generalist approach to selecting recruits.

WAPS is mindful of the potentially discriminatory effects and peripheral nature of some of the physical recruitment tests. Accordingly, changes have been made with a new Physical Entry Evaluation ("PEE") , which was introduced in March 2003. The changes to the WAPS recruitment process "do not lower the entry standards, however, will ensure that no direct or indirect discrimination exists in the process" (WAPS, 2003b). The new PEE has replaced those characteristics of the previous tests that were identified as having an adverse impact on some groups.

5.8 TECHNOLOGICAL ADVANCES

The nature of changes to police methodologies should open up more career opportunities in policing for women. The role and function of police in contemporary society has moved away from the notion of the "bobby on the beat" preventing and fighting crime single-handedly and keeping the neighbourhood safe. As crime and criminals become more sophisticated, the requirement to adequately equip police officers to meet these changing demands increases. This has implications for the recruitment and training process for the female police officer.

Today, police officers are provided with a range of technological equipment, not previously available, to assist them in carrying out their policing responsibilities. For example, officers are in constant contact with one another through radio communication; police rarely patrol an area alone but are generally paired with another police officer; and the types of weapons with which police are being issued, such as expandable batons, oleoresin capicum (OC) "pepper" spray, and firearms, reduce the requirement for individual strength. These are all strategies that assist police in carrying out their duties, and which have resulted from changes in the broader society. Before police were issued with these tools, the physical requirements of a police officer would necessarily be specified by reference to abilities such as overpowering an offender without any assistance. Clearly, this is no longer a prerequisite, and less emphasis upon physical force provides more opportunities for women.

The transition from traditional policing methodologies to more sophisticated techniques, such as community-based policing and intelligence-led criminal investigations, has also changed the role of police, and the qualifications necessary to carry out the job. This involves increasingly innovative equipment and skills, particularly interpersonal skills. Greater emphasis upon the use of information technology in the recording of information and the analysis of it has added a new dimension to policing. This in turn has implications for the recruitment and training requirements in terms of the types of individuals that police services should be attracting, and the methods for preparing police recruits to meet these new challenges. A shift in recruiting policies which leads to the identification of diverse skills appropriate to specialist positions rather than the skills appropriate to the generic position of a general duties constable of police would enhance career opportunities for female police officers.

5.9 FLEXIBLE WORK PRACTICES

An ineluctable circumstance, for which provision must be made for women in the workplace, is parenting. Ideally, similar provision should be made for men. The Office of Industrial Relations in the NSW Department of Commerce defines flexible work practices as "patterns of work that allow organizations to operate more effectively. They can assist employees in effectively managing work and family care responsibilities" (www.dir.nsw.gov.au/workplace/flexible/flex1.html).

The following examples of flexible work practices are provided:

- Flexible working hours;
- Part-time work;
- Job sharing;

- Career break schemes;
- Working at home;
- Part-year employment; and
- Family leave.

The New Zealand Police introduced a flexible employment option strategy in 1993 (Rose, 2002). This strategy allows sworn staff to work on a fixed, part-time basis, ranging from 20 per cent to 80 per cent of a full-time equivalent, while still retaining all benefits, including leave and salary levels.

Implementing strategies for flexible work options in a police organization is fundamentally different from and more difficult than “traditional” organizations, due to the nature of police work and the requirement often to provide 24-hour services. Police organizations must weigh the operational demands of policing with the needs of employees and this provides a challenge to the implementation of flexible work options within the organization. WAPS has acknowledged the potential benefits of flexible work options to employees and to the agency, and has devised strategies to incorporate a number of flexible work options into the workplace.

The concept of flexible work practices was also addressed in the EEO Review. The Review included a recommendation relating to access to flexible work practices for female police officers, and stated that “flexible work practices need to be marketed internally as something which can benefit both male and female officers” (2002: 50).

Prior to the EEO Review being conducted, WAPS had already turned its attention towards the issue of flexibility in its work and employment practices. In 2001 the Human Resource Planning and Policy Branch produced a report entitled “Increasing Workplace Flexibility in the Western Australia Police Service” (2001a). The report supported the requirement for increased flexibility in the workplace as a “key strategy utilized by contemporary organizations, in both the public and private sectors, to attract and retain quality employees, while improving productivity and achieving economic success” (2001a: 3). This Review acknowledged that (2001a: 8):

The existing culture in the Police Service, and policing organisations generally, however, does not support and encourage flexibility. Key aspects of police culture and policing practice will need to change in order to achieve the full benefits of workplace flexibility options ...

The issue of a flexible working environment with options and work arrangements are particularly relevant for female employees, who are most likely to be affected by family

commitments, including child bearing and child rearing. The EEO Review (2002: 50) emphasized that “increasingly younger people, especially women, are being promoted with many childbearing years ahead of them. The organization must be capable of dealing with the fact that more and more women, for example, those at Sergeant level, may need to access various types of leave in the future”. Indeed, greater flexibility in work practices has been identified as a goal in the WAPS 2001-2006 Strategic Plan.

The WAPS report on increasing workplace flexibility (2001a) acknowledged the benefits of incorporating flexible working options within the Service. Specific benefits for WAPS included reduction in turnover (particularly in the constable rank), sick leave, and reduced risk of litigation due to breaches of equal employment legislation. The flexibility options that were explored in the WAPS report included part-time work options, home-based work or telecommuting, flexible working hours and flexi-leave, flexible (consultative) rostering, compressed working weeks, parental and carer’s leave.

The report was presented to senior police executives in December 2001 who endorsed the majority of the recommendations. These recommendations favour the implementation of effective flexible workplace strategies within WAPS, and a number of projects that address some of the recommendations have already been completed. These include:

- The establishment of a Flexible Work Options Co-ordination Service. The report recommended the creation of such a service to assist both supervisors and individuals to negotiate appropriate arrangements, and to assist individuals to find appropriate positions outside the immediate work area, if required;
- The development of a Flexible Work Options Kit, which provides a guide for managers and individuals as recommended in the WAPS Report;
- The development and delivery of flexible work options training sessions for managers and supervisors across the State that, according to the recommendation, incorporate creative thinking and options to increase workplace flexibility;
- A practice has been introduced to ensure that all positions are assessed for suitability concerning flexible work options prior to being advertised; and
- Managers are required to report to the Executive the extent to which flexible work practices have been supported and implemented.

Part-time work is one flexible work option that is utilized by WAPS. Participants in the EEO Review emphasized the virtues of part-time employment, particularly in terms of increased

productivity and encouraging female applicants. WAPS' policy is "to encourage flexible work practices for employees including part-time employment in appropriate circumstances" (WAPS, 2002d: HR-9). The commitment that WAPS has shown to implementing part-time employment as part of a flexible workplace is evident in the increase in the number of part-time positions that are presently occupied as presented in the table below. Of particular interest in these figures is the sharp increase in the number of males in these positions (WAPS, 2003b).

	June 2002	June 2003
Sworn Male	18	34
Sworn Female	95	111
Unsworn Male	8	12
Unsworn Female	221	239
Total	342	396

In 2001, however, a WAPS report into "Recognition of part-time service and time served at constable rank" (2001b) identified the following issues as potentially problematic in terms of WAPS' part-time policy:

- Women or people with family responsibilities are more likely to require a break in service or part-time work arrangements and, as a result, any conditions based on seniority or periods of service must be shown to be reasonable; and
- The requirement for part-time employees to work the equivalent period in full-time hours causes a delay in incremental pay increases and appointments to First Class and Senior Constable ranks. Thus, part-time Constables can experience financial disadvantages and delayed promotional opportunities. In WA, throughout the public sector, part-time employees are entitled to incremental pay increases on the same basis as full-time employees. Furthermore, no other police jurisdiction in Australia requires part-time employees to work the full-time equivalent to obtain annual increments.

A paper presented at the "Women and Policing Globally" conference in Canberra in October 2002 (Rose, 2002) detailed research conducted by the New Zealand Police in 2000/2001 which confirmed that:

Part-time work is no longer seen as low status, low paid work but can offer a viable option for both individuals and organisations to attract and retain skilled women.

However, research relating to the combination of career and part-time work indicates that promotion and success, certainly in a traditional career sense, seldom [occur]. While family friendly initiatives are increasingly being applied in organisations, the perceptions that part-time work is linked with part-time commitment [remain]. While part-time work may assist women to balance family and work, balancing part-time work and career success seems much harder.

Thus, it seems that, despite WAPS' obvious commitment to increasing diversity through the implementation of strategies to attract women (such as part-time work options), issues relating to the implementation and equity of such strategies on the career progression of women who take advantage of such flexible work options still need to be remedied. In this way, issues such as salary increments and promotion could be regulated according to particular rules and policies that are appropriate in terms of addressing these gender issues.

5.10 RE-ENGAGEMENT POLICY

A comprehensive and sensitive policy regarding the re-engagement of employees is another aspect of any strategy designed to increase flexibility in the workplace. This is most relevant for women police officers who may leave the organization to have or raise children with the hope of being able to return to work at a later stage. The EEO Review (2002: 19) acknowledged the importance of a comprehensive re-engagement policy:

Given the higher attrition rate for female sworn officers, those women who have resigned, often due to family responsibilities, would be a source of female recruits with previous training and work experience in WAPS. Some officers consider the current re-engagee policy discriminatory against women.

Male as well as female participants shared this opinion.

The current WAPS policy on re-engagement of past members asserts that "it is the policy of the Western Australia Police Service to recognize prior service and relevant police experience of former members when considering their application for re-engagement" (WAPS, 2002d: HR-15.4). However, the process of admitting a re-engagee is arduous. Understandably, there is a rigorous process that must occur in order to maintain the high standard of police officers required. However, the actual procedure for re-admitting members who wish to return is only part of a re-engagement policy that should ultimately also include encouraging suitable past employees to re-enter the organization as well as implementing the practical aspects of re-engagement. The WAPS policy does not address the issue of how to motivate former members to return to the organization. Individuals wishing to return to their workplace after a period of absence reflect a loyalty to the organization, which should be appreciated and returned. The present campaign by the Government to encourage qualified nurses to rejoin the profession by marketing the

profession positively and offering benefits such as attractive remuneration packages and on-the-job training is an example of a re-engagement policy that acknowledges the prior training and expertise of individuals, and values them enough to encourage them to return. A similar programme directed at the re-engagement of former WAPS female officers would be desirable.

Examples of strategies that WAPS could implement to promote re-engagement of former employees include:

- Streamlining the re-engagement process so that it encourages those wishing to return;
- Informing individuals leaving the organisation of the WAPS approach, policy and procedures regarding re-engagement; and
- Introducing tactics to actively attract re-engagees, such as a dynamic marketing campaign, and provision of incentives.

5.11 PROMOTION

During the period July 2002 to June 2003, 7.8 per cent of officers who applied for promotion were female. This is an increase from 5.8 per cent of promotion applicants who were female in the previous year. The majority of female promotional appointments were made at the rank of Sergeant (WAPS, 2003b).

The EEO Review (2002: 42) found that “women are not applying for promotion anywhere near commensurate with their representation at rank”. However, the Review also found that “when women do apply, they perform comparatively well”. The figures provided suggest that women have a higher success rate (23.3 per cent) when applying for promotion than men (9.3 per cent). According to the men and women surveyed in the Review, this is largely due to “women apply[ing] only when they feel absolutely ready for the job, and apply[ing] for fewer locations on average. However, when women do apply they are quality applicants, and perform very well in the promotion process” (2002: 42–43).

The issue of promotion in WAPS is a sensitive and controversial one. In a survey conducted by the Research, Reform and Policy Unit of the Royal Commission in May 2003, most of those surveyed provided negative responses in relation to a question on the system of promotion in WAPS, and the majority opinion on how best to deal with the issue was to abandon the ADVANCE promotion system. The female participants in the EEO Review also

expressed concerns regarding the ADVANCE promotion system, which included (2002: 37–38 and 40):

- ADVANCE integrity is at an all-time low;
- Some women commented that men who are “known harassers” are winning promotion;
- Some women believe that they will get to Sergeant under the process but, depending on the panel, it will be difficult to get any higher; and
- It is significant that several female Sergeants who participated in the review commented that there is undoubtedly a bias in the ADVANCE system, in that women’s operational experience is not regarded as highly as that of men.

An integral focus of the selection process under ADVANCE is the ability to provide relevant behavioural examples in response to scenario-based questions. This inevitably advantages individuals working in some units in WAPS over others. For example, applicants for promotion working in the detective units may be better equipped to provide appropriate experiential and topical responses than suitably qualified applicants from other, less operational units. Thus, it seems that, despite an intention to provide an equitable promotion system that selects applicants based on their skills and experience, the process is inherently flawed in that applicants are all subject to the same process yet the process unwittingly benefits applicants in particular roles. Furthermore, female officers in WAPS are more likely to be negatively affected by this bias, since women typically occupy non-operational positions.

WAPS accepted the recommendation by Bogan and Hicks (2002) to implement a review of the ADVANCE promotion system. This was completed in July 2003 by a Review team that included sworn and unsworn WAPS personnel as well as an external consultant, but without particular reference to the position of female officers.

A critical evaluation of the new promotion system as suggested by the Review team is beyond the scope of this section. The commissioning of this Review points to WAPS’ commitment to reform those elements within the organization that do not contribute positively to achieving its vision, and it is to be hoped that the changes to the promotion system will be implemented in a way that is equitable and which reduces the disadvantage of female officers.

5.12 WOMEN'S ADVISORY NETWORK

In June 2001, WAPS launched the Women's Advisory Network ("WAN"). The vision of WAN is "to develop an organizational culture that values and encourages the contribution of women" (Bogan and Hicks, 2002: 29). WAN is said to be founded on best practice principles with regard to women's networks within Australasian and global jurisdictions. The purpose of WAN is to provide consultative mechanisms for issues relating to women, and to provide support and development for women through (Bogan and Hicks, 2002):

- Identifying women's issues;
- Providing support and mentoring for women;
- Providing advice and linking women with expertise;
- Providing development and coaching opportunities; and
- Developing formal and informal training strategies.

Commissioner Matthews has endorsed the establishment of WAN and has a close working relationship with WAN representatives. Commissioner Matthews has stated:

The challenges for female police officers in any police agency ... is policing has tended to be a very male dominated organisation where people at the top are largely males and, as a result, we don't have a women's perspective ... That's why the Network is very important to be able to provide that feedback of some of the issues that affect women and what can be done to make the playing field level (*Kalgoorlie Miner*, 2 September 2003).

WAN consists of a Steering Committee and District/Portfolio representatives. The District/Portfolio Representative Group ("DPRG") is made up of 31 police officers and public servants from all districts and portfolios. The Steering Committee comprises representatives from the DPRG, as well as an Equal Employment Opportunity Co-ordinator and an Executive Liaison Officer. The Steering Committee is responsible for providing leadership and direction to DPRG representatives (WAPS, 2003b).

WAN has been effective in opening up channels of communication with senior WAPS management, notably the Commissioner of Police. As a result, WAN has achieved positive outcomes such as:

- The inclusion of WAN within the WAPS Annual Business Plans, which has linked WAN to the broader organisation direction;
- WAN representation at the WAPS Conference of Executive Management; and

- WAPS Executive Command's endorsement of the recommendations put forward by WAN project teams.

WAN, it can be seen, has gained a role in policy formulation regarding women's issues in WAPS, as well as in more practical issues such as providing information sessions to prospective female applicants regarding flexible work options, women in policing and balancing the role of a police officer with family responsibilities.

Bogan and Hicks (2002: 30), in their qualitative and strategic review of reform in WAPS, identified a number of outcomes still to be realized regarding WAN. They maintain that WAPS has:

... yet to achieve the WAN vision. This will not progress within a reasonable timeframe unless Managers (superintendents, inspectors, senior sergeants and sergeants, portfolio heads and portfolio managers) can acknowledge the benefits. Therefore the WAN focus at present is to influence and change the attitude of managers towards WAN.

WAPS does acknowledge that, although projects such as those initiated by WAN are well intentioned, management support is essential to achieve a whole-of-organization commitment to equity and diversity. Managerial support for WAN as a whole is certainly evident at the Executive level and the Commissioner of Police regularly attends meetings with WAN members. However, as Bogan and Hicks (2002) found, this level of support is lacking at some of the lower and middle management levels.

5.13 MENTORING PROGRAMME

WAN has been responsible for the implementation of a Mentoring Programme to assist women in their professional development (WAPS, 2003b). Mentoring has been identified as a useful strategy in developing and encouraging women professionally. The WAN Mentoring Project also aims to facilitate the recruitment and retention of women in WAPS. The objectives of this project are:

- To encourage and support personal and professional growth;
- To contribute to an effective workplace that fosters a learning environment; and
- To enhance the professional development of individuals through partnerships and the sharing of skills and expertise.

The Mentoring Programme currently focuses on providing mentoring opportunities for women within WAPS, but aims to incorporate other under-represented groups in the future.

Participants in the programme are of various ages, ranks, levels, and cultures, and are based throughout WA. It is a commendable initiative and steps should be taken to ensure that the programme is sustained.

5.14 STRATEGIC PARTNERSHIP WITH INDUSTRY – RESEARCH AND TRAINING

The Strategic Partnership with Industry – Research and Training (“SPIRT”) project is a three-year collaborative venture with researchers from the University of Western Australia, funded by a Commonwealth grant. The project is entitled “Gendered work cultures as a factor in harassment in the Police Service” and it aims to propose, test and analyse innovative ways for reducing the incidents of sex-based harassment in order to develop an environment that supports personnel to perform. A number of different projects have emerged as a result of this partnership, and each project links with the overall research topic (WAPS. 2003b). These projects cover:

- Availability and accessibility to training and development for women;
- Mentoring as a vehicle for professional development and a greater understanding of gender issues;
- Barriers to promotion for women;
- Why women leave policing;
- “Selling” the diversity message; and
- Women who are promoted to previously male-dominated roles.

SPIRT has received direct support from Commissioner Matthews, which has been vital in terms of obtaining broad agency support.

5.15 CULTURAL ISSUES

There is no doubt that in the past the position of women in police services has been made more difficult than was necessary by the attitude of some male officers who were generally insensitive to issues confronting female officers. Underlying the capacity of many of the plans for the improvement of the position of women in WAPS is the need to change the culture of the organization. The attitudes of indifference to issues facing female officers, of intolerance to female officers and a degree of disrespect for their ability have been very much entrenched in the culture of WAPS. Similar negative aspects of police culture have been identified as a fundamental cause of both corrupt conduct and its ability to continue undisclosed. An improvement in the level of integrity generally will bring with it a more respectful approach to women in the service and, at the same time, make WAPS a more

appealing workplace than has been the case in the past. This needs to be accompanied by other more subtle practices, which also improve the workplace from the perspective of women, such as the use of gender-neutral language, fewer profanities in conversation and a prohibition of the display of sexist material in offices or on computers.

If the telephone interceptions of conversations of police officers given in evidence before the Royal Commission and other inquiries are any guide, the conversational use of profanities by male police officers is apparently traditional. Not only is that a statement about the intellect and culture of those officers, but it is also a representation of habits that supervisors need to change in order to render the workplace more acceptable to women.

5.16 WOMEN IN POLICE MANAGEMENT

In her address to the "Women and Policing Globally" conference in October 2002, Federal Sex Discrimination Commissioner, Pru Goward, contended that "changing the makeup of the leadership is the catalyst for real change". Although many managers and leaders in male-dominated organizations are fair and impartial in terms of the position of women in the organization, many cultural systems that define the norms for behaving and thinking are not (Yearnshire, 2002).

An Australasian Centre for Policing Research study on women in police management found that "women continue to be under-represented in management positions, both in private industry and in the public sector", and that "barriers exist that limit the promotion of women into senior positions" (Adams, 2001: v). The study further commented that this situation is worse in traditionally male-dominated organizations such as police services (2001: vi):

The current low proportion of women police managers indicates that police agencies still have some way to go in order to provide an environment which values diversity and provides the opportunity for women to advance to more senior levels ... Diversity management seeks to change organisational culture to accommodate and value difference, thereby improving the work environment for the individual, and also the ability of the organisation to achieve its objectives. The skills that will be required to fulfil policing's role in the new millennium cannot be provided by one type of officer, but rather a diversity of skills and styles of management are required.

WAPS (2003b) reports of there being three female commissioned officers at the rank of Inspector, although one of these has recently been promoted to Superintendent. This number has increased from one female Inspector in 1999. Thus, it seems that WAPS is

sorely lacking in terms of women's input into senior management decision-making processes.

5.17 CONCLUSION

The requirement for police organizations to improve gender diversity is apparent in terms of the potential benefits for the organization. WAPS acknowledges this, and has put in place a range of strategies that can best position the agency to satisfy these diversity requirements.

Many of the improvements in the structure and management of WAPS that are already under way, or which are recommended in this Report, are directed towards enhancing the professionalism and integrity of WAPS. It is hoped that such an outcome will have a direct bearing on the employment and advancement of female officers. This will be to the mutual benefit of women in WAPS and WAPS itself.

According to Goward (2002), increasing diversity within police organizations involves altering the nature and perception of police agencies as sexually hostile environments. This requires more than just a shift in rank and numbers. It involves women in such male-dominated environments communicating and networking with one another on a range of issues such as work and family and promotional opportunities. These networks need to engage the organizational leadership. Finally, increasing the visibility of women in police agencies, in terms of both numbers and focus, will foster much-needed change. WAPS acknowledges the complexity of improving gender diversity and has taken steps to tackle this challenge. These are in keeping with strategies such as those suggested by Goward, specifically the establishment of WAN, and the increase in the number of female recruits currently being admitted to the Academy. The lack of female representation in senior management positions in WAPS, however, is significant, and genuine reform in the gender composition of the organization will be compromised unless the issue of women in leadership positions is addressed.

There is no doubt that there is a limit upon the improvements that can be made by WAPS, unless there is a broader cultural change in society. As mentioned earlier, the problems confronting women in police services are similar to those encountered in other industries and professions, where there has been similar limited success in addressing the issues.

In some respects, the number of women in a police service is a litmus test of its culture. A higher percentage of women officers is a reasonable indicator that the working environment of the service is such that it attracts and retains women. Conversely, a low percentage of women officers is a pointer to a culture to which women are not attracted, or in which they

do not feel comfortable. The fact that WAPS has the lowest percentage of female officers in Australia is a matter of serious concern, and may well be one of a number of indicators that demonstrate that the organization lags behind other police services in reforming those issues.

CHAPTER 6

CORRUPTION PREVENTION PLANS

6.1 THE NEED FOR A CORRUPTION PREVENTION PLAN

In view of the proven prevalence of police corruption, it is essential for a modern police service to have in place a corporate plan for corruption prevention. The Western Australia Police Service ("WAPS") has not yet completed a plan for this purpose although it is currently working on such with the intention of it being introduced by 1 July 2004.

It is not reasonable to expect that WAPS could be in a position to adequately achieve an appropriate level of corruption resistance without formulating and then implementing an holistic corruption prevention plan. Individual strategies regulating various aspects of the conduct of police officers may contribute to corruption prevention, however, the only basis upon which an assessment may be made of the corporate effectiveness of these individual measures is by a review of their co-ordinated scope. Such a review would flow from the creation of a specifically designed plan appropriate to the activities of WAPS and the individuals in it.

To be effective, such a plan must be able to operate at all levels of the police service and in relation to all of its activities. It must therefore be a tiered scheme to deal with issues from the broadest corporate level to the most specific actions of individuals, yet have the flexibility necessary to render it applicable to the huge range of diverse functions carried out by police officers.

There is nothing radical in this proposition. Most sophisticated police services in the western world have for some time adopted corruption prevention plans. A paper issued by the Interpol Group of Experts on Corruption (1999) states:

In order to tackle the problem of corruption it would be wise to have a plan or strategy. This strategy should define corruption, describe the objectives and the rationale behind these objectives, as well as the processes required to achieve these objectives.

The Metropolitan Police Service ("Metropolitan Police") and the Association of Chief Police Officers in the United Kingdom ("UK") have adopted corruption prevention strategies. Similarly, the New South Wales ("NSW") Police have had a corruption prevention plan, while the Independent Commission Against Corruption ("ICAC") in NSW has published material to

assist public sector organizations to formulate their own corruption prevention and management plans.

6.2 MODELS FROM OTHER JURISDICTIONS

The Metropolitan Police "Corruption and Dishonesty Prevention Strategy" incorporates six themes, each of which identifies particular objectives. These themes are –

- Prevention and detection;
- Inclusion;
- Focus and accountability;
- Supervision and leadership;
- Security, screening and vetting; and
- Corruption and dishonesty proofing.

As a result of the success of the Metropolitan Police corruption prevention strategy, the initial strategy was revised in 2002 to incorporate five new themes:

- Leadership and supervision;
- Security of information and intelligence;
- Recognition of the diversity of communities and staff;
- Identifying and reacting to organizational and individual learning; and
- Maintaining the threat of detection, prevention and management of risk.

Significantly, the Metropolitan Police strategy was accompanied by a detailed implementation programme to be facilitated by a working group, the primary objective of which was to develop and implement risk-reducing measures across the Metropolitan Police.

The UK Association of Chief Police Officers designed a corruption prevention strategy to assist individual police forces within England and Wales to tackle and minimize the risks of corruption. This strategy, which has drawn on the Metropolitan Police strategy, included the following themes:

- Promoting knowledge and understanding;
- Prevention;
- Intelligence;
- Detection; and
- Mutual assistance.

ICAC has conducted research in relation to corruption prevention and corruption resistance in public sector organizations (ICAC, 2003). ICAC has encouraged all public sector organizations to adopt a seven-step risk management process to identify and treat risks, which involves the following:

- Establish the context;
- Identify risks;
- Analyse risks;
- Evaluate risks;
- Treat risks;
- Monitor and review; and
- Communicate and consult.

ICAC maintains that the more aware organizations are of the perceived risks they face, the better placed they are to address and manage these risks. As a result of its survey to profile the NSW public sector (ICAC, 2003), ICAC developed a check list to assist organizations in identifying their high risk functions, the risks associated with those functions and the strategies for managing those risks.

6.3 THE NEW SOUTH WALES EXPERIENCE

The report of the Wood Royal Commission into the NSW Police Service (1997) is a seminal work on police corruption prevention. It has stood the test of time and has been the subject of in-depth analysis and comment. The implementation of Wood's (1997) reform recommendations have also been the subject of critical examination.

The fundamental reform component of Wood's report is Appendix 31. Appendix 31 identifies in a condensed and summarized form the key areas for reform and the strategies to be adopted in each area. It has been the reference point for the implementation of reforms in the NSW Police and the benchmark by which the effectiveness of the implementation of reform has been audited. Appendix 31 outlines the process by which reform of the NSW Police is to be measured, namely, through a qualitative and strategic audit, to be conducted by a group of external consultants. This process has become known as QSARP. The ten key reform areas identified in Appendix 31 in order to improve corruption resistance are:

- Effective leadership and management;
- Changing culture and values;
- An honest police service which resists corruption;

- Effective planning;
- Focus on performance management and quality;
- Focus on staff and team work;
- Building new human resource systems;
- Breaking down outdated systems;
- The patrol as the service hub; and
- Implementation of effective structural change.

The assessment process reflects the content of Recommendation 174 of the report, that there be an annual strategic audit by an independent auditor engaged by the Police Integrity Commission ("PIC") to report on the success and/or failure of the reform process, and to advise on measures to improve it.

The initial response of the NSW Police was to formulate a Corruption Prevention Plan for implementation across the Service. That plan remained in force until 2000 when a strategy known as the Command Management Framework, an intranet-based audit system, was introduced. This system comprised a process of self-assessment rather than an external compliance audit. The Command Management Framework has supplemented and refined the corruption prevention plan and focuses on a risk-based self-assessment audit process. The Command Management Framework consists of various modules relevant to different areas of activity. The People Management module is designed to provide an effective tool to continually improve the management of corruption resistance activities and complaint handling procedures. The People Management module works in conjunction with other modules that deal with broader issues of management and performance assessment. The Command Management Framework has a direct link to the ten issues identified in Appendix 31.

The Command Management Framework is drawn from the Australian Business Excellence Framework, an integrated leadership and management system that describes elements essential to organizational excellence, prepared by a group of experts from business, government and academia. The Framework is intended to be of general application to private and public sector organizations and draws on 12 business excellence principles:

- Clear direction allows organizational alignment and a focus on the achievement of goals;
- Mutually agreed plans translate organizational direction into action;
- Understanding of how customer value, now and in the future, influences organizational direction, strategy and action;
- Improvement of the outcome, the system and its associated processes;

- The potential of an organization is realized through the enthusiasm, resourcefulness and participation of individuals;
- Continual improvement and innovation depend on continual learning;
- All people work in a system and outcomes are improved when people work on the system;
- Effective use of fact, data and knowledge improves decision-making;
- All systems and processes exhibit variability, which impacts on predictability and performance;
- Organizations provide value to the community through their actions, to ensure a clean, safe, fair and prosperous society;
- Sustainability is determined by an organization's ability to create and deliver value for all stakeholders; and
- Senior leadership's constant role modelling of these principles and the creation of a supportive environment to live these principles are necessary for the organization to reach its true potential. (Standards Australia, 2003c)

There is much to be learned from the NSW experience. NSW Police have applied the basic principles of Appendix 31 of the Wood report, and then refined and integrated them into a contemporary management framework. The oversight by QSARP has resulted in a detailed analysis of the effectiveness of the implementation of the Wood recommendations for improving corruption resistance, and in the publication of informed commentaries. QSARP's findings may not have met with the agreement of all parties concerned, but they have provided a platform for discussion and modification. The process has seen the original corruption prevention plan evolve into a more sophisticated corporate management programme, which should also be the goal of WAPS.

There is a challenge for WAPS in achieving the co-ordination of various strategies into a unified management system, a position that WAPS has yet to reach. The NSW model shows the way, in that it co-ordinates:

- Crime rates and clear-up rates;
- Corruption prevention and risk assessment;
- Employee performance assessments; and
- Operation performance reviews.

WAPS has lacked strategies altogether in some of these areas and, even now, as strategies are being introduced, there is a lack of co-ordination. There is also an overlap. Formulating a corruption prevention plan should not be undertaken in isolation. It needs to be

incorporated into a broader enterprise, articulating a major management framework for the organization, of which the corruption prevention plan is only one component. It should not be too difficult in view of the precedent that exists in NSW.

6.4 LEVELS OF INTERVENTION

It is a matter of common sense that, in order to be effective, a corruption prevention plan must contain strategies that are capable of application to all areas of activity within a police service. It is equally obvious that those strategies must be consistent, but sufficiently flexible to render them operative in relation to the diverse range of conduct that should be the subject of corruption prevention. No unit of management or operation within a police service should be immune from the application of the corruption prevention plan.

To achieve that outcome, the strategies must vary in the level of specificity of their application, according to the tier of management at which the strategy is directed. A recent publication by the Australian Institute of Criminology (2003) suggests that crime prevention can benefit from adopting an approach used widely in the area of public health, namely, primary, secondary and tertiary levels, or alternatively, as it is described elsewhere, universal, selected and indicated interventions. This approach also has application in the area of corruption prevention.

Universal interventions are directed at the entire police service or large aggregations of officers who have not specifically been identified on the basis of any individual risk. Many of these interventions are designed around producing a positive police culture. As discussed previously, there are a number of circumstances that impact on the culture of a police service. In order to improve the culture and strengthen its corruption resistance, strategies should be devised that target areas that can potentially have an adverse effect on police culture, such as recruiting, education and training, and certainty in terms of laws and obligations.

Selected interventions are directed at high-risk groups or activities of general involvement that call for specific corruption control measures. For example, existing strategies that require that the execution of search warrants be videotaped, and, as is now required by law, the videotaping of admissions are considered as selected interventions.

Indicated interventions are directed at specific targets, and frequently involve risk identification and remedial action at individual and workplace levels. At this level the focus is on individual corruption prevention or early detection and remediation, and may involve

provision for targeted internal investigations, random audits or even integrity testing programmes.

6.5 RISK ASSESSMENT AND RISK MANAGEMENT

Corruption seems to have been an unspoken issue in Western Australia, not just in WAPS but also in the public sector generally. Risk assessment and risk management are fundamental platforms of corruption prevention and should be central to the formulation of a corruption prevention plan. For some years, risk management has been a strategy that has been part of the obligations of management of public sector agencies in WA, although never, it would seem, in the specific terms of corruption. As far back as McCarrey's (1993) "Report of the Independent Commission to Review Public Sector Finances", it was recommended that the internal control framework of agencies should involve formal risk assessment and that the wider perspective of risk management should be embraced by agencies to ensure that their objectives are achieved through the efficiency and effectiveness of operations. The *Financial Administration and Audit Act 1985* has provided a legislative basis for requiring accountable officers and authorities to maintain effective processes for the internal control of finances, and Treasury Instructions (Department of Treasury and Finance website, www.dtf.wa.gov.au) are issued to impose specific obligations upon public sector agencies to implement risk management procedures. Treasury Instruction 109 issued on 4 July 1997 was in the following terms:

The Accountable Officer or Authority shall ensure that there are procedures in place for the periodic assessment, identification, and treatment of risks inherent in the operations of the department or statutory authority, together with suitable risk management policies and practices, and that these are documented in the accounting manual or other relevant policy manuals.

A further Treasury Instruction, 825, issued on 30 April 2003, is in similar terms to Treasury Instruction 109 and draws attention to a wide range of risks, including workplace health and safety, property loss and damage, security of information, fraud prevention and "reputation and image", which require assessment and identification. Guidelines are provided for the assessment of risks and the measures available to manage those risks. These guidelines are in broad terms and do not provide specific measures for handling risks. They drew attention to the Australian/New Zealand Standard on Risk Management AS4360 (Standards Australia, 1999) as a source of assistance. There is, however, an absence of reference to corruption as a specific risk to be monitored.

AS4360 provides detailed information concerning risk management. Risk management is recognized as an integral part of good management, which should become part of an organization's culture and be integrated into the organization's philosophy, practices and

business plans. The object is that risk management should become the business of everyone in an organization. Although AS4360 provides extensive advice on the sources of risk across a wide range of business activity, and on principles of management available to assess and manage those risks, the specific risk of corruption is not covered.

The WA Government issued a separate publication, "Guidelines for Managing Risk in the Western Australian Public Sector", through the Ministry of Premier and Cabinet in 1999. The document is similar in content to, and in fact adopts, AS4360. The purpose of the document is to provide assistance to public sector agencies in giving effect to Treasury Instruction 109. It points out that chief executive officers and senior managers should approach the implementation of risk management as an opportunity for cultural change such that it should eventually become an integral part of effective management practice. Each agency is directed to develop a separate policy document for the management of risk in the agency, or alternatively, incorporate a risk management policy explicitly as part of its broader management policies. The guidelines provide a risk management checklist as well as directions for the implementation of risk management and the process of managing risk. However, again the document does not specifically mention the risk of corruption.

All WA public sector agencies subject to the *Financial Administration and Audit Act* are required to submit annual reports. Apart from reporting upon the financial matters required by the Act, the agencies are required to meet other specific statutory reporting obligations and to report generally upon their service delivery and the extent of their compliance with various legislative and government policy requirements. To assist government agencies in meeting those obligations, the Department of Premier and Cabinet has produced a publication entitled "Annual Report Framework" (2003), which provides guidelines and a checklist of requirements. The Framework (2003) calls for reports on issues such as equal employment opportunity outcomes, advertising and sponsorship, waste paper recycling, cultural diversities and language services and energy conservation, as well as performance indicators and output measures. Agencies are reminded of these various statutory provisions regarding reports and of Treasury Instructions that generate obligations for the inclusion of information in financial statements. The Framework, however, makes no reference to Treasury Instructions 109 and 825, nor does it otherwise require agencies to report upon arrangements made for risk assessment and management. It is uncertain how many public sector agencies actually report on their arrangements for risk management.

Similarly, the "Annual Report Framework" (2003) has no requirement for a report upon corruption prevention plans within agencies. Although it is not a matter for the Royal Commission, it seems clear that the Framework should be amended in order that all agencies, including WAPS, are required to report on their compliance with the requirement

to carry out programmes of risk management. In the case of WAPS, that would attract an obligation to report upon its programme for the management of the risk of corruption. WAPS comes within the provisions of the *Financial Administration and Audit Act 1985* and should have reported on risk management, along with other agencies, but it has not been required to do so.

6.6 IMPLEMENTATION OF A CORRUPTION PREVENTION PLAN

In its opening submission to the Royal Commission of 28 March 2002, WAPS detailed its corruption prevention strategies. Approximately 30 different processes were identified as relevant to corruption prevention. There is no doubt that many of the strategies referred to are useful measures to reduce the level of corruption in the police service. However, what was missing was an holistic plan that co-ordinated and integrated the various individual processes that have been implemented, and which provides an assurance that an appropriate global assessment of the needs of the police service has been addressed.

In its Business Plan 2003/2004 (WAPS, 2003d), WAPS has now foreshadowed an intention to adopt a corruption prevention plan. The Standards Development Unit of WAPS has commenced a project directed at formulating a Corporate Corruption Prevention Plan and has conducted workshops in consultation with the Royal Commission. Attention has been directed to the following strategic options:

- Recruitment;
- Training and education;
- Marketing and communication;
- Human resource management;
- Risk management; and
- Audit measurement and evaluation.

The co-ordination of the options identified will be a major advance towards the formulation of an effective Corruption Prevention Plan.

WAPS is not alone among public sector organizations in WA in not previously implementing a corruption prevention plan and it appears to be unlikely that any other government agency in WA has done so. The Corruption and Crime Commission (“CCC”) is intended to have a significant role in research and education, and it is anticipated that it will follow the example of ICAC in NSW, which has been active in assisting government organizations to formulate and implement corruption prevention plans. There is available to the WA Government a simple mechanism to ensure that WAPS, and also all other public sector

agencies, make appropriate risk assessments and adopt corruption resistance practices. It would be a comparatively uncomplicated procedure for the Government to announce a policy that required all government agencies to formulate and implement corruption prevention strategies. The agencies could then be required to report upon compliance with that policy in their annual reports. The "Annual Report Framework" could be used to remind agencies of the requirement to comply with that policy, and any public sector organization that lacks the necessary expertise could seek the assistance of the CCC. By those means, not only WAPS, but also all government agencies in WA, could be directed to actively pursue the development of corruption resistance practices.

6.7 COMPONENTS OF A CORRUPTION PREVENTION PLAN

It is not difficult to identify the key components of a corruption prevention plan, in view of the models and precedents that already exist elsewhere. There is also Australian Standard AS 8001-2003 on Fraud and Corruption Prevention (Standards Australia, 2003a), which includes information and advice on the application of risk management principles of fraud and corruption. Given the intended audience for this Standard, it is necessarily broad, but it does contain sound principles that should be applied within WAPS, including identifying "enterprise risk" in terms of:

- Financial loss;
- Reputational impact;
- Diversion of management energy; and
- Organizational morale.

In managing risk, it is necessary to commence the process by identifying the risks to the organization and measuring them. This requires an assessment of the probability of a particular event occurring and the resulting damage or loss that would be sustained.

Having identified risk, it is necessary to identify options to control it. With risks that are considered to be infrequent, or of little consequence, it may be sufficient to "assume the risk", that is, whilst being cognizant that a risk is present, taking no particular steps to prevent it. With risks that are assessed as having an increased likelihood of occurring, or where the damage that would result is significant, it will be necessary to develop corruption prevention plans to modify and control the risk.

The process that can be followed in undertaking a risk assessment is well captured in the diagrammatic summary provided in AS 8001-2003 (Standards Australia, 2003a), which is reproduced overleaf.

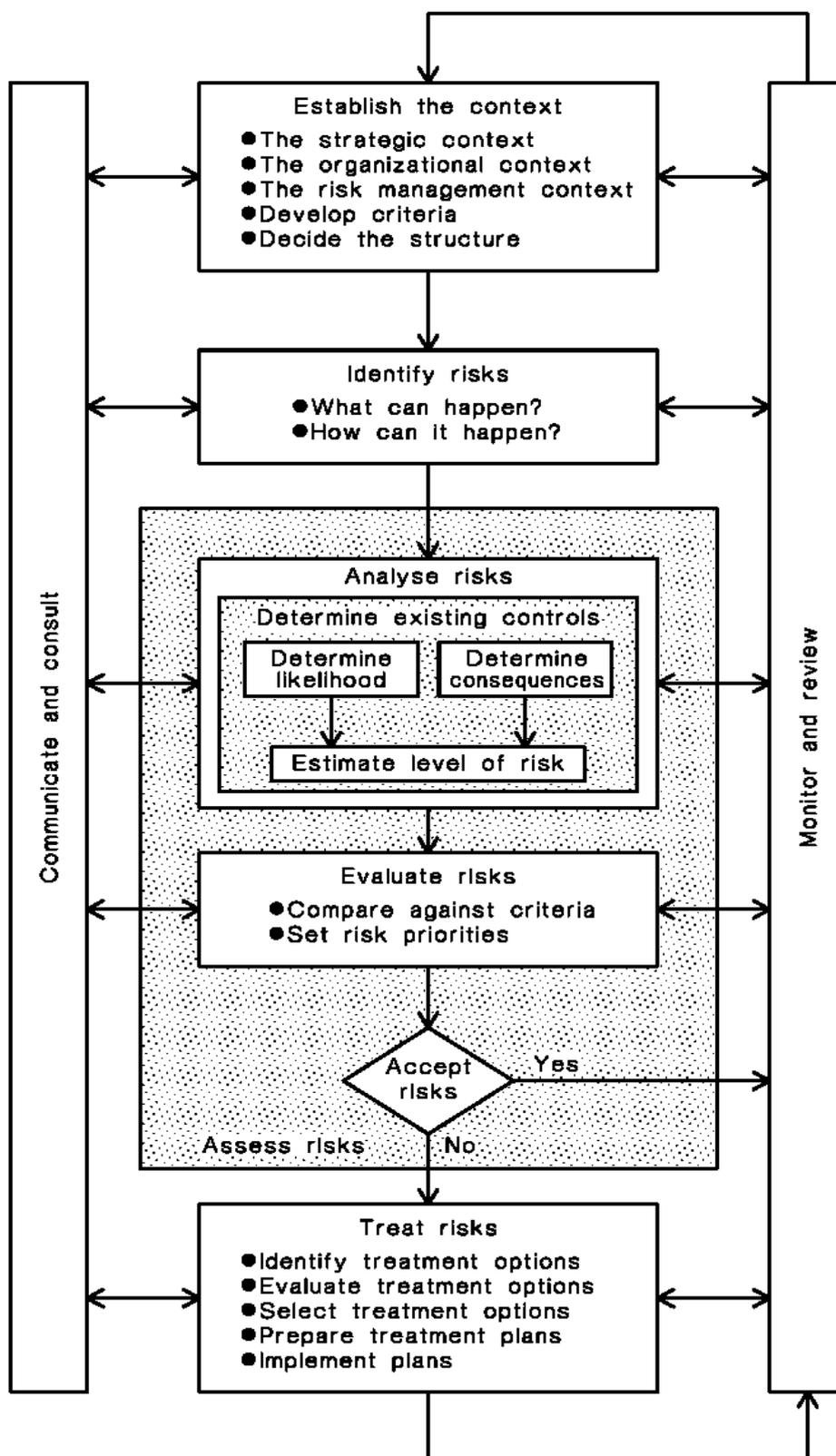
It is necessary that a corruption prevention plan provide a strategic framework for the development of corruption prevention plans at all levels of WAPS, and that it be directed at preventing corruption, and promoting ethical behaviour, across the Police Service. As such, a corruption prevention plan should have three broad goals:

- To reduce corruption;
- To reduce misconduct; and
- To increase ethical behaviour.

Effective corruption prevention is underpinned by the following principles that need to be incorporated in the planning process:

- Corruption prevention is a shared responsibility across all levels of the organization, and it is not simply a matter for the Professional Standards Portfolio;
- Police corruption cannot simply be explained by the “few bad apples” theory;
- A multi-tiered approach is required, targeting the whole police service (“universal”), specific population subgroups (“selected”) and individuals at risk (“indicated”);
- Corruption prevention plans must be evidence-based and outcome-focused;
- Strategic interventions must be sustainable to ensure continuity and consistency of approach; and
- Evaluation must be an integral part of any strategic intervention.

Risk Assessment Processes



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As the NSW model mentioned previously illustrates, it is necessary that a corruption prevention plan include strategic performance indicators so that the monitoring and evaluation of the success or otherwise of the plan can be gauged. These indicators should relate to the broad goals to reduce corruption and misconduct and to increase ethical behaviour. The following are examples of performance indicators that might apply in the context of WAPS:

- (a) Reduced rate of incidence of corruption in WAPS as evidenced by s. 8 of the *Police Act 1892*, dismissals and other disciplinary action.
 - Despite the complexities inherent in using corruption incidence rates as an indicator, it is not unreasonable to aim for a significant decline in these rates over the next five years. Caution is, however, needed in interpreting corruption incidence rates due to the small overall numbers involved and problems of reliability due to the level of non-reporting suspected.
- (b) Reduced incidence of complaints against police officers for assault and theft.
 - Complaints of this type are important, as they are associated with risk factors for corrupt behaviour.
- (c) Reduction in the risk factors associated with corrupt behaviour.
 - A number of risk factors have been identified in the literature that contribute to the likelihood of corrupt behaviour. Principal amongst these are behaviour relating to workplace bullying, absenteeism, problem gambling, and the misuse of alcohol and other drugs.
- (d) Enhancement of factors protecting against corrupt behaviour.
 - There has not been significant research aimed at identifying corruption prevention factors, although good supervision is often cited. It is considered that a workforce that is well paid and motivated, and which enjoys high status in the community, would also possess protective qualities.

- (e) Enhanced community involvement.
- Community involvement in programmes such as community consultative committees, Neighbourhood Watch, and calls to Crime Stoppers are measures of community involvement. Such involvement is an indicator of community intolerance of corrupt/criminal behaviour and translates into the increased capacity of the community to participate in corruption prevention.
- (f) Increased investment in research, development and evaluation of corruption prevention strategies.
- The financial and human resources dedicated to these activities are a useful measure. It is imperative that research, development and evaluation support a continuous learning environment regarding corruption prevention. Mechanisms to receive, collate and synthesize information from other jurisdictions, including international jurisdictions is vital.

Evaluation is a critical part of implementation and needs to be an integral part of each intervention strategy. Wide consultation and involvement must underpin implementation, review and evaluation. This will help to ensure that interventions meet the requirements of the organization and its members, and are consistent with best practice, and are practical and sustainable.

It is crucial that policies, procedures and practices be carefully targeted, adapted to the local needs of each district, station or unit of WAPS, and piloted to ensure their acceptability and utility.

Reduced rates of corrupt behaviour are an expected critical outcome of corruption prevention interventions, but shorter-term measures are needed to indicate progress towards these outcomes, record the process, and measure the impact of each initiative.

Although WAPS had not previously introduced a corruption prevention plan, it is envisaged that the prompts and guidance available from the various sources referred to above will assist them in this process. It is important that the lessons learned from the experience in other jurisdictions, particularly NSW, are absorbed, and the opportunity taken to short-cut the teething problems of implementing the new strategy by moving directly to the adoption of a corruption prevention plan integrated into an holistic management model.

6.8 CORRUPTION FIGHTING STRATEGIES

It should be noted that there is no single approach to corruption prevention and that, historically, a number of law enforcement jurisdictions have adopted different strategies with varying degrees of success. What does appear to feature strongly in those that have been more successful is a multi-pronged approach, with the best example of this being the three tiers used by the Independent Commission Against Corruption in Hong Kong (ICAC Hong Kong). ICAC Hong Kong describes its fight against corruption as being on three fronts – investigation, prevention and education, such that “[t]he three-pronged attack was vital to develop public consciousness for it was recognized that prevention was as important as the deterrent of prosecution, and the battle against corruption could only be won by changing people’s attitude towards corruption” (ICAC Hong Kong website, www.icac.org.hk). More specifically, it describes its approach as based on:

- Proactive Investigations: Due to the secretive nature of corruption, a proactive approach has been adopted which includes the development of a network of contacts in the public sector to facilitate the exchange of information, using information technology to obtain and analyse criminal intelligence and deploying informants and undercover agents in investigations in a carefully co-ordinated manner;
- Corruption Prevention: Prevention is achieved through working closely with organizations to identify potential corruption problems and to devise practical solutions, with a view to minimizing corruption opportunities through policies and procedures; and
- Education: Different sectors of the community, such as professionals, public servants and young people, are targeted with specific educational and training programmes to promote specific messages such as clean and fair elections and reporting corruption.

In principle, the same methodology is appropriate for WAPS. The tactic of education is equally apt. The aim is to raise the level of awareness of the risk of corruption through a system that disseminates information to managers and officers of the risks and the processes to control them, and alerts the community to its ability to assist through reporting suspected corrupt activities.

The Anti-Corruption Gateway for Europe and Eurasia has adapted the USAID Center for Democracy and Governance’s (1999) “Handbook for Fighting Corruption”, and advocates a similar approach to that of ICAC Hong Kong, in that it incorporates enforcement strategies, prevention strategies, and public awareness strategies. It also adds a fourth prong, namely,

institution building strategies, which no doubt reflects its sphere of activity including a number of less well developed countries. Similarly, the United Nations Office for Drug Control and Crime Prevention (United Nations, 2002) has produced a comprehensive "Global Programme Against Corruption", which is based on five main themes:

- Institution building;
- Prevention;
- Awareness raising;
- Enforcement; and
- Anti-corruption legislation.

At the 68th Session of the Interpol General Assembly in November 1999, the Interpol Group of Experts on Corruption advocated a " ... three-tier approach to combating corruption: education and prevention, operational/investigation, and public relations" (Interpol website, www.interpol.int).

Without being definitive as to whether it is more appropriate to have a three, four or five-pronged approach, or indeed some other number, a structured approach is recommended. What is important is that the approach adopted be both comprehensive and integrated.

There are numerous aspects of the administration of a police service that can be the subject of strategies to enhance its resistance to corruption, particularly when included in a co-ordinated corruption prevention plan. For example, the process of recruitment affects the quality and character of personnel who comprise a police service. The process of promotion determines the extent to which the appropriate officers are selected for positions and for leadership, and also the degree to which other officers are dissatisfied and therefore susceptible to distraction. Education and training are important in increasing and maintaining the level of expertise and professionalism, and in instilling proper attitudes of integrity and honesty. Regular performance appraisals are valuable in identifying officers who perform well, or those who are deficient in the performance of part of their duties or otherwise constitute a risk, and as a means of ensuring the actualization of declared plans and strategies. These measures are in addition to the more obvious techniques such as risk assessments, compliance audits, the management of whistleblowers, informant management plans, controls over the issue and execution of search warrants and security controls on the police computer system, which are more specifically directed at the restriction of corrupt activities.

As mentioned previously, it is not proposed to canvass the effectiveness of all of the measures in use in WAPS that are available for inclusion in a corruption prevention plan, but

reference will be made to those issues that more obviously warrant attention. Also, as mentioned, a corruption prevention plan benefits from providing interventions at various levels across the organization – universal, selected and indicated. If these intervention levels are combined with the three-tiered approach of ICAC Hong Kong, a useful matrix can be developed, for example:

	Universal	Selected	Indicated
Investigations	Electronic recording of interviews	Compliance audits	Integrity testing, Targeted drug testing
Prevention	Personnel vetting, Information security	Rotation of detectives in high-risk areas	Early warning signals/ complaint analysis
Education	Ethics training for all recruits	Research into corruption	Remedial programming for those identified as in need

A framework of this type can be of assistance in enabling police services to ensure that they are providing a comprehensive approach to corruption prevention.

Chapter Seven provides examples of particular strategies and interventions, with more complete descriptions, which can be incorporated into a comprehensive corruption prevention plan. It needs to be borne in mind, as has been previously mentioned, that a key requirement of a corruption prevention strategy is ensuring that the culture of the organization is appropriate to the task it is required to carry out. Therefore, quite a number of the strategies that follow are directed as much towards cultural change as they are to corruption prevention itself.

CHAPTER 7

CORRUPTION PREVENTION STRATEGIES

7.1 INTRODUCTION

As was discussed in the previous chapter, there are many strategies that can be incorporated into a corruption prevention plan. The point was made in the introduction to this Volume that the Terms of Reference, in requiring a report on whether changes are necessary for the purpose of preventing or exposing corrupt conduct by police officers, provide the opportunity for reviewing a wide range of aspects of the management of the Western Australia Police Service ("WAPS"). As indicated, it is not the intention of the Royal Commission to analyse all issues concerning the operation of WAPS, partly because some of the matters have recently been the subject of review (Bogan and Hicks, 2002).

This chapter suggests a number of strategies that could form part of a comprehensive approach to corruption prevention by WAPS. Corruption prevention is a proactive process that empowers individuals and systems to function in ways that promote ethical and principled behaviour. The strategies suggested are not exhaustive, but are illustrative of the range of issues that need to be considered. As suggested in the previous chapter, the following strategies have been organized into universal, selected and indicated strategies.

7.2 UNIVERSAL STRATEGIES

Universal strategies include interventions that are directed at the entire police service or large aggregations of officers who have not necessarily been identified on the basis of individual risk. Many of these interventions are designed around changing the existing police culture into an attribute which is more positive, constructive, and open in order to reduce the likelihood of corruption developing.

RECRUITMENT

In a police service, the process of recruitment assumes critical importance in determining its future. The recruitment process has the greatest capacity to profoundly affect the level of integrity in the organization, in that it can determine:

- The profile and composition of the service;
- The calibre of the personnel available to carry out the function of policing;
and
- The future executive capacity of the service.

The police service is one of the few organizations in the community that hires staff homogeneously, as recruits are selected according to criteria that must apply to a wide diversity of jobs. The extent of that diversification is revealed by the information published on the WAPS website, which lists the following range of positions available to recruits once they have graduated from the Academy (www.police.wa.gov.au):

Aboriginal Liaison	Forensic Investigation	Prosecutor
Air Support	General Policing	Protective Service
Ballistic Inquiry	Gold Stealing Investigation	Radio Operator
Bomb Investigation	Juvenile Justice	Recruiting and Marketing
Communications	Major Crash Investigation	Regional Policing
Coronial Inquiries	Media Officer/Public Affairs	Scene of Crime Investigation
Covert Operations	Missing Person Investigation	School Based Policing
Crime Analyst	Motorcycle Patrol	Tactical Response
Crime Collator	Mounted Police	Traffic Patrol
Crime Prevention	Organised Crime Investigation	Training and Development
Detectives	Police & Citizens Youth Club	Vice Investigation
Drug Crime Investigation	Photography	Water Police
Firearm Inquiry	Police Driving	Witness Protection

In most public sector organizations, jobs are filled by a procedure that involves advertising the position, receiving applications from inside and outside the organization and selecting applicants based upon an assessment of the expertise of the applicants for the particular role. WAPS selects its recruits against standard minimum requirements, then trains groups of individuals to uniform standards and later allocates them into variously skilled positions including, eventually, managers, against criteria that may be entirely unrelated to the initial recruitment criteria. No attempt is made to ensure that the process identifies and selects persons with the intellect and aptitude for the range of specific roles available within the Police Service. This "one size fits all" procedure provides the field from which future managers are selected, notwithstanding that the process is not designed for that purpose, nor, indeed, is suitable for that function.

Many of the issues concerned with the improvement of the effectiveness of corruption prevention measures in WAPS, overlap. The recruiting issues flow into other topics such as pay and conditions, and civilianization.

Police officers are paid on the same homogeneous basis as they are recruited. Sooner or later WAPS will have to face the issue of a skill-based wage structure. WAPS is a monolithic organization where all officers at the same rank and of the same seniority, receive the same pay, with the exception of a few allowances, regardless of their particular skills. This is an

outdated concept. It is a flaw that manifests itself from as early as the recruitment phase, at which time applicants should be sought on the basis of ability specific to the specialist positions in the service, and assured of wages and status accordingly.

The question of civilianization arises because many of the skills required for the positions set out in the list above need not be provided by police officers, as the positions could be filled by civilians. This matter will be developed further later, but it is enough to point out in the context of recruitment that there is a much better chance of recruiting personnel with the aptitudes necessary for a specialist position if, at the outset, positions are classified as unsworn, and the restrictive criteria for the recruitment of police officers do not apply.

Many texts on business and management, and indeed on other fields, recognize that it is the quality of the initial inputs that in a large part determines the quality of the subsequent outputs. In relation to policing, the quality of the individuals who are recruited determines the developmental capacity of the organization. Whilst it is acknowledged that policing has generally been well served by those who have ascended to the upper echelons, the current and future demands of policing are such that it is likely that a different calibre of recruits (and ultimately leaders), drawn from a wider base, will be required.

The observation that social, legal, technological and economic change impacts upon the role of a police officer is no longer novel. It needs to be acknowledged in practical terms, not by rhetoric. A starting point is the process of recruitment. Generally speaking, therefore, recruits need to be better educated, more representative of the ethnic diversity of the community, more reflective of the gender balance in the community, have greater life experiences, and be better equipped to work with increasingly sophisticated forensic and other technology. Recruitment practices need to be changed to reflect the evolving nature of policing, as well as of the communities that the police are required to “protect and serve”.

Recruiting individuals from a diverse pool increases the likelihood of attracting a diverse range of individuals whose attitudes, philosophies and experiences can challenge the existing culture of an organization and strengthen the organization’s corruption resistance, particularly if the existing culture tolerates corruption and unethical behaviour. Increasing the size and diversity of the range from which recruits should be selected is therefore essential and can be achieved by reassessing the present WAPS recruitment techniques and criteria, which are described below.

CRITERIA FOR APPOINTMENT

The minimum requirements for employment as a police officer in WAPS are:

- Age – at least 19 years of age;
- Year 10 education (although the evaluation is based at Year 12 competency);
- Vision – a minimum specified unaided vision;
- Motor Driver’s Licence – with minimum demerit points and no suspension within the last three years;
- Australian Citizenship;
- Computer /Keyboard skills – at least 30 words a minute;
- Swimming – current lifesaving “Bronze Medallion”; and
- First Aid – current Senior First Aid Certificate.

Some of these criteria require critical analysis.

AGE

The minimum age for employment with WAPS is 19 years. Wood (1997: 257) recommended that the minimum age for recruitment be 21 years “to ensure recruits are more mature, have more experience in dealing with a variety of people and in coping with crises, and have more confidence in their own decisions”. In the Formal Interview component of the WAPS recruitment process, candidates are questioned about a number of characteristics and attitudes, which mostly come under the description of “life skills”. This raises the following questions: how can somebody who is only 19 years of age have had the opportunities to acquire or develop those life skills relevant to the role of a modern police officer; and how can the assessment of those characteristics and attitudes (at that age) provide a reliable gauge of the candidates’ qualities? It is probable that a 21-year-old person would be more mature and therefore liable to more accurate appraisal. Wood (1997: 257) noted that “anecdotal evidence suggests older recruits with broader employment, educational and life experience may be less susceptible to the influence of officers who behave unethically”. Furthermore, increasing the age of recruits increases the period available for recruits to demonstrate a proven record of achievement and work history and, conversely, the opportunity to demonstrate bad character, all of which makes the assessment of the recruit as a known quantity easier. Given the preceding, the Royal Commission supports Wood’s (1997) recommendation that the minimum age level for entry into WAPS be lifted to 21 years.

EDUCATIONAL LEVEL

For many years, the issue of academic qualifications for police has been controversial. A report by the Select Committee on the Western Australia Police Service (Tomlinson, 1995: vi) included in its list of recommendations “that the Police Service target university graduates with a diversity of skills from a range of disciplines”. That proposition, of course, does not mean that all recruits should possess university degrees, but it is a statement in recognition of the fact that there are skilled functions within the Police Service for which appropriate tertiary qualifications should be held.

The assessment, which is part of the recruitment process, is said to be based on Year 12 standards, but it would be desirable for the education qualification to be formally raised to completion of Year 12. Similarly, more recruits with tertiary qualifications would be desirable. At the moment, however, there are very few recruits in training who possess tertiary education qualifications, which casts doubt on the ability of these recruits to meet the demands of the increasingly sophisticated task of policing both at an operational and a managerial level.

As an example, overseas trends indicate that computer crimes and identity fraud are emerging as major issues confronting police, and the figures released by the Securities Industry Research Center of Asia/Pacific (SIRCA, 2003), in a paper entitled “Identity fraud in Australia: An evaluation of its nature, cost and extent”, reveals that identity fraud cost Australians \$1.1 billion last year. This developing trend will eventually be experienced in Western Australia. WAPS needs to be recruiting officers with the intellectual capacity to meet these challenges.

It is to be hoped that, with a reduced stigma of corruption and an enhanced standard and appearance of professionalism, a career in policing will appeal to a wider group in the community, and the number and quality of applicants will increase.

VISION

The expressed requirement that applicants meet an unaided vision standard means that persons who rely on spectacles or corrective lenses are effectively prohibited from applying. This seems incongruous considering that officers who later have to rely on spectacles for clear vision remain in WAPS, which seems to indicate that the vision criterion is hardly an operational imperative. Interestingly, the Royal Commission was informed of an exception that was recently made to enable a recruit applicant to be accepted notwithstanding that he required spectacles to pass the eyesight test. This was on the basis that he possessed other

attributes that rendered him a desirable applicant, including being very tall, extremely fit and the son of a policeman.

The Royal Commission is supportive of this applicant being considered, along with other applicants with less than perfect vision, as the requirement regarding unaided vision places an unnecessary limit on the potential field of applicants and should be removed, as has occurred in other jurisdictions.

SWIMMING

The requirement for a current Bronze Medallion lifesaving certificate is another requirement of doubtful merit. Although there are no statistics to support the proposition, it is likely that the great majority of officers go through their entire careers without having to resort to Bronze Medallion level swimming skills. Whilst it may be said that most people will be capable of meeting this requirement should they submit themselves to undertaken swimming lessons, there may be people, particularly within various ethnic groups, who are not comfortable with swimming and who are deterred from applying by this requirement. These may well be individuals who could provide the quality and diversity that is presently missing from WAPS. In addition, once a recruit becomes a member of WAPS, there is no continuing obligation to maintain the swimming standard and it would be an interesting survey to ascertain how many officers in WAPS retain that level of fitness and skill. It is recommended that this requirement be removed as an essential criterion, although it may well be retained as a desirable attribute.

It is important to critically reflect on the possible impact of the criteria for appointment to WAPS on the organization's corruption resistance. For example, preferring a 19-year-old with Year 10 education qualifications who has good eyesight and is a competent swimmer to a 29-year-old with tertiary qualifications and relevant work experience, but who wears spectacles and is not a proficient swimmer may not necessarily be a wise corruption prevention decision. At the moment, however, WAPS selectors do not have a choice, due to the recruitment criteria in place.

WAPS is not unaware of these issues as it recently carried out a review of the physical requirement for recruits (WAPS, 2002b) and made sensible modifications to the fitness and strength requirements, which may have opened up opportunities for a wider range of applicants. However, the system should be further reviewed and WAPS must give serious consideration to the swimming qualification. The current criterion limits the field of potential applicants and does not allow for the introduction of diversity into the organization, which is essential for effective corruption prevention.

CIVILIANIZATION

A further mechanism to temper the monoculture, and hence reduce the recurrence of corruption and increase corporate effectiveness, is the greater application of civilianization into all aspects of policing. Whilst civilianization efforts to date have generally been focused at the lower levels of clerical and administrative support, attention needs to be applied to developing a multi-disciplinary approach to the delivery of policing services. Although uniformed or sworn police will continue to make up the vast majority of those employed within a police service, it is necessary to identify those positions that specifically require police powers, and to open up all other positions to both sworn and unsworn personnel. Indeed, the differentiation of employees into sworn and unsworn is perhaps an anachronistic concept and may have outlived its usefulness. Furthermore, an examination of the oath sworn (s. 10 of the *Police Act 1892*) indicates that it would be equally applicable to all employees engaged in WAPS:

I, A.B., engage and promise that I will well and truly serve our Sovereign Lady the Queen, in the office of [Commissioner of Police, inspector, sub-inspector, or other officer, or constable, as the case may be], without favour or affection, malice, or ill will, until I am legally discharged; that I will see and cause Her Majesty's peace to be kept and preserved, and that I will prevent, to the best of my power, all offences against the same; and that, while I shall continue to hold the said office, I will, to the best of my skill and knowledge, discharge all the duties, thereof faithfully according to law.

There is nothing in the oath that precludes the appointment of civilians to positions of rank, other than history and tradition. There are many positions within WAPS that are more suited to civilian staff who may have specific expertise in the particular role. Moreover, many of the functions currently carried out by police officers do not necessarily require the execution of the powers of a constable. These could be performed by unsworn/civilian staff according to a separate recruitment process and according to criteria that are more closely aligned to the requirements of the particular areas of expertise. Duties from the WAPS list provided in an earlier section of this Chapter that do not require sworn police powers include, but are not limited to:

Air support	Forensic Investigation	Prosecutor
Ballistic Inquiry	Media Officer/Public Affairs	Radio Operator
Communications	Police and Citizens Youth Club	Recruiting and Marketing
Crime Analyst	Photography	Training and Development
Crime Collator	Police Diver	

As an example, WAPS recruiting has been under the command of a sworn officer at the rank of inspector. This particular inspector has no specific qualifications in human resources,

but is an experienced general duties officer with extensive operational experience that is not being utilized in the role of recruiting. A civilian within the Human Resources Branch could well carry out this role. This would free the inspector to return to an operational role in which his skills in operational policing would be better suited and employed. Other examples have been given to the Royal Commission of operational police being posted to administrative or technical positions without particular skills or knowledge, and then, after the standard tenure, being returned to operational duties at a time when they have acquired some of the necessary specialist knowledge and are becoming productive.

Increasing the civilian component of WAPS is beneficial in terms of enhancing the quality and mix of personnel, not only for the short term gain of improving the delivery of police services, but also in broadening the skills base. It will increase the likelihood of attracting to policing those who have the intellectual capacity to be effective leaders of the Police Service in the increasingly challenging days ahead.

A further issue in respect of civilianization is the need to address the "bifurcation" of WAPS. A situation exists whereby sworn and unsworn staff may be performing the same or related functions alongside each other yet they belong to separate employment classes and receive quite different remuneration. This can be problematic and, as McCarrey (1993) recommended, there are benefits in having a single enterprise agreement covering both classes of employees. With this in mind, Champion and Rush (2002: 392) advocate that the police executive should be promoting a joint venture, and that this entails providing civilian employees with "training, incentives, empowerment, and an equal share in the department's vision, mission and goals".

This statement has direct application to the current situation within WAPS. The recent generous (and appropriate) pay rises for sworn officers have not flowed onto civilian employees, with the result that their status has been downgraded. That has coincided with the conversion of the civilian position of Executive Director into a sworn position occupied by a Deputy Commissioner, which diminished the influence of unsworn staff within the police service. It has now been decided that the position will revert to Executive Director, which is appropriate, and it is to be hoped that the position will be accorded the authority it deserves in administering a wide range of corporate activities of WAPS.

As civilian employees of WAPS do not have the benefit of representation by the police union, which has the high level of influence traditionally enjoyed by police unions. They would be advantaged by being represented by the Union. By whatever process, attempts should be made to standardise the pay and conditions of sworn and unsworn staff of the police service.

Civilianization is an issue in most police services, as there is an increasing realization that they, police services, have failed to respond to social change. WAPS has perhaps responded more slowly than elsewhere and the process of civilianization has made negligible progress since McCarrey drew attention to the issue in 1993. His recommendations were acknowledged by a civilianization programme undertaken during 1994/1995 and 1995/1996, which civilianized 300 jobs previously performed by police officers, and thereby released these officers for sworn duties. At the same time, WAPS embarked upon the "500 Programme" of increasing the numbers of sworn officers by 500 full-time employees. Together, these programmes would result in the number of sworn officers increasing by 800. A review of deployment practices conducted by the Management Audit Unit of WAPS (WAPS, 1997b), however, mentions that, as of 1997, only 144 positions were filled under the 300-civilianization programme. Furthermore, of these 144 positions only 31 per cent of the sworn officer positions were in fact transferred or released to direct policing roles.

Reference has been made to WAPS having the lowest percentage of unsworn staff compared with any other police service in the country, apart from Victoria. To achieve a ratio comparable to, for example, New South Wales, WAPS would need to increase the current numbers of unsworn staff by nearly 50 per cent and employ an additional 500 unsworn full-time employees. This is clearly an unsatisfactory situation. The explanation appears to be that with the agreements concerning the number of sworn officers, any budget tightening has inevitably resulted in the sacrifice of unsworn clerical positions (the work of which then has to be performed by police). Given the wage increases granted to police last year, care will need to be taken that the same process does not occur again with the costs of those increases being met by the elimination of further unsworn positions.

The WA Police Union has not actively embraced this concept of civilianization, presumably because the perception is that it involves a loss of job opportunities for Union members. During the most recent initiative to introduce more civilians into WAPS, it was reported that considerable resistance was encountered from sections of the Union, who took the position that any job that has a duty that requires knowledge of policing should be occupied by a sworn officer. That contention is illogical. The argument that any position, a function of which requires the occupant to exercise the power of a constable, should be occupied by a sworn officer, has more force. Knowledge of policing is not exclusive to police, and, at least for administrative, managerial or specialist positions, it is not difficult to acquire an adequate knowledge of policing issues in a relatively short period of time. Furthermore, positions involving only minor use of police powers should be re-engineered to remove such components to enable their undertaking by unsworn staff.

The Union position is felt to be short-sighted in that it fails to consider the frustration and dissatisfaction of officers who joined the Police Service to carry out an operational role, but end up carrying out administrative or clerical duties for a significant part of their day. The interests of those members would be better served by allowing them to return to operational functions, leaving the administrative work to civilians.

This point has been well captured in the report of the WAPS Management Audit Unit "Resources and Responsibilities – Review of Central Areas", which recorded that:

The Review Team acknowledges that Government will provide an additional 250 sworn personnel and associated costs to the Service over the term of government in order to meet the demands of the community to provide more officers "on the street". What needs to be stressed is that the costs of deploying already trained sworn officers currently performing administrative duties, would be significantly lower than training new police officers. (WAPS, 2001e: 22)

Civilianization is a major issue for WAPS, both in the short term and long term. In the short term, steps need to be taken to provide operational police with appropriate administrative and clerical support, and to release operational police from those functions. In the longer term, if the police service is to meet the demands of the future, it will need to radically change the profile of its work force. Introducing civilian staff into positions historically reserved for sworn police officers will have the effect of improving the diversity of skills and experiences currently lacking in WAPS and necessary for enhancing the corruption tolerance of the organization. Civilianization of positions within WAPS that do not require sworn police powers would increase the range of applicants and at the very least provide more competition than currently exists for positions in the Police Service. More positions would also be available for women and other under-represented groups.

LATERAL ENTRY

Consistent with the majority of police services throughout the world, WAPS recruits its police officers at base-grade probationary constable level. After nine years of service, the rank of senior constable is achieved by incremental progression, after which merit selection is used as the process for promotion to sergeant and above.

Fitzgerald (1989) noted competing arguments regarding this practice. In its favour was that recruiting base-grade officers and internal promotions are a mechanism for ensuring consistency in standards and operational practice, and, once established, high standards are easier to maintain. The argument against this practice is that reliance on base-grade entry breeds an insularity and parochialism within the organization, the consequence of which is the production of a solidarity that is expressed in the protection of fellow officers,

particularly when they have been involved in corrupt practices. Fitzgerald (1989: 388) therefore recommended that:

steps be taken to obtain a leadership that is dedicated to excellence and integrity ... as follows:

- (a) calling competitive applications from within and *outside* the Police Force for positions of:
 - (i) Commissioner of Police
 - (ii) all Commanders
 - (iii) all Superintendents of Police
 - (iv) all Inspector of Police positions ...
- (b) selecting appointees by criteria which emphasise:
 - (i) excellence and integrity
 - (ii) qualifications, skills and experience
 - (iii) past and current practices and attitudes, including willingness to change by precept and example the present culture of the Police Force.

Wood (1997: 541) supported the concept of lateral entry as a positive effort to reduce corruption. He recommended:

that all existing impediments to lateral entry, and to temporary secondment or transfer of staff from other services be removed, and that each be adopted and pursued as a policy of the Service to break up inappropriate associations, and to gain an infusion of skills and experience from other services.

The current practice among police organizations is to advertise widely only those most senior management positions. The Royal Commission, however, shares the views on lateral entry advocated by Fitzgerald (1989) and Wood (1997), namely, that all commissioned officer ranks (from inspector to Commissioner of Police) should be advertised both internally and externally in order to attract the most suitably qualified candidates.

Additionally, it is worthwhile giving consideration to investigating alternative models for identifying candidates for appointment to senior positions, particularly those at commissioned officer rank. The Australian Defence Force Academy, which is tasked with preparing the future leaders for Australia's three defence services, is worthy of examination, as is the "Fast Track Scheme" used by Her Majesty's Prison Service in the United Kingdom to develop prospective prison governors. Both of these approaches recognize the need to take a proactive role in identifying and preparing future managers for their leadership roles. Rather than the "rank/lock/step" or "filling dead men's shoes" approaches, these agencies have found a need to attract high-calibre candidates who have the potential to develop quickly and rise to the highest levels of their respective organizations.

A significant obstacle that has to be removed to permit greater lateral entry is the myth that management of a police service is a specialized business that is beyond the capacity of anyone who has not spent their entire career in it. That theory may once have had some validity by reason of the cloistered approach of police services to the performance of their business as they were effectively conducted behind closed doors. With the recognition of the need for transparency, the external involvement of the community and consultants, and the proliferation of literature, there is no longer the same mystery about the business of policing that might preclude or deter civilians from carrying out those functions. With the exposure of the inadequacies of police management, the injection of civilian expertise into management structures becomes mandatory.

The issue applies not only to the appointment of civilians from outside WAPS, but also to the appointment of officers from other law enforcement agencies. Greater appreciation should be shown for the fact that WAPS is behind the field in a number of aspects of policing, and officers from other jurisdictions can bring with them experience and knowledge of organizations that have already been through the process that confronts WAPS.

Once more the corruption prevention component of allowing lateral entrants into police organizations provides the potential to substantially increase the diversity (and thereby the skills, intellect, experiences, and the like) within the organization. For example, recruiting a senior police manager from another jurisdiction who has experienced a commission of inquiry into corruption within his or her police organization could be invaluable in terms of addressing issues of police corruption and building corruption resistance within the recruiting agency.

NATIONAL ACCREDITATION AND STANDARDS

There is an urgent need for the finalization and implementation of a national scheme for the accreditation and standardization of police recruitment, education and training across Australia. The Australasian Police Professional Standards Council ("APPSC") is currently coordinating a range of projects within a framework of developing national policing standards. The APPSC comprises all Commissioners of Police in Australia and New Zealand as well as the Presidents of the Police Federation of Australia and the New Zealand Police Association. Each of the individual projects is driven by a member from one of the policing jurisdictions in Australia. WAPS is the lead agency for one such project, the aim of which is "to establish an Australasian police education standard for the confirmation or permanent appointment to Constable" (APPSC, www.appsc.com.au). The project intentions are commendable. However, it seems that, in some instances, too few resources have been channelled by the

home agency into the project, resulting in lengthy delays and too little progression of the project. This has been the case with the WAPS-driven project mentioned above. The WAPS project manager concerned has not been provided with sufficient resources to meaningfully pursue the project. He has to find time in addition to his other duties to endeavour to advance the study, and often lacks financial assistance to enable him to travel to meetings relevant to the project.

This project is valuable, both in terms of determining the requirements for recruitment and establishing a foundation for national recognition of police qualifications, allowing for greater mobility of employment and improved opportunities for lateral entry. It is recognized that there are factors such as pay and conditions of employment, which vary significantly across the different jurisdictions, and which could affect the ability and willingness of officers to transfer interstate. These issues, however, are secondary to the matter of mutual recognition of qualifications.

The APPSC has the potential to be an important and influential entity in relation to its aim, which is “to advance professionalism in Australasian Policing through implementation of professional development and service delivery best practice standards [and] to ultimately achieve the full status of policing as a profession”. Common sense indicates that a coordinated effort is superior to haphazard individual efforts that inevitably involve duplication of project work, particularly since the types of issues facing the various State police services are essentially similar, which increases the real benefit of having these issues addressed on a national basis. The APPSC, however, requires further support and commitment from its members. The finalization of the scheme for national accreditation and standards is a valuable innovation and should be prioritized by WAPS in terms of investing more resources (human and financial) in the project. The project has a timeline through until 2005, before which no further steps will be taken to implement a national accreditation scheme. This leisurely progress is inconsistent with the importance of the project in the context of achieving a significant advance in policing at a national level.

Adopting national standards for entry into police services across Australia has significant implications on at least two levels. First, if all individuals who enter policing in different jurisdictions possess the same accredited qualifications and standards, then the possibilities for inter-jurisdictional mobility, and subsequently lateral entry, across police organizations are immediately improved. Secondly, an agreement between jurisdictions regarding the criteria for appointment to police services, and the quality of recruit education and training, would contribute to the professionalization of policing.

The implications of nationally accredited and standardized training impact on corruption prevention in that both lateral entry and professionalization are considered essential in strengthening an organization's corruption resistance. Lateral entry of police officers increases the skill and experience base of an organization, which in turn improves its diversity. This has the potential to influence the culture of the organization by introducing features that can challenge an existing corruption-tolerant culture. Professionalization of policing necessarily involves adherence to ethical standards by members of that "profession", which ultimately develops a culture that is less open to corruption.

ETHICS EDUCATION

Typically, teaching ethical behaviour and enforcing ethical standards have been regarded as a ready remedy to corruption. However, there are those who hold the view that "teaching" ethics is an impossible task for officers who are imbued with venality, and that the only way to ensure a workforce of ethical employees is through traditional background checks and standard hiring practices. Nevertheless, there is no doubt that police of all ranks can benefit from a thorough, well-designed, advanced ethics education and training programme.

Newburn (1999: 29) argues that a programme for preventing police corruption must exist within a framework that emphasizes ethics and integrity, as:

- ethics contribute to the image of law enforcement as a profession;
- a code of ethics helps to engender self-respect among individual officers;
- a code of ethics may contribute to mutual respect among individual officers and to the development of an *esprit de corps*; and
- a code of ethics provides guidance as to how the law should be enforced.

It has been suggested by Goldstein (1975: 43) that the avoidance of discussing corruption in the training environment is due to a " ... naïve belief that discussing wrongdoing was inherently undesirable and might even encourage such behaviour". Furthermore, Goldstein held that where ethics training is carried out it is done in a manner that is unlikely to resonate with students or change future behaviour, and that "if recruit training is to have any impact on corruption, it must explore fully and realistically all the dimensions of the problem and include specific examples of corruption known to exist or to have existed in the department".

In a submission to the Royal Commission, Associate Professor Irene Froyland, Director of the Sellenger Centre for Police Research at Edith Cowan University, suggested (2003: 4):

Ethics and integrity are about the way an officer makes a decision, be it a decision to enter a property, a decision to interview a suspect, a decision to present

evidence or not present evidence in a trial or a decision about the way to treat a colleague. Ethics and integrity must be the wallpaper of policing, not the decoration on the front door. Ethics and integrity must be at the heart of the class on interviewing skills, the foundation question in brief preparation, the driving influence in every scenario practice. If every academy instructor is not asking “What are the potential ethical issues here?”, or “How can we ensure that the officer behaves with integrity in this situation?” then he or she is failing and so are their supervisors ... no one enters policing for the power, or so that they can perform their duties in a corrupt way. They begin with the best intentions and our training should be about tying those good intentions to well prepared skills so that by the time the officers “hit the streets” they know no way of performing other than with integrity. But we don’t need lessons in integrity. We need integrity in every lesson.

Reference was made in Chapter 3 of this Volume of this Report to the joint project between WAPS, the Ombudsman and the Sellenger Centre at Edith Cowan University (WAPS, 2001d), which found confusion among police concerning ethical standards and a reluctance to report unethical behaviour. The recommendations of that project primarily referred to the need for increased training at all levels of the service to endeavour to rectify the problem. Since then WAPS has made it a specific strategy to weave into all levels of training provided at the Police Academy an integrity strand designed to ensure that all personnel from the earliest point of training in the police service are educated in the standards of integrity expected of them. The only criticism of this approach is the apparent reticence to specifically refer to circumstances of corruption. To be effective, the training should include practical examples in which corruption occurs, in order to educate officers not only in resisting similar opportunities, but also in observing and reporting such instances of corruption by others. The evidence before the Royal Commission provides ample material from which to draw examples, and Volume I of this Report could well form the basis for lesson modules in corruption prevention.

The link between ethics and corruption prevention is clear. An organization with a strong corruption resistance culture is inevitably an organization with impressive ethical standards.

EDUCATION AND TRAINING

The education and training of police recruits is another of the foundations for developing a corruption-resistant organization. This is influenced by the skills of individuals who occupy the roles of educators, as well as the curriculum content.

Wood (1997: 210) identified the delivery of police education and training as an area of concern when he stated:

Whilst the ideals of the Police Academy and the motivation of many connected with it have been well-intentioned, delivery of police education has long risked domination by an attitude that it is by police for police, and that the broader community has little to contribute.

This criticism has some applicability to Western Australia. The Police Academy is an outstanding facility, which is well administered, and staffed by dedicated and experienced officers. However, the delivery of training is still "by police for police". This is despite the Academy being a Registered Training Organization, and therefore bound by national training standards, with the Department of Education and Training having a role in assessing the quality of trainers and training delivery at the Academy.

Although the Academy requires its training staff to complete a Certificate IV Training Assessment Programme whilst they are at the Academy, it would be of obvious benefit for this qualification to be obtained prior to being selected as a trainer rather than at a later time. A Review of the Police Academy in 2002 recognized that there are benefits in engaging or contracting personnel with specific qualifications in education, but to date little has been done to put that recommendation into effect.

The Academy was specifically established as part of the Joondalup Learning Precinct, which is the co-location of three academic institutions, namely the WAPS Training Academy, the West Coast College of TAFE and Edith Cowan University ("ECU"). However, full advantage has yet to be taken of this co-location. Teaching staff from ECU only provide teaching components for limited subjects in the officer development course and the officer management course, and at the Master of Business Administration (MBA) level. ECU does not otherwise provide teaching expertise for courses at the Academy, nor does it participate in curriculum development or assessment. The involvement of the West Coast College of TAFE is similarly limited, perhaps more so.

It is necessary that the expertise of these organizations be better utilized. Additionally, the Corruption and Crime Commission, in exercising its corruption prevention and education function, would also be a source of assistance in this regard and would provide a valuable contribution to recruit education on ethics and corruption matters.

Wood (1997) maintained that a dominance of sworn teaching staff is likely to perpetuate existing paradigms, philosophies and ultimately reinforce rather than challenge the existing police culture. Furthermore, Longbottom and Van Kernbeek (1999) suggest that a police

academy that is managed by police rather than educationalists is disadvantageous in not allowing for the influence of changing community standards in the development of the curriculum, thus undermining important educational aims.

The above suggests that it is not desirable to have police training and education almost exclusively in the hands of police trainers. Perhaps a partial solution would be to ensure that those police trainers and educators employed at the Academy are sufficiently qualified in teaching/training theories and techniques. Froyland (2003: 4) makes the point that “police skills need to be taught by experienced police officers” and she also suggests that “ideally all appointments to the Academy would require some training/education qualifications, but in the current service this is not possible”. It makes sense to have those individuals most suitably qualified to teach a particular area or subject to be responsible for doing so. Thus, for example those aspects of the police training curriculum related to operational policing issues should be taught by experienced police officers. On the other hand, not all recruit training, and even less senior officer training, is skills-based. These components could either be taught by external appointments to the Academy or, as Froyland (2003: 4) advocates, Western Australia “has a unique co-location of three different educational institutions ... rather than appoint unsworn academics to the academy, we should encourage a greater exchange of staff, ideas and resources between the three institutions”.

Another difficulty arises from the current rotation policy, whereby officers, who are recruited to the Academy and then undergo the Certificate IV Training Assessment, leave the Academy after their tenure has expired (approximately three years) and return to operational policing. This is not only inherently inefficient due to the continual need to train new instructors, but impacts upon the capacity of the Academy to accumulate teaching expertise at all levels.

A further factor arises from the loss of income to officers who are recruited to the Academy. Instructors who have come from operational roles in which shift or geographical allowances are payable, lose those benefits and return to base salaries. Admittedly, they do have the benefit of working standard hours, but to some the loss of income is significant. On the other hand, no reward is then granted for the additional skills gained as a result of obtaining the Certificate IV Training Assessment.

The role of the instructors at the Academy is as important as, if not more important, than many other positions of similar rank in the Police Service. It would seem desirable to adequately recognize and reward officers selected for these important positions, for example through income maintenance, assistance with the gaining of professional teaching

qualifications, encouraging educators to attend conferences, and professional development, including targeted placements outside the Academy. In this regard, notice should be taken of the ethos and practices developed at the Scottish Police College, Tulliallan, where appointment to the college as an instructor is highly regarded and sought, and is viewed by all as an indicator of the expertise and professionalism of the successful appointee.

Following the Bogan and Hicks Report (2002), WAPS embarked upon a strategic reform programme that included a review of professional development in WAPS (WAPS, 2003f). It is not proposed to comment at length upon the recommendations that were reached, but they included the establishment of a Professional Development Directorate that would be supported by a new Curriculum Development and Assessment Unit, a Strategic Co-ordination Board and a Strategic Training Plan. Another recommendation that was included in the package of proposals was the creation of a position of Commander at the Academy, to be advertised for either a sworn or civilian appointment, determined by the status of the most suitable applicant. This is a recommendation supported by the Royal Commission. The Victorian Police have adopted a similar practice of advertising a number of positions on the basis that the best candidate, either sworn or civilian, could be appointed to the position. Adoption of such a practice in relation to the Academy would provide the opportunity for an experienced educator to be appointed to the position.

The relevance of properly educating and training recruits as a corruption prevention strategy is readily apparent. In order for police officers to be adequately equipped with all the skills they will need in their policing duties, the process of training and educating these officers must be comprehensive and ultimately in the best interests of those participating in the Academy courses. Recruits should thus be trained by professional educators, be they police officers or external teachers, who must be adequately compensated. These educators need to be critically reflective of the environment of policing and communicate this appropriately to the recruits.

CONTINUING EDUCATION

WAPS does not have a programme of continuing education or continuing professional development. It deploys District Training Officers with responsibility for the training of officers within their districts in relation to matters such as weapons training or new legislation, but no provision is made to ensure that officers generally update their skills. It would appear that officers as a rule only undertake training courses if they are seeking information. It is a matter of particular significance because of the large number of senior constables who spend many years at that rank, and on present figures, may remain senior

constables until retirement. Apart from being obliged to update their shooting skills, there is little obligation to undertake any regular training or professional development.

Continuing education is a feature of the obligations of many professionals, and in an occupation such as policing with regular contact with the public and with the ever changing dynamics, there is a need to ensure that officers personally develop at the same rate as the organization, and not remain at the same level of training and development as initially provided.

Consideration should be given, when reassessing the wage structure appropriate to police, to making allowance for a requirement that officers undertake mandatory annual continuing development in order to maintain salary increments, or receive allowances upon completion of the annual commitment for continuing development.

PROFESSIONALIZATION

The argument in favour of the professionalization of police has been voiced by numerous writers over the past two decades. Indeed, Wood (1997) based his recommendations on the following three foundations:

- Police are entrusted by the community with great powers and responsibilities;
- Police must reciprocate this trust by achieving and maintaining high standards of integrity, professionalism, impartiality and performance; and
- Police roles must be carried out in ways which meet diverse community needs and standards of service, efficiency and high performance, which are not constricted by bureaucratic rules or outmoded thinking, and which keep good police on the front line.

Wood (1997) also believed that adopting the principles of professionalism was central to the reform process. Kleinig (1996) maintains that the hallmarks of a profession are: the provision of a public service, adherence to a code of ethics, special knowledge and expertise, higher education, autonomy and discretionary authority, and self regulation. In November 1996, the Australasian Police Ministers' Council issued "The Australasian Policing Strategy", which identified the goals of enhancing professionalism, credibility and the professional status of police in the community.

Furthermore, the Centre for Training, Assessment and Development, operating at the Canberra Institute of Technology under the guidance of a steering group of various experts

has published a report "Advancing police professionalisation through standards based education and training" (1999). This report attributes the following elements as being essential for the identification of policing in Australia as a profession:

Education – Higher educational qualifications (particularly university education) are considered integral to the adoption of professional status. *There is an increasing requirement for police officers who are – intelligent, articulate, mature, and knowledgeable about social and political conditions (Dantzker, 1997).*

Training – National agreement on the content and type of practical skills training is essential for policing to be considered a profession in the true sense of the word.

Lateral transfer – The lack of smooth lateral transferability is considered to be an issue that differentiates the police from other professions.

Registration – Most professions have a registration system that distinguishes members from non-members.

Professional association – Most professions have at least one professional association.

Body of knowledge and skills – This is an essential feature of a profession. There is certainly a trend towards developing a body of knowledge around policing issues. *In Australia this is evident in the work of the Australasian Centre for Policing Research ("ACPR"), the Australian Graduate School of Police Management at Charles Sturt University, and the Sellenger Centre for Police Research at Edith Cowan University, among others.*

Attitudes of the community and other professions – Their support is essential but is often ignored by the police service.

It is disappointing that four years after this report was tabled the recommendations contained within it have not been adopted. Whilst it is acknowledged that work towards achieving these aims is under way, the emphasis that this work receives within the various policing organizations is inadequate. This is evident in a number of police research initiatives currently in progress nationally which, although genuine in their intentions, lack vigour, the result being that these projects have lingered for years without being satisfactorily concluded. In 1990, for example, the Australian Police Ministers Council established the National Police Professionalism Implementation Advisory Committee, which "facilitated the creation of a national statement of strategic direction by which policing was

to achieve “full professional status” (Bradley, 1996: 107). This statement included strategies such as:

- The development of community-based common core competency standards at recruit level;
- A national code of ethics;
- The development of nationally significant training courses and the articulation of police education and training with the universities;
- The conduct of a national needs and demand analysis to establish tertiary educational requirements for police in the future; and
- The creation of a national police education standards council that would monitor, accredit and endorse courses.

Needless to say, very little progress in those areas has been achieved. Bradley (1996) asserts that contrasting these strategies with the present state of policing reveals that much has yet to be achieved in relation to professionalizing the discipline of policing.

The report by the Centre for Training, Assessment and Development (1999) also identified barriers inhibiting the acceptance of policing as a profession, such as:

- Disparity between the reality of police work and the professionalization rhetoric;
- Political influences on the police (e.g. promises to increase police numbers or “get tough on police corruption” during election campaigns);
- Frequent inconsistency between the code of ethics and the reality of how the police service functions;
- Reliance on experience as the best guide to action;
- Inability of the police service to attract the best people (due to pay, conditions, status, etc.), resulting in low entry requirements;
- Lack of evidence that tertiary qualifications make a better police officer; and
- A conformist and conservative police culture.

Overcoming these barriers is, of course, no simple matter. Nevertheless, the advantages of doing so and progressing policing towards a *bona fide* profession are manifold and provide benefits both for the police and the community they serve.

As Johnson (2001) points out, the use of in-house training for most professions has almost entirely ceased, and the pathway to professionalization now almost certainly involves post-

secondary education. As an example of this change, nursing is a profession that previously gained its training and credentials through hospital-based training but now relies on tertiary qualifications for entry into the profession. Changes in technology, responsibility and accountability requirements have in large measure driven this upgrading process. It is widely accepted that nursing has gained in status as a consequence of this professionalization.

In addition to the benefits that an employer receives in having better-qualified staff, this move from in-house to tertiary training also has financial benefits for the organization. Whereas in-house training is a cost that is borne by the organization, the move to tertiary qualifications largely transfers the costs to the individual. In respect of the Police Service this would enable the training programme time to be greatly reduced, thereby achieving savings, or, alternatively, additional subjects not currently covered could be added to the training syllabus. The professionalization of nursing education and the recent developments in the training of Ambulance Officers provide a useful benchmark.

Furthermore, police organizations should acknowledge the efforts of individual officers to improve their skills through obtaining tertiary qualifications by providing financial benefits. This means that those individuals who are better qualified receive a better salary than those who do not possess equivalent educational qualifications. As an example, this could be achieved in part by those officers in possession of a tertiary qualification being advanced one salary increment above that indicated by years of service until they reach the highest increment of their rank. This would better balance the relationship between qualifications and experience.

PERFORMANCE MANAGEMENT

The standards of efficiency against which performance is monitored affect the behaviour of individual police officers. The formulation and application of performance criteria are positive factors in identifying goals and creating the expectation that they should be met. On the other hand, unrealistic and unattainable standards could have implications not only for the monitoring of efficiency within the workplace, but also for the ethical behaviour of individual officers.

Over the past decade or so there have been increasing managerial efforts to develop measurable performance standards of efficiency. These are seen as an important measure of activity and of the relationship between costs and benefits. A problem does, however, arise where the meeting of these performance standards can be seen as an end in itself. Performance-oriented policing places a focus on "results" such that a danger exists that

officers wishing to have themselves regarded in the best possible light will undertake “creative” measures to achieve these “results”. One example of such creative measures was the falsification of the random breath tests by WAPS officers between September 2000 and March 2001. A report by the Ombudsman (2001) into the matter records that 93.5 per cent of the random breath tests were falsified by 13 of the 19 staff permanently or temporarily posted to a suburban police station during this period. It is tempting to dismiss this behaviour, particularly since no individual was directly disadvantaged by the falsifications. The issue, however, is broader than this, as it serves to identify that, in the absence of robust accountability measures and appropriate supervision, officers may be seduced into participating in activities in order to make their job easier, or to give the appearance of good performance, even though they recognize that the behaviour would not be approved.

Both Fitzgerald (1989) and Wood (1997) in their inquiries into police corruption identified what has been termed “noble cause” or “process” corruption. This involves officers justifying unlawful or questionable practices by pointing to the desirability of their objective, an “ends justifies the means” approach (Dixon, 1999). Newburn (1999) also makes the point that many of the areas where corruption might be found are indeed predictable, and suggests that unrealistic productivity targets could perhaps inadvertently encourage corruption. Mollen (1994) was also concerned about process corruption and thus as part of reforming the New York City Police Department (“NYPD”) recommended that the NYPD cease using arrest/convictions as a measure of productivity and also that they move away from applying reported crime rates as a means of evaluating individual performance.

Those who seek to gain advantage by criticizing the performance of a police service on the basis of crime rates are doing the community a disservice. Crime rates are not entirely within the control of a police service and are the product of broader sociological factors – unemployment, housing affordability, and the provision of welfare to name a few. Clearance rates are a more meaningful indicator of the corporate efficiency of a police service, but rarely do they receive the same attention as the broad crime figures. What is more important is that any statistical information should be accompanied by rigorous quality assurance measures and appropriate analysis.

In addition to broad measures of workplace performance, the issue of monitoring individual performance is an essential function of an effective supervisor, and requires that the supervisor gather appropriate information from a variety of sources. One of the measures implemented by WAPS since the commencement of the Royal Commission is the process of quarterly Organizational Performance Reviews (“OPR”). This has been a commendable initiative. The process involves each District and Portfolio submitting information quarterly concerning specified activities within the particular unit. The information relates not only to

operational matters, but to human resource issues as well. The quarterly return is followed by a hearing at the Police Academy, chaired by the Commissioner of Police and supported by other senior officers. The system is an effective means of not only measuring the performance of each unit in relation to criminal investigations, but also ensuring compliance with new programmes for the purpose of achieving “traction”. For example, the OPR also has the capacity to require each unit to report upon the existence of its corruption prevention plan, and its components. It is hoped that this capacity will be used in the future.

WAPS also utilizes a process known as Business Area Management Review (“BAMR”), which is a compliance audit, but which should not be confused with performance management. It is a useful mechanism to ensure that processes are being properly applied, but it does not reveal all the information about the performance of each particular unit.

Once the particular performances that are to be measured have been identified, it is necessary to ensure that a comprehensive audit and review process is resourced and undertaken. This function in WAPS is a responsibility of the Management Audit Unit, which provides impartial evaluation of efficiency and effectiveness of WAPS systems, including performance management. The Royal Commission acknowledges the good work undertaken by the Management Audit Unit.

It is important to strike a balance between devolving responsibility for managing performance to local commands and ensuring that corporate oversight and support is provided. Local commands must be encouraged to adopt these measures as their own, but they must not be left entirely to their own devices.

The existence and utilization of a comprehensive performance management system is a fundamental component of a corruption prevention strategy. A performance management system should specify the standards and norms of acceptable behaviour and thus, if properly implemented, will be able to immediately identify behaviour that occurs outside the stipulated standard, including unethical and/or corrupt conduct. However, in addition to being a valuable tool for the prevention of corruption, performance management can potentially encourage misconduct if the key performance indicators that stipulate the standards of performance to be managed are too rigid, are inappropriate or are unrealistic. Performance management strategies, therefore, must be developed in line with the organization’s corruption prevention plan, in order to ensure that the performance management system contributes to the corruption-resistance capabilities of the organization.

PERSONNEL VETTING

The purpose of personnel security measures is to provide an appropriate level of assurance regarding the integrity of personnel who require access to sensitive information or valuable assets. The security vetting process attempts to ensure that members of an organization are unlikely to be susceptible, for whatever reason or motive, to temptation or pressure that will cause them to abuse the access that they have been granted.

Increasingly, government agencies at Federal and State levels are becoming conscious of their need to have staff undergo security vetting. The Australian Security Vetting Service (“ASVS”), a business unit of the Commonwealth Attorney General Department’s Protective Security Coordination Centre, provides a security vetting service for over 90 Commonwealth Departments on a fee for service basis. The Anti-Corruption Commission has also made use of this service in ensuring the integrity of its own officers.

The ASVS does not itself grant a security clearance, but rather undertakes the vetting process and then makes a recommendation to the referring agency. There are two types of clearances – national security and non-national security – with law enforcement agencies such as police services generally making use of the latter type. Non-national security clearances have three levels:

- X-in-confidence (e.g. medical-in-confidence);
- Protected; and
- Highly Protected.

Positions at Protected and Highly Protected status are evaluated according to the following factors:

- Identity / background;
- Police check / disciplinary check;
- Personal life choices;
- Drug usage and reliance;
- Alcohol usage and reliance;
- Financial probity;
- Overseas travel and connections;
- Political and social views and activities;
- Suspect contacts and associates;
- Security record and views; and
- Any other potentially relevant factors or considerations.

The vetting process must cover a sufficient period of the individual's life to make an "affirmative" determination. The mandatory vetting period is five years for Protected and at least ten years for Highly Protected. The Commonwealth Protective Security Manual (Attorney General's Dept, 2000a) advises that Highly Protected security clearances must be re-evaluated at intervals not exceeding five years, and if not completed within six years the security clearance lapses along with access to classified material. Protected clearances are subject to less stringency and it is left to individual departments to determine their own policies and procedures for periodic revalidation and re-evaluation of these clearances.

Despite the trend in Commonwealth government departments towards thorough background checks of prospective employees, this level of checking is in marked contrast to the limited checking requirements for engagement in WAPS, which involves an "integrity check" at recruitment level that covers:

- Criminal records;
- Traffic records;
- Traffic infringements and Motor Driver's Licence; and
- Any police contact.

This integrity check at recruitment may be the last time that any form of probity or integrity check is carried out, the exception being that persons being considered for promotion will have a check made for any holdings with the Internal Affairs Unit. Applicants for positions with the Internal Affairs Unit also are subject to a further integrity check.

As can be seen, the standards required for employment within WAPS are not in keeping with the developed standards at Commonwealth level. Apart from the fact that improved integrity checks will better ensure that recruits are suitable for employment with WAPS, there are likely to be further difficulties for WAPS in the future should they not adopt a similar approach. As the world becomes increasingly security conscious in the wake of terrorist and other incidents, it is necessary for government agencies within Australia and overseas to be able to share intelligence and knowledge. This requires a mutuality of trust between the relevant agencies as well as a high level of confidence in the agencies' security provisions, which necessarily includes personnel vetting.

It is probable that, in the future, agencies such as the Australian Federal Police and the Australian Security Intelligence Organization, which conform to Commonwealth standards, will be hesitant to share intelligence with agencies that are unable to provide the same security assurances.

WAPS, through its Professional Standards Portfolio needs to implement a personnel security vetting programme that conforms to the national standards set by the Commonwealth Protective Security Manual (2000a) . Given the costs involved in security vetting and the size of WAPS, it will be necessary to give consideration to the order and pace of implementation. This will require a risk assessment to be carried out to identify those areas within WAPS that carry the greatest risk. Areas that are likely to be in the first tranche of implementation include:

- Police Senior Management Group;
- Organized Crime Investigations (OCI);
- Bureau of Criminal Intelligence (BCI); and
- Tactical Investigation Groups (TIGs).

There may be some individuals working in these areas who object to the level of intrusiveness necessary to complete security vetting to Highly Protected status (the recommended level). Any implementation process must be sensitive to these concerns and thus an education and awareness programme is required prior to undertaking the vetting process. For those who refuse to comply with the requirements of the vetting process, it will be necessary to find alternative employment for them within the Police Service, keeping in mind, however, the following statement made by the Inspector-General of Intelligence and Security: “[p]eople who are employed in security or intelligence work must meet very high standards of security and accept a more detailed inquiry into their personal affairs than is required for employment in other areas” (Commonwealth Department of the Attorney General, 2000b: www.ag.gov.au). Transfer to another area within WAPS would in any event provide only temporary relief, as it is expected that over time all personnel, both sworn and unsworn, will become subject to the vetting requirements.

The significance of a thorough personnel vetting process as a corruption prevention strategy is indisputable. A comprehensive background check of individuals working within an organization is valuable in that it provides insight into the individuals that constitute the organization. People can conceal certain characteristics. However, this becomes more difficult in the face of thorough background checks completed by professional vetting agents in relation to the full range of “vulnerability” factors specified above. No longer is it necessary for organizations to rely purely on individuals’ subjective accounts of their history.

Intense personnel vetting of individual officers has important implications for risk assessment, which is also an integral component of a corruption prevention plan.

7.3 SELECTED STRATEGIES

Selected strategies are interventions that are directed at high-risk groups or activities of general involvement, which call for specific corruption control measures. Examples of strategies at this level are those in relation to the execution of search warrants, and the videotape recording of confessions.

OPERATIONAL INTERVENTIONS

It is not the intention of the Royal Commission to review all operational strategies of WAPS in order to identify those areas of risk that warrant specific anti-corruption measures. The evidence led before the Royal Commission does however provide guidance in identifying the conduct that creates the greatest risk. Obvious examples concern the issue and execution of search warrants. Operation Least Said, the evidence of which is summarized in Chapter 3 of Volume I of this Report, revealed abuse of the system for the issue of search warrants. Some of the issues will be canvassed later in this Volume of the Report when dealing with law reform. Repeatedly, the evidence before the Royal Commission exposed misconduct by police in the course of executing search warrants. They are obviously areas that call out for specific strategies to minimize the risk of corrupt conduct. Those strategies should form part of a corporate corruption prevention plan, and of plans in place in Districts and Portfolios.

In relation to the execution of search warrants, a requirement that searches be video recorded is an obvious measure to reduce the risk of corrupt conduct. Some units within WAPS have local operating procedures that require searches to be filmed, and in some areas the practice has become the norm. There is a reference to the practice of videotape recording in Administrative Direction AD-24.21 (WAPS, 2002d), which states the policies to be applied in conducting searches for drugs, and includes the advice "where practicable, the video recording of search warrants is to be considered". Such a requirement is so vague as to be meaningless. Some WAPS operating procedures have no such requirement and officers in certain areas are free to execute search warrants without the use of a video recorder, or even the minimal requirement to photograph seized items *in situ*.

It is not claimed that the use of video recorders is foolproof in preventing misconduct, but as the experience with the requirement for the videotape recording of confessions demonstrates, the integrity of the process is substantially enhanced by the fact that the activity has been recorded. A mandatory requirement to video record all searches would be an example of a selected corruption prevention strategy, which should be incorporated into the corruption prevention plan.

RESEARCH INTO CORRUPTION

A component of corruption prevention planning is the need to build the evidence base for corruption prevention and ethical practice. This is necessary to ensure that intervention strategies have the greatest chance of success by building the evidence base, sharing good practice and providing education and training. In corruption prevention there is a need to develop a better knowledge base, as many strategies have not been adequately evaluated.

Achieving this aim will require support for research and the evaluation of strategies, ongoing and longitudinal research, and the dissemination of knowledge gained to facilitate good practice. This can be achieved by:

- Conducting studies on corruption, risk and protective factors, the effectiveness of strategies, and legal and ethical issues;
- Conducting studies of corruption in specific groups of interest;
- Establishment of partnerships and information sharing between the Corruption and Crime Commission, Auditor General and other police services;
- Development of data systems to underpin corruption prevention interventions; and
- Collection, collation and dissemination of information about good practice in corruption prevention through education, peer reviewed and other publications, professional associations, networks, conferences, the internet and clearing-house services.

Performance indicators associated with the above would include the:

- Increase in the number of relevant strategic research projects funded and completed;
- Improved availability of research and evaluation research reports;
- Increase in the number of relevant articles in peer-reviewed journals or those available on the WAPS website;
- Increased numbers of police officers of all ranks provided with appropriate corruption prevention training, where possible accredited through a professional or vocational training system;
- Increased number of tertiary education providers for policing and justice studies that include modules on corruption prevention;
- Inclusion of corruption prevention and integrity in the competency standards for police officers; and
- Improved evaluation of corruption prevention training activities.

Research on risk and protective factors, and risk and protective processes, will enable WAPS to better identify behavioural and psychological factors associated with corruption, establish factors that increase or decrease the likelihood of becoming corrupt, and develop and test interventions that moderate the translation of risk into corruption.

COMPLAINTS MANAGEMENT

An efficient system for processing complaints about police conduct is another essential component of any corruption prevention plan. Research by the NSW Independent Commission Against Corruption ("ICAC") (1999: 19) on the challenges senior public sector managers face regarding corruption prevention, found that "the ability of an organization to appropriately punish corruption [is] an important prevention tool ... lack of action sends a damaging message to staff that nothing will be done to punish corrupt behaviour". Thus, the systems for managing and addressing complaints about the behaviour of police officers are an integral component of an organization's corruption prevention strategy.

Management of complaints, however, is a thorny issue. On the one hand, as suggested above, there must be a suitable system in place for managing internal complaints about police behaviour and appropriate discipline mechanisms. On the other hand, a complaints management and disciplinary system that emphasizes a purely punitive approach can be detrimental to preventing corruption, particularly if the disciplinary procedures are convoluted and time consuming. This situation could in fact discourage individuals from being accountable for their behaviour if they perceive that even the slightest error of judgment could be construed as misconduct, and therefore subject to extreme disciplinary measures. Thus, situating a complaints management and disciplinary system within a broad corruption prevention strategy must be carefully and strategically considered.

In this regard, ICAC (1999: 19) research previously referred to emphasized "the importance of following strict and proper procedure and having a constant regard for natural justice when taking punitive action ... to minimize the possibility of an incorrect action being taken". A different approach has been postulated by Fisher (2003: 23) in his review of the complaints and disciplinary system in the Australian Federal Police, where he has advocated a move away from a punitive disciplinary approach to a managerial approach, the main focus of which is "to improve conduct and prevent recurrence". Furthermore, Fisher argues that:

... it is not a requirement to establish a detailed account of what happened or to attribute culpability. A clear distinction from the adversarial model emerges at this junction. This has the effect of reducing legalism and attendant time delays and allows the focus of the managerial resolution to be on addressing errant behaviour. A central aspect ... is the devolution of the management of police behaviour to

regional managers and supervisors. This means that supervisors and managers are empowered to be engaged in preventative strategies and innovative developmental approaches to police complaints. This entails the manager working cooperatively with employees to address performance issues.

Fisher's approach (2003) towards complaint resolution and discipline is a valuable additional tool in an organization's corruption prevention "strategies", and is the approach recommended in this Report. Such a managerial approach has implications for corruption prevention, including:

- Encouraging accountability of individual officers since repercussions for inappropriate behaviour will be perceived to be relevant and fair;
- Encouraging accountability among supervisors who become responsible for resolving complaints against subordinates due to the devolution of these responsibilities; and
- Increased accountability across all levels of the organisation contributes to a culture that does not tolerate corruption.

A more thorough exploration of complaints management and disciplinary systems has been included in other chapters of this Report. These chapters examine complaints management and disciplinary systems in WAPS, including changes WAPS has made in line with a managerial and devolution approach such as those provided above. The justification for including information pertaining to these issues in this chapter is specifically to analyse the role complaints management and disciplinary systems play in contributing to an overall corruption prevention strategy.

A robust approach to complaints management serves to highlight the importance of appropriate service delivery to the community and the lawful treatment of persons coming into contact with police. The intention is to encourage officers to perform their duties responsibly in the knowledge that, should they not do so, it will not be tolerated. Linked to this is the need to take a learning approach with complaints rather than a punitive one.

EQUITY AND DIVERSITY

Strategies for preventing corruption in police organizations must be considered in the context of the culture inherent in such organizations. The link between police culture and police corruption was identified earlier in this Report.

Given the influence individual members of an organization have on shaping the culture of the organization, it follows that increasing the diversity of individuals in the organization

would flavour the culture with a more heterogeneous assortment of experiences, skills and philosophies. In WAPS this could be achieved by increasing the pool of applicants to include:

- More women;
- More indigenous persons; and
- More persons from culturally diverse backgrounds.

Increasing the diversity within a police organization has the potential to reduce the risk of corruption and/or misconduct among police officers, since the existence of diverse moral and ideological perspectives may conflict with more “traditional” cultural norms. Thus, previously culturally accepted and condoned methods of behaving in fulfilling one’s duty as a police officer may no longer be appropriate in the context of a diverse environment that presents a challenge to these practices. A culture that tolerates corrupt activities may not be able to withstand the pressure of competing ideals. This was evident in the findings of a recent review of sworn recruitment and career development for women in WAPS completed by the Office of Equal Employment Opportunity in Western Australia. The review (2002: 16) concluded that “proportionally more female applicants than male applicants pass the range of integrity checks” and “that women police officers are less likely to receive adverse reports of misconduct and improper use of force”. Furthermore, Reiner (2002: 135) argues that the employment and promotion of women in police is “important not only as an issue of justice, but to dilute the machismo element in police culture, which has been seen as an important source of abuse”.

Increasing equity and diversity within police organizations is important not only for corruption prevention purposes. Chan (1997: 15) writes that “Australia ... is a country of remarkable ethnic and cultural diversity, with more than 100 ethnic groups, speaking 80 immigrant languages and 150 Aboriginal languages”. Police organizations need to take this into consideration when recruiting in order to ensure that these organizations are representative of the population they police. Additionally, Adams (2001: vi) maintains that:

Diversity management seeks to change organisational culture to accommodate and value difference, thereby improving the work environment for the individual, and also the ability of the organisation to achieve its objectives. The skills that will be required to fulfil policing’s role in the new millennium cannot be provided by one type of officer, but rather a diversity of skills and styles of management are required.

Improvements in the diversity of WAPS has the potential to reduce the risk of corruption and misconduct among police officers by introducing alternative moral and ideological

perspectives that conflict with police cultural norms that are supportive, or at least tolerant, of corruption.

EARLY WARNING SYSTEM / PROFILING

No longer is it acceptable for a police service to deal with corruption by awaiting the receipt of allegations before embarking upon reactive investigations. It is necessary to adopt a proactive approach of identifying high-risk officers and activities through a process of target identification and profiling.

The basis for profiling is that the best indicator of future behaviour is past behaviour, and the examination of past activities is of assistance in identifying future risk areas (Bassett and Prenzler, 2002). A mechanism to achieve this is through the implementation of an early warning system – a databased management tool that assists in the identification of those officers who are exhibiting patterns of inappropriate behaviour (National Institute of Justice, 2001). Following identification, steps are taken to eliminate further inappropriate conduct through counselling, training, or disciplinary processes. The National Institute of Justice (NIJ) (2001: 2) postulates the following three basic components of an early warning system:

- **Selection:** The generally applied performance indicators include citizen-initiated complaints, complaints from fellow officers, firearm discharges, resisting-arrest incidents, high speed pursuits, vehicle damage, use of force reports.
- **Intervention:** The intention of the early warning system is to reduce errant behaviour and to promote positive behaviour, and is often based on a combination of deterrence theory and education. The National Institute of Justice believes that specific deterrence is applied to the officer in question through coming to notice and the attention received and intervention experienced. General deterrence is thought to be achieved such that officers will seek to avoid being identified in this way and avoid punishment; and
- **Monitoring:** Follow up monitoring is required to ensure that modified behaviour has been adopted and that slippage does not occur.

Those jurisdictions that employ an early warning system report improved conduct by those officers subjected to it, and a significant change in the supervisory behaviour of those in charge, such that they exhibit greater responsibility for their management and supervision tasks.

There is a great volume of material that is routinely gathered or available to WAPS that when subjected to analysis can be of enormous value in profiling individual officers. Basset and Prenzler (2002: 134) list the following factors as being useful in a comprehensive early warning system:

- Citizen complaints
- Internal complaints/disclosures
- Discharge of firearm
- Unusual absenteeism/sick leave
- High speed pursuits
- Resisting arrest cases
- Injury to arrestee
- Failure to attend court
- Use of force incidents
- Adverse work performance reports
- Litigation
- Failed prosecution briefs
- Suspension, fines or other disciplinary outcomes

In addition to those factors listed above, the following also provide fertile ground for profile development:

- The monitoring of radio transmissions (Champion & Rush, 2002);
- Individual performance management assessments;
- Promotional performance reports;
- Management Audit Unit's Business Area Management Review (BAMR); and
- The sentencing comments of judges/magistrates.

It is generally accepted that the distribution of complaints against police is not even, and that a small number of officers may be significantly over-represented in complaints. There is no doubt that the duties of detectives involved in criminal investigations are more likely to attract complaints. At the same time, however, it is clear that the vast majority of evidence of corrupt conduct, not only in this Royal Commission but also in other inquiries, relates to detectives. In many instances these officers are well known for their errant behaviour by both colleagues and supervisors. The Royal Commission saw a number of such examples where even a cursory examination of complaints records would be a cause for concern, yet nothing had been done by WAPS.

In February 1999, a WAPS superintendent participating in the Police Executive Leadership Program at the Australian Institute of Police Management undertook a project entitled "The implementation of an early warning system to monitor complaints against police in the Western Australia Police Service" (Tovey, 1999), and the report of the project appears to have been well received by WAPS as, in late 2000, a Risk Assessment Unit ("RAU") was established. The report identified that an "early warning system" was required, in part, due to there being no system "in existence to identify an increasing number of complaints for

officers thus losing the opportunity to identify causal factors and trends” (Tovey, 1999: 1). It is disappointing, however, to observe that resources provided to the RAU, human and otherwise, are insufficient to enable a credible early warning system to function. The RAU has a complement of two officers, and it is often staffed by only one officer.

Despite these shortcomings, the development of the RAU reflects a move towards a proactive approach incorporating corruption prevention strategies. The RAU has been tasked with identifying those officers who, due to identifiable trends in behaviour, pose a risk to themselves and the Police Service. In addressing this task, two distinct areas of assessment have been identified:

- A reactive stream of assessment that presumes that past behaviour is the best measure of future behaviour. In completing assessments of this nature, the aim is to identify any existing trends that have been instrumental in the particular individual attracting complaints against him/her. Once identified, effective developmental intervention strategies need to be devised to address any apparent skills deficit. It is essential that any such intervention be both timely and effective; and
- A proactive stream of assessment that addresses current behavioural issues that are not necessarily based upon complaint history issues. Rather, the focus is on research into current behaviours and issues that impact on a member’s performance, as well as profile-based assessments. This stream requires intensive research and consultation with other units, particularly those with expertise in behavioural science.

In discussing the development of early warning systems, Bassett and Prenzler (2002: 137) compiled a list of factors that need to be taken into account:

- It should be a component of a broader corruption prevention program.
- The responsibility for use of the early warning system should rest with Internal Affairs (or Professional Standards Unit) to ensure uniformity and department-wide coverage.
- It must be based upon risk analysis and understanding of the organisational and task environments.
- It must be continually monitored and updated.
- It must provide for early interventions tailor-made to the suspected problem, such as counselling, therapy, training, a warning or an integrity test to confirm suspicions.
- It must integrate as many sources of data as possible.
- It must openly practise procedural fairness and the presumption of innocence.
- It must promote positive performance.

- It should always consider factors beyond the individualised “problem officer”, such as gaps in training or better supervision requirements.
- It should include a communication strategy for conveying plans and summaries of outcomes to employees.

Of the range of corruption prevention interventions used by WAPS, the work of the RAU is noticeable for its proactive approach. The RAU does, however, fall down in that the resources allocated to it are inadequate to enable it to provide anything other than a token effort in corruption prevention.

It is important that emphasis be placed on identifying officers who are at risk of developing corrupt patterns of behaviour in order that they can be assisted to adopt professional behaviours that conform to WAPS expectations. Additionally, where profiling reveals significant concerns, this information can be used as the basis for developing appropriate responses, such as integrity testing programmes or commencing Commissioner’s loss of confidence arrangements.

While the RAU has the formal role of target identification, the task of individual risk assessments should be undertaken at all levels of management, on a more informal basis. It is important that all managers should know their staff, and their strengths and weaknesses, in order to be able to properly supervise and be alert to potential for misconduct.

MANAGEMENT OF INFORMANTS

The development of informant management systems is a matter that has rightly received the attention of police services, including WAPS, owing to the high corruption risk that tends to accompany work in this area (ICAC, 1994). The most important issues to be addressed are the recruitment of informants, the manner by which they are handled (including any payment provided), and the use that is made of informant information (Maguire and John, 1995).

The use of informants is derived from the requirement for information in order that police officers can carry out their job. The nature of policing has long since moved from a completely reactive response to crimes committed to proactivity in targeting offenders through the strategic use of intelligence (Dunnighan and Norris, 1999). Informants have become an integral component of the intelligence gathering that surrounds many criminal investigations. It is recognized, however, that dealing with informants has in the past exposed individual police officers and police services themselves to ethical and physical risks

(Cashman, 2000). Additionally, the informants themselves can be at potential risk of repercussions, and their well-being and welfare must be recognized and accounted for.

Not surprisingly, informants may seek to gain a benefit for themselves as a part of the information exchange process, be it in monetary terms or through a reverse flow of information. It is imperative, therefore, that all informant contacts be closely supervised and that officers be well schooled in what is expected of them and what they might confront.

Cashman (2000) describes the manner in which informants and informant witnesses have become linked to the corruption and accountability problems of law enforcement, due to their utility as part of the “emerging paradigm” of proactive, information and intelligence-led policing. The cultivation and use of informants should not, however, be permitted to become the major mechanism for undertaking criminal investigations. An over-reliance on informants can lead to a laziness such that other investigative techniques are eschewed in favour of obtaining “a few warrants and kicking in a few doors” (Maguire and John, 1995).

WAPS has a detailed Informant Management Manual that provides the structure to appropriately manage the relationship between police officers and informants. The objectives of the WAPS informant management system are described as being to (WAPS, 2002d):

- protect you, as a police officer, from false allegations of corruption or impropriety arising out of dealings with informants;
- reduce corruption/impropriety or the perception of corruption or impropriety;
- safeguard informants;
- provide objective supervision and assessment of the relationship between officers and informants;
- maximize the benefits to the Police Service and the community of information obtained;
- prevent unwarranted duplication of informant registrations;
- exclude undesirable informants; and
- establish guidelines for the application of rewards, whether monetary or otherwise, to informants, through the Reward Evaluation Advisory Committee.

If, however, the procedures and protocols contained in the informant management manual are not followed, the opportunity is created for problems to occur within the relationship. In this regard, an interesting development has occurred in a number of police services in the United Kingdom with the appointment of specialist informant “controllers,” who are experienced in informant management, to handle informants, in a move to tighten up handling systems. A further refinement of this system has been the appointment of two “handlers” – one the specialist controller and the other a general investigations officer. This

practice is credited with giving a wider number of officers experience in this aspect of policing and providing continuity of contact should one handler be absent on leave (Maguire and John, 1995).

As with many of the other matters that have been examined by the Royal Commission, the role of front-line supervision is crucial. In discussing informant management, the Police Integrity Commission's "Operation Jade" (1998) identified weaknesses in the supervision structure in NSW such that "blind" trust was held in the integrity of staff. Supervisors and senior supervisors failed to ensure that staff under them had read and were conversant with informant management procedures, and failed to recognize clear tell-tale signs or indicators of corruption.

History has shown that working with informants is a complex matter and that many officers have come to grief as a result of the inappropriate relationships developed with informants. For many police officers, it would seem, informants have become the "gateway" into corrupt and criminal practices. WAPS needs to ensure that its protocols for informant management are rigidly observed. It is acknowledged that strict regulations as to the use of informants are likely to deter some officers from using them and this may result in a loss of information and co-operation that might otherwise have been available. Whilst this is regrettable, the interests of the community are better served by ensuring that dealings with informants are strictly controlled and the potential for corrupt conduct eliminated.

TARGET HARDENING

A recognized strategy for reducing corruption is to eliminate as many situations as possible that expose police to corruption opportunities (Knapp 1972). There are obvious corruption risks associated with the seizure, handling and storage of drugs, money and other valuable property. Whilst such risks cannot be entirely obviated, they can be minimized by ensuring the application of risk reducing security measures and systems to circumscribe opportunities for misappropriation. This approach has been described as "target hardening" (Ede, Homel & Prenzler, 2002) .

WAPS, in common with most other police services, has in place procedures for handling drugs and cash (Administrative Direction 24). These procedures emphasize security and adequate record keeping, but to a large extent this is motivated by the need to ensure that continuity is maintained such that the risk of challenges by accused persons are minimized. The adequacy of the procedures to prevent corrupt conduct must be open to doubt, given that as recently as July 2003 a significant quantity of cash was reported stolen from the safe of a metropolitan specialist inquiry unit. This is now known to have occurred on two

separate occasions at the same office. Clearly, physical security has been insufficient to prevent these occurrences.

Theft of money and drugs is one of the more common types of misconduct in other jurisdictions (Prenzler *et al.*, 2002). The hearings of this Royal Commission have served to confirm that Western Australia is typical in this regard. In the light of evidence that such conduct is continuing notwithstanding the existing written procedures, a review of those procedures is called for. WAPS needs to consider, in particular, rules relating to access control of secure areas for the storage of drugs and property.

RECORD KEEPING – JOURNALS

It is the practice of all detectives in WAPS to maintain a journal. Such journals are in standard format and provide, in particular, for the recording of hours of work. The storage of completed journals used by commissioned officers is covered by Administrative Direction 21, and this needs to be extended to cover the use of journals by all classes of police officer. It is acknowledged that the recent introduction of bar-coded journals will facilitate their issuing and subsequent storage once completed.

These journals provide a means by which detectives can record details of how each day is spent. In particular, a summary of what investigations were undertaken, who was spoken to, what locations were attended and the times at which matters occurred can be recorded. The inside cover of the journal contains an “instruction” that reads in part:

The entries in them are not to be lengthy or argumentative. They should show exactly the hours at which various duties are performed, the time spent on each duty, the nature of the duty, the places visited in the course of the inquiry, the object of the visit, the names and addresses of the persons interviewed, and the impressions or information gained. No general remarks or criticisms should be entered, but only such accurate and concise information as may be needed for the purpose in view.

This instruction has been interpreted differently, such that no clear obligation is thought to flow from it. Effectively, a wide discretion is vested in individual officers as to the level of detail to be recorded. Furthermore, there is no requirement that supervisors regularly check journals.

The experience of the Royal Commission was that the amount of information recorded in journals varied markedly between officers. Journals did not provide any reliable means of confirming or disputing details in relation to allegations of corruption. Often the entries were so vague or general in nature as to permit officers to claim they had no memory of what

had occurred on a particular day. Furthermore, because detectives were not held accountable by their supervisors to provide appropriate details, there was ample opportunity to conceal corrupt activities by vague or incomplete entries. The purpose of journals appears to have been largely seen as a mere record of time worked and to note only such information as the individual officer considered necessary, including for the purpose of claiming overtime. There was notably absent any sense in which the journal was an accountability mechanism.

If procedures required that detectives provide adequate detail of their daily activities and if there existed a mechanism for these details to be regularly approved by supervisors, journals could be a useful tool in assisting in the detection of corrupt behaviour. Those officers engaged in such behaviour, whilst unlikely to give an accurate account of their activities, might be forced to make false records which themselves, if detected, could provide significant evidence of misconduct. At present, journals that fail to account adequately for an officer's time do not necessarily indicate that some inappropriate behaviour has been engaged in, given the absence of any enforced requirement to keep such a record.

In other jurisdictions, journal keeping is more rigorously controlled and enforced. South Australia, for example, for several years has had in place an electronic journal system. This system requires that each detective provide an account of what he or she did each day by inputting details into a networked computer system. The activities undertaken are recorded in chronological sequence and with particularity as to time, place, personnel in attendance, and what was done. The entries must be completed within a fixed time frame, usually by the end of the shift, at which time the system closes off. This ensures both that entries are made in a timely fashion and that it is impossible (without authorization) to make alterations later. The system is transparent in that officers are able to access and read the electronic journals of others. A journal in some circumstances, for example, a sensitive investigation, can be restricted, allowing access only to those included in the investigation. In particular, supervisors can access the journals of their subordinates in order to check them and use them as a management tool. Disciplinary action may result from persistent failure, without adequate excuse, to complete the electronic journal. There is the added benefit that, being in electronic format, the intelligence value of information contained in the journals can be readily searched and utilized.

There is considerable potential for the introduction by WAPS of procedures that impose obligations on all officers, but particularly detectives, to keep more detailed journals. Not only could such journals act as a corruption prevention strategy but they could also serve to protect honest officers from false allegations. Furthermore, there are potential benefits both

in management and in the better utilization of intelligence. It is understood that there is some potential for the new Information Management System to be utilized in this regard. However, it should be noted that the success of any such system will depend largely, not on its functionality, but on ensuring rigorous compliance by individual officers.

REGISTER OF ASSOCIATIONS

A recurring feature of the matters considered in the hearings of the Royal Commission was inappropriate associations by police with persons who were suspected of involvement in crime. Often such inappropriate associations had been maintained over a lengthy period without being detected or disclosed to WAPS. Unless such associates qualified as informants for whom payment was sought, there was often no obligation for the existence of a relationship to be reported or recorded.

There is obvious potential for investigations to be compromised by the existence of inappropriate associations. There is a risk that associates will seek to tempt police officers to provide them with information or to impede an investigation. Administrative Direction 16.10 does impose an obligation upon officers to disclose an apparent or actual conflict of interest, but the obligation arises only in the context of the actual performance of duties by the particular officer. The Commissioner of Police can give a direction to an officer to end an association with a criminal, but it is doubtful whether there is any general obligation to disclose a relationship with persons known or suspected of involvement with criminal activity, even if they are known to be under investigation by other police officers.

Honest police officers would have nothing to fear from making a forthright disclosure of all such associations. It may be the case that, for example, a family member has fallen foul of the law, which does not reflect upon a police officer's integrity at all. A register of such associations may, in fact, serve to protect honest officers by clearly establishing that they have not sought to conceal the relationship and are aware of the risk of inappropriate influence being brought to bear.

A register of such associations, if enforced by an Administrative Direction, would also act as a deterrent to officers who did not wish to disclose an association because it might expose their corrupt conduct. If there were a positive obligation to disclose, a failure to do so might sustain an inference that the association was inappropriate. It might also provide an independent basis for disciplinary action.

As things stand, there is no procedure for disclosing the existence of an association with potential crime targets. Even in those cases where a conflict of interest arises, it is left to

the judgment of the individual officer as to whether private interests impact upon public duties. Furthermore, there is no centrally maintained register kept of conflicts that are disclosed.

A register of the type referred to could minimize the risk of corruption arising from associations with possible crime suspects in much the same way as does a register of informants. Such a register would also have the added benefit of protecting those honest officers who are uninfluenced by the relationship but wish to ensure that there is no perception that they have sought to hide it for corrupt reasons. Some officers may be reluctant to disclose such associations out of a fear that it would initiate unfounded suspicions as to their integrity. Such reluctance could be overcome by ensuring that the register was kept confidential and could not be used in respect of performance management or promotion.

7.4 INDICATED STRATEGIES

Indicated strategies include interventions that are directed at specific individuals with known or suspected risk factors and involve risk identification and remedial action at individual and workplace levels. At this level, the focus is on individual corruption prevention or early detection and remediation.

INTEGRITY TESTING PROGRAMMES

Integrity testing programmes are a recent phenomenon in the Australian context and involve placing police officers in constructed situations that provide them with an opportunity to behave in a dishonest, negligent, or otherwise improper manner (Homel, 2002). The intention is to construct a scenario that replicates those situations that confront the employees regularly in the course of their employment, and to add to this surveillance that would ordinarily be absent.

WAPS Administrative Procedure AD-84 on integrity testing states that “[i]t is the policy of the Western Australia Police Service to conduct targeted integrity testing of sworn officers and workgroups suspected of corrupt, criminal or improper conduct”. The objectives of such tests are cited as being to (WAPS, 2002d):

- Aim to ascertain the behaviour of a sworn officer or workgroup in respect of alleged corrupt, criminal or improper conduct.
- Serve as a deterrent against corrupt, criminal or improper conduct.
- Demonstrate service commitment to self-regulation by proactively targeting sworn officers who are involved in corrupt, criminal or improper conduct.

- Scrutinise the capability and effectiveness of existing controls, systems and processes to minimise the incidence of corrupt, criminal or improper conduct.

There is an issue concerning the authority of WAPS to conduct any integrity test that involves a breach of the law. There are undoubtedly some simple tests which do not involve the organizers breaking any law, but in most sophisticated and serious integrity tests, when an officer is suspected of corruption, it is unlikely that the process could be completed without the organizers being required to break the law. With this in mind, the Royal Commission was granted statutory authority pursuant to the *Royal Commission (Police) Act 2002* to conduct integrity testing programmes. As is discussed later in the context of law reform, WAPS should be given the same statutory protection.

Whilst there has been general support for the use of targeted integrity tests of officers who are suspected of impropriety, there has been less support for random integrity testing. Criticisms of random testing include (Homel, 2002):

- Could not be tailored to the same degree, nor be as sophisticated as targeted tests;
- Mostly involve officers in groups rather than individually;
- Has a negative effect on morale, since police feel they are not trusted, and generally fails to promote a professional and ethical workplace;
- Impedes efficiency since police are constantly “looking over their shoulders” wondering if they are being checked; and
- Drains resources from targeted testing or from other covert methods that have a better chance of apprehending offenders.

Integrity testing involves entrapment, conduct upon which the law frowns. However, in reality, it is unlikely that the process would be over-used as integrity testing is resource intensive and high risk. It involves a great deal of planning and to some extent a large degree of luck that the circumstances will come together at the right time to ensure that the test is effective. There is little chance of WAPS ever having sufficient resources to abuse the process.

Integrity testing provides benefits from its general deterrent effect where the uncertainty created in the minds of employees acts as a strong reinforcement for ethical behaviour. Increases in the number of reports of attempted bribery by members of the public have been cited as a result of the initiation of integrity tests in other jurisdictions. The New York Police Department, which has been using random and targeted integrity testing since the 1970s, and significantly since the Mollen Commission in 1994, has found a marked

differential in “failure” rates between the two types of testing. The rate of failure, that is, when the subject engages in a corrupt act, in the targeted tests is significant. About 20% of the officers tested on this basis fail the test, are prosecuted and removed from the force. This would seem to validate both the reliability of carefully analysed public complaints and allegations of police corruption and the efficacy of the specific integrity tests employed by their Internal Affairs Bureau. By contrast, only about one per cent of the officers who are subjected to random integrity tests fail such tests (Ford, 1999).

Although integrity tests can be conducted in relation to both serious corruption and minor misconduct, the cost of scenario construction, together with the cost of surveillance, means that integrity tests will probably be used in Western Australia only in select circumstances. There cannot, however, be any doubt that the use of integrity testing is a tremendous deterrent, both specific and general, to corrupt conduct and a significant tool in a corruption prevention strategy. Therefore, WAPS should be given statutory authority to conduct integrity tests at a level of sophistication that is commensurate with the expertise of officers who are suspected of corrupt conduct.

TARGETED DRUG TESTING

There has been increasing interest of recent times in the drug and alcohol testing of employees in many work settings. By way of example, there are now mine sites where no alcohol or illegal drugs are permitted and where testing for drugs and alcohol takes place at the commencement of each roster. The basis for this stringent approach is the dangerous nature of mine sites due to heavy machinery and explosives. This contrasts with many employment situations where the workplace is not unduly dangerous, nor are staff required to exercise life or death decisions. In those circumstances, a more liberal approach can be taken where the desire for a drug-free workplace must be weighed against the invasion of privacy.

Whereas for many workplaces the use of recreational drugs may pose no issues, the illicit use of drugs by police poses both ethical and legal issues and is inconsistent with the police role as the prime agency involved in the interdiction of illegal drugs. Policing takes place in a work environment that is dangerous, where firearms are present, both in the hands of police and others, and where decisions taken can have an effect on life or death. The concern regarding substance abuse by police has led the Police Integrity Commission in NSW to conduct an inquiry (Operation Abelia) into the use of illegal drugs and the abuse of prescription drugs (www.pic.nsw.gov.au).

The extent of the problem in the workplace can perhaps be gauged with reference to the problems being experienced in the armed services. A drug testing raid on Darwin's Robertson Barracks in October 2003 resulted in 47 of the 97 soldiers tested producing positive results (*Herald Sun*, 7 November 2003). This followed an incident at an RAAF base where 22 members of the elite Air Defence Guard were placed on probation following their admissions to using cannabis, amphetamines and steroids. It would be reasonable to presume that the demographic profile of Australian Defence Force personnel would not be altogether different from that of police officers.

There is a strong argument that there is a compelling interest in ensuring that police who are involved in front-line interdiction of illegal drugs and who carry firearms are not drug or alcohol impaired in the performance of their duties, and are not associating in a milieu that is supportive of drug taking. Prenzler and Ronken (2001) recommended that testing occur because of:

- The interests of rehabilitation in the circumstances of a job that is at times dangerous and stressful;
- The incompatibility between resort to criminal behaviour and the holding of an office in law enforcement; and
- The dangers of handling motor vehicles and firearms, and dealing with the public, when affected by alcohol and drugs.

Even if it were only that concern was held for the health of the individuals involved, drug use by police officers would still remain a concern for the safety of their colleagues and the community. Additionally, the involvement of police officers in a milieu that supports illegal behaviour is corruptogenic and cannot be tolerated. The purchase of drugs is invariably illegal, and it is unrealistic and hypocritical for the same officers to be expected to enforce the very laws that they have been breaking. It is therefore recommended that WAPS move quickly to implement a program of drug and alcohol testing, both random and targeted, and that the recommendations of Operation Abelia, once known, are also given earnest consideration.

COMMISSIONER'S LOSS OF CONFIDENCE PROCEDURES

Section 8 of the *Police Act 1892* deals with the removal of commissioned and non-commissioned officers, and provides that the Governor may remove any commissioned officer of police, and the Commissioner of Police may remove any non-commissioned officer or constable. The basis for such removal is generally understood as deriving from a loss of confidence by the Commissioner of Police in the particular police officer.

The COPS Manual, Administrative Procedure AD-68 (WAPS, 2002d) indicates that a loss of confidence by the Commissioner of Police can be due to conduct/behaviour that indicates, on the balance of probabilities:

- A lack of integrity;
- A lack of honesty;
- A sustained failure to perform functions of office; or
- Serious misconduct.

In simple terms, and in accordance with the intention of the Act, when the Commissioner loses confidence in an officer's integrity, honesty or willingness to perform his/her duties, the officer's employment should be terminated. This is not to assign any guilt to the officer, but simply to restore the Commissioner's confidence in the remaining officers of WAPS.

Corruption is difficult to uncover and difficult to establish to a certainty that would satisfy a criminal court or even the lesser standard of a disciplinary process. Nevertheless, the relationship of police with the community it serves requires that there be no doubt as to the integrity or ethical behaviour of police officers. It is therefore necessary that the Commissioner of Police exercise his/her authority to terminate the employment of officers where doubt exists and confidence has been lost. This process is a significant strategy available to the Police Service in its formulation of an effective corruption prevention strategy, and is further commented on in Chapter 9 of this Volume of this Report.

From the evidence heard by the Royal Commission, there are many occasions in the past where a more robust application of the s. 8 provisions would have benefited both the Police Service and, in some cases, the officers concerned. Failure to act early and decisively has led to prolonged confrontations, with a consequent loss of morale, and has provided the opportunity for the implicated officer to further engage in corrupt behaviour.

7.5 SUMMARY

The strategies referred to above are not exhaustive. Nor are they meant to be prescriptive. WAPS has already adopted a number of practices designed to increase its corruption resistance. Some of those strategies require enhancement and other strategies are required to complement them. The precise reforms required will need to be determined by WAPS. It is important that the WAPS corruption prevention plan should incorporate and co-ordinate the selected strategies at various levels of administrative and operational activity in order to put in place an effective policy.

CHAPTER 8

LEADERSHIP, SUPERVISION AND MANAGEMENT

8.1 INTRODUCTION

Previous corruption inquiries have identified a link between police corruption and poor management practices (Fitzgerald, 1989; Mollen, 1994 and Wood, 1997). The connection has been attributable, in part, to the fact that in the majority of specific instances of police corruption that have been revealed, they were characterized by detectives over whom there was little or no supervision. In addition, the inappropriate culture of police services that allows corruption to develop is related to inadequacies in leadership and management. An immediate conceptual difficulty arises as to what is encompassed by the term "management". An analysis of the manner in which the management of the police service is undertaken involves three separate but related issues of leadership, management and supervision.

The distinction is well recognized as the following passage indicates (Macdonald, 1995: 208-209):

A frequent comment is that many corporations are over-managed and under-led. It has been argued that managers and leaders are very different kinds of people ... Managers tend to be comfortable working within existing policies, procedures, orders, instructions and manuals. Leaders create change and challenge the status quo while managers are concerned with creating order and maintaining the status quo ... Leaders are therefore more likely to place greater emphasis in defining the long-term strategies which will give rise to the policies and procedures of the future.

Leadership is the use of non-coercive influence to direct and co-ordinate the activities of police towards the accomplishment of identified goals. Management involves utilizing resources to achieve those goals, while supervision refers to the actions of watching and directing employees engaged in performing the activities of the organization. Police officers in senior positions need to utilize each of these qualities, albeit in varying degrees, particularly in the context of the reform in police organizations.

The McCarrey Report (1993: 260) considered the management of the Western Australia Police Department, as it then was, and made the following observation:

Management of a police force to achieve the most efficient use of resources in combating crime presents a particular set of problems, not the least being the natural pre-occupation of senior police officers with the day-to-day pressures of

operations, public concerns and the media spotlight focused on crime and police handling of cases. Police training is directed towards the prevention, detection and solution of crime and traffic offences. They receive little training in principles and techniques of management and the pressures are such that they have little opportunity during their careers to obtain these skills.

The observations of McCarrey remain apposite. The task of converting operational police into managers and executives in a large organization such as the Western Australia Police Service ("WAPS") is extremely difficult.

Not only does the topic of management require more precise definition to enable proper consideration but also there are a number of other issues that become relevant to the different contexts. Performance management, management education, executive development and accountability are each issues for WAPS which require careful attention if the standards of the administration of the organization are to be elevated to the desired level, in order to change the culture and enhance its integrity.

8.2 LEADERSHIP

Leadership is a major issue in the current climate of reform and change. Effective leadership is critical in formulating organizational goals and in providing the influence necessary to achieve the goals. In police organizations, leadership is required not only from the Commissioner of Police and other members of the Executive, but also from region commanders, district officers, officers in charge of police stations, and managers of all teams and units, who are required to guide their subordinates in the implementation of reform policies. The officers must have effective management qualities to implement the reform process whilst undertaking policing duties, including supervising officers under their command. Ineffective leadership reduces the likelihood of implementing change and increases the prospect of the continuation of the current culture and practices that facilitate corruption.

Bogan and Hicks (2002: 5) identified a need within WAPS for enhanced "corporacy" which they defined as "[j]ointly developing and reliably practising a consistent set of values, plans and activities throughout the Service, and building on them through a strong and growing network of alliances". Bogan and Hicks describe the WAPS as being in danger of focusing too narrowly on the reactive aspects of policing, and not devoting sufficient attention to the strategic directions of the Police Service. Accordingly, Bogan and Hicks (2002) made a number of recommendations that accord with the view of the Royal Commission, which are designed to give WAPS an increased strategic focus. The Executive Command of WAPS has responded positively to the Bogan and Hicks suggestions and restructured the executive level of the service and its processes in order to provide the strategic unity that is required.

8.3 MANAGEMENT

Effective management is equally important as leadership in increasing the corruption resistance of a police service. Efficient use of resources not only maximizes the effectiveness of the organization in delivering police services, but also creates an attitude of professionalism and satisfaction in officers, which enhances the integrity of the organization. To the contrary, poor management reduces efficiency and creates an atmosphere of frustration and dissatisfaction in which it is difficult to foster high standards of honesty and integrity.

Middle managers effectively drive WAPS. Accordingly, it is they who bear most responsibility for ensuring that goals are achieved and standards maintained. Their words and actions carry greater weight than printed plans and strategies.

The relationship between good management at all levels of the organization, and corruption prevention, is clear, and is well documented by Dr Barry Perry, the Victorian Ombudsman (2002). Dr Perry (2002) maintains that there is a definite link between police management strategies and the level of ethical and/or unethical behaviour in a police organization. The decision to behave unethically as a police officer is a function of the opportunities that exist which facilitate such behaviour. It is axiomatic that the greater the opportunity for unethical behaviour to occur, the greater its prevalence will be. Opportunities for unethical behaviour emerge in an environment of careless management and supervision.

Developing and maintaining an ethos of high ethical standards in the workplace is an integral responsibility of managers. Managers cannot absolve themselves from the unethical behaviour of their subordinates (speech delivered by Perry, 2002). Dr Perry observes that:

Lack of proper supervision enables and, indeed, encourages bad practices and attitudes to grow in the workplace and, no matter what guidance is given, both formally and informally, unless workplace practices and procedures are constantly set and enforced, the problems which those practices and procedures were developed to prevent will continue or later resurface.

It follows then that the failure of police officers to meet high ethical standards reflects a failure by middle and senior management to adequately supervise and manage.

Not every complaint of unethical behaviour requires an investigative response. Many require a management response of a far less formal nature. The process by which members of the public (and police officers) can complain about the behaviour of police officers should hold police managers and supervisors accountable and thereby provide them with an opportunity not only to deal with the specific problem/individual at management level, but also to

consider remedial approaches that will prevent such incidents occurring in the future. According to Dr Perry, management of the police is an internal matter. Accountability of police management, therefore, inevitably includes a proactive component to monitoring ethical behaviour of subordinates. Thus, managers' roles should extend from merely reacting to problems, to proactive strategies designed to prevent unethical behaviour in the workplace. This is consistent with a holistic approach that incorporates both reactive and proactive strategies in dealing with unethical behaviour on the part of police officers that is favoured by successful external oversight agencies both nationally and internationally.

8.4 SUPERVISION

Supervision is pertinent at the operational level where deficiencies in supervision may result directly in opportunities for the occurrence of corruption and lessen the likelihood of its being detected.

A study conducted by the Australasian Centre for Policing Research ("ACPR") identified the following variables that influence effective and/or non-effective supervisory behaviours:

- More effective supervisors spend more time than less effective supervisors dealing with the performance of subordinates;
- More effective supervisors spend more time monitoring their subordinates' performance;
- More systematic collection of information about subordinates' performance allows supervisors to deliver performance consequences that are more effective; and
- More effective supervisors spend less time in their cars/driving on patrol and more time alone at their desks engaged in paperwork. This provides greater opportunity for contact with subordinates, thereby increasing chances for monitoring performance.

Corruption breeds in an environment that permits corrupt practices to occur, either with the tacit acceptance/approval of managers and supervisors or, at the very least, by virtue of their reckless or negligent supervision. Thus, it becomes incumbent upon police services to inculcate a sense of responsibility for police integrity into its management and supervision.

8.5 PERFORMANCE MANAGEMENT

Modern management increasingly focuses upon performance management. Jones (2001: 124, 125, 134) suggests:

Performance management is the centrepiece of new public management approaches. Performance management is also one of the most contested areas because it promises heightened levels of activity, yet may have difficulty in delivering demonstrable improvements. (Jones, 2001: 124)

Performance management basically relies on measures, standards, rewards and sanctions to motivate organisations. There is a problem with adequately rewarding individual performance in the public sector when results are not always easy to define with precision. There are also 'human' difficulties in assessment, including the unwillingness of managers to judge people as resting at the extremes of a performance continuum (a conservative tendency), or to judge colleagues harshly (a lenient tendency). (Jones, 2001: 125; 134)

Monitoring individual performance is an essential function of an effective supervisor. Individual performance monitoring involves the collection of information on subordinate performance using various methods. The ACPR identifies two mechanisms by which performance monitoring can exert a significant influence on subordinate performance:

- A supervisor's performance monitoring provides a cue or guide for subordinates regarding the relative importance of various components of the job. In turn, the perceived importance of particular components of the work affects the way in which subordinates distribute their work efforts; and
- Performance monitoring also has what is referred to as a conjunctive effect on performance. That is, it affects performance when it occurs in conjunction with the provision of performance consequences by the supervisor.

There is a strong link between subordinate performance and the performance monitoring behaviours of their leaders. Indeed, while performance monitoring need not necessarily consume a large proportion of a supervisor's time, the extent of monitoring and the way in which it is carried out are the major factors that differentiate effective from non-effective supervisors in an organizational setting.

Performance management is essential in a police organization, given the powers and responsibility entrusted to police officers, and the requirement for high standards of integrity and honesty. The need is even greater in the circumstances in which it has been

demonstrated that there has been a lack of effective leadership and supervision of police exercising the powers available to them.

WAPS has recognized the need to improve its performance management practices and provides direction for managers through its "Managing Sub-Standard Performance Guidelines" (WAPS, 2002d) and its recently developed performance assessment programme "Developing People for Success". The latter contains many commendable features. It is based upon the appropriate key factors, which are that everyone has a right to know what is expected of them, and the paramount need is for clear and regular communication. This programme identifies the following benefits:

- Individual performance will be linked with organizational performance and the achievement of strategic and business goals;
- Managers will be held accountable for staff performance;
- Issues of poor performance will be addressed in a timely manner; and
- Productivity gains may be realized in a time of decreasing and limited resources. (Human Resource Directorate, 2002)

In considering the risks to successful implementation, the need was identified to:

- Raise awareness;
- Equip managers and supervisors with the necessary skills; and
- Embed performance management as "business as usual".

The accompanying documentation provides appropriate guidance for constructive consultations between managers and their staff, and for options available for remedial action.

WAPS has no shortage of initiatives, but has to ensure that they include measures to adequately implement and maintain programmes as conceptualized. There is little utility if a great deal of energy is expended in developing programmes, only to find them languish during implementation and maintenance periods. The development phase of the "Developing People for Success" programme had a Project Group comprising three members, and a Reference Group that included:

- Two assistant commissioners;
- Five superintendents;
- Six inspectors; and
- Eight unsworn staff members.

Contrary to the situation with a number of other initiatives, the news on the progress of implementation of “Developing People for Success” is encouraging. Since training began in March 2003, 74 trainers, 46 senior managers and 725 managers and supervisors have been trained (WAPS, 2003h), and it is expected that training of all managers and supervisors will have occurred by June 2004. Pleasing as this result will be, the implementation period of some 15 months does raise questions as to the adequacy of the resources that have been applied to this process.

The maintenance phase is also likely to experience difficulties in that it is planned that informal “booster sessions” of short duration (two to three hours) will be available to provide additional practical assistance to managers who have completed the two-day training course. It is not stated who will provide these “booster sessions” and the proposal does not identify funding to carry out this activity.

In the longer term it is proposed that this two-day training course will be incorporated into other training programmes conducted at the Academy, principally:

- the Development Programmes 2 and 3;
- the Officer Development Course; and
- the Officer Management Course.

In this way, it is expected that new managerial/supervisory staff will be provided with this training. It is not clear whether the courses will be extended by two days to accommodate the additional programme, or whether the programme will be abridged to enable the addition to be completed within the existing course duration.

However, the fundamental weakness in the programme is the absence of certainty concerning the obligations of managers. Bogan and Hicks (2002: 53) observed that a basic weakness in the management of WAPS was the lack of “traction”, which they defined as:

Following – through agreed plans and directions, ensuring that they are reliably put in place, *with clear accountabilities and timelines*, and that they continue to be monitored and improved upon. (Emphasis added)

“Developing People for Success” is a striking example of the deficiencies identified. It is notable for the complete absence of “accountabilities and timelines”, which should be a significant focus of the programme. The only mandatory requirements of a manager are to prepare a “Job Requirement” for each staff member and to declare to the District Officer that the task has been completed. Thereafter, there is no time specified within which assessments are to be carried out, other than the suggestion that six-monthly intervals

would be appropriate. There is no requirement for the maintenance of records of assessments and acknowledgments by the staff member, other than the general advice to keep notes and, if possible, have the staff member sign them. These matters should be specific and obligatory, and managers should be made aware that they will be held accountable for the poor performance or behaviour of staff members.

It is notoriously difficult to successfully implement a performance assessment programme. However, WAPS has certain advantages due to its regimented structure and there are mechanisms available to audit the implementation of the programme. The Organizational Performance Review can be modified to include a requirement of reporting on, not only the process of implementation, but also the use of the programme once it is fully in place.

At the very least, the introduction of "Developing People for Success" will go some way towards the development of a performance oriented culture, of which there are few signs at present.

8.6 RECRUITING EXECUTIVES

WAPS comprises approximately 6,400 personnel and undertakes policing from 157 police stations, many of which are thousands of kilometres distant from the centre of administrative headquarters in Perth. WAPS has an annual budget of \$620 million. As discussed earlier, the role of the police service and its officers in society is evolving and every year additional legislation is passed by Parliament which adds to the body of laws to be enforced by police officers, and to the procedures by which breaches of the law are to be investigated. At the same time, there is a continuous increase in the level of expectation of the community and of courts concerning the degree of professionalism and propriety by which police officers are to carry out their duty. The task of leading and managing such an organization is onerous indeed. It is unlikely that the job of running any other organization, either in the public or private sector, is as challenging and demanding as the management of a police service.

Given the demands upon the Executive who manage the Police Service, it follows that those appointed to such positions require qualifications and ability of the highest order. There is no doubt that in WAPS there are very capable senior officers who are qualified in terms of ability and education to guide the Police Service through a period of reform. However, it is by no means certain that all persons occupying executive positions within WAPS possess these capabilities, nor is it clear that a system exists whereby persons who possess the necessary expertise are being groomed or selected for those positions. The task is to ensure

that appropriate persons are recruited and developed for the performance of executive functions within WAPS.

What is clear is that the process by which senior officers currently reach executive level is not designed to produce an optimum result. There is minimal lateral entry, and all of the current executive of WAPS except the Commissioner of Police and an Assistant Commissioner have graduated through the ranks to reach that level. The Director of the Canadian Police College, Ms Tonita Murray, believes that future police leaders will be handicapped if officers do not gain experience from outside their home agency (2000). Furthermore, Murray notes that it is mandatory for British chief constables to have experienced command in another police service to be eligible for such promotion. There is merit in this approach, and WAPS has no doubt benefited from having a Commissioner of Police and an Assistant Commissioner with experience from other jurisdictions (New Zealand and Queensland respectively), but there is no plan or programme to provide WAPS officers with external experience.

WAPS recruits are selected for entry on the basis of possessing the qualities necessary for the role of a general duties police officer. The criteria for recruitment have not been, and still are not, specific for any particular policing skill, let alone management. The intellectual level necessary to gain entry to the Police Service is modest and the job does not normally attract high achievers from the secondary education system, or persons who have tertiary qualifications. It is a matter of chance that a few individuals with the capacity to advance to executive level progress through the Academy. It is difficult to envisage a system less likely to produce persons suitable for the challenges of leadership of a complex organization than that which exists at present in WAPS.

Inquiries into police corruption (Fitzgerald, 1989; Mollen, 1994; Wood, 1997; Parks, 2000) have repeatedly noted the manner by which the lack of managerial guidance and supervision has created an environment in which corruption can proliferate. Those at or near the top of the management apex largely determine the quality and direction of an organization. A public sector organization that is poorly served by its executives will struggle to satisfy the community's expectations of it, and will struggle in the competition with other agencies for resources from government. An organization that has dynamic, talented executives is more likely to succeed, and is better situated to develop responses to problems in a changing society.

For too long, policing has been a "protected species" and has been quarantined from the productivity savings required from many other government agencies. Whereas, in the face of tightening fiscal arrangements, these other government agencies have had to develop

innovative solutions and approaches, policing has been able to call upon increasing budgets and staff levels to apply towards solving its problems.

8.7 MANAGEMENT EDUCATION

Police officers receive limited training in the principles and techniques of management, and the demands of their operational role provide little opportunity during their careers to obtain these skills. An accepted stimulus for executive development is interaction with other organizations, either as competitors, suppliers, or customers. There is nothing like competition to cause the executive of an organization to improve their performance. Similarly, an organization can be stimulated to enhance its performance in order to match the standards of other bodies with whom it regularly interacts. Unfortunately, police services tend to operate in a vacuum and lack the external competition that serves to generate improved performance.

Organizations can also develop by the provision of significant resources dedicated to research and development, and by providing a culture in which there is encouragement to develop and express ideas. Regrettably, WAPS allocates limited resources to research and police development, and a lingering command and control style of management inhibits the expression of proposals for change.

Lusher (1981) found that it was necessary to create circumstances that provide the opportunities for management education and development as a part of succession management. This must be achieved through formal education programmes or through structured opportunities, such as exchange programmes, mentoring relationships and project work.

Education of police is a topic that receives a lot of attention and the debate revolves largely around the duties that police perform, and the community's expectations. The argument then becomes one of deciding whether to develop police as "skilled technicians" or as "reflective practitioners". Education for skilled technicians is directed at training them in particular tasks and enhancing the performance of required skills and the development of new skills. This contrasts with the education requirements to become a reflective practitioner, where the officer is "educated to reflect on the nature of his/her occupation, its place within the society and the nature of, and the techniques for performing his/her work" (Bull and Hogg, 1995: 41). Although they are not mutually exclusive, it is argued in police services that there is a greater emphasis placed on skills training than there is on the education of reflective practitioners.

WAPS does provide two internal management development programmes;

- The Officer Development Course ("ODC"); and
- The Officer Management Course ("OMC").

The ODC is conducted over six weeks and is designed for sergeants and senior sergeants who are candidates for promotion to inspector. The OMC occupies four weeks and is designed for inspectors. The WAPS "Development Programme" makes reference to an Executive Development Programme to follow the OMC, but as yet no such programme exists. During 2002, 46 officers undertook the ODC, while 33 completed the OMC. These courses are designed to prepare participants for the managerial challenges of contemporary policing. A significant problem with the management development of officers for managerial and supervisory roles is that, however well developed and delivered the courses may be, they are delivered in a cloistered environment where the only participants are police officers.

WAPS does not provide financial assistance for external tertiary education for its officers. There is provision for study leave but the indications are that, because of operational commitments, such leave is very difficult to take. Consideration should be given to the implementation of a scheme whereby fees for approved tertiary education will be reimbursed at the completion of each unit. Tertiary education fees are now significant, and officers with families to support are often deterred by the cost from embarking upon degree courses. More would be encouraged to undertake tertiary education if they were to be assured that, if they were successful in completing the course, the fees, or some portion of them, would be reimbursed. A return-of-service obligation would minimize the risk that officers would obtain degrees and then leave the organization.

Edith Cowan University ("ECU") has tailored its tertiary education courses to accommodate the needs of WAPS, and its campus is situated near the Police Academy at Joondalup. The WAPS Development Programme is designed to co-ordinate with the courses provided by ECU. The OMC at the Academy is structured in a way that enables participants to obtain credits towards a Master of Business Administration ("MBA"), and this is considered to be an encouragement to officers who complete the course to proceed to obtain an MBA. More officers would be encouraged to proceed with an MBA if they were provided with a financial incentive. However, any such scheme should not be tied to one particular institution. Already ECU tends to collect police students in one class, which, to some extent, defeats the purpose of officers participating in external study if they are surrounded by colleagues and all receive the same education. A financial assistance scheme should enable officers to

attend various tertiary education institutions and be given a diversity of education in order to broaden the corporate knowledge of the organization.

8.8 PROFILE OF WAPS ADMINISTRATION

A publication by the WAPS Human Resource Planning, Equity and Selection Branch "Workforce Profiles: Operational Profiles" provides a statistical profile of the personnel of the WAPS as at 1 January 2003 (WAPS, 2003a). Of the total authorized strength of sworn officers of either 4,813 or 4,821 (depending upon which part of the report is referred to), there are eight senior police officers (the Commissioner of Police, Deputy Commissioners and Assistant Commissioners), two commanders, 35 superintendents and 107 inspectors. There are 1,017 public servants.

Whilst the bare number is not particularly informative, what is more illuminating is a comparison of WAPS with other police organizations. In the latest HR Benchmarking Report, a comparison is made of the composition of WAPS with police services of other States and Territories of the Commonwealth and with New Zealand. Some interesting facts emerge:

- The percentage of commissioned officers against total sworn members in WAPS is 3.03 per cent – the lowest in Australasia;
- The percentage of non-commissioned officers against total sworn members is 20.33 per cent;
- The percentage of senior management staff as against total unsworn staff is 0.88 per cent – the lowest of all police services. The purpose of this benchmark is to determine the percentage of total unsworn staff that are senior management; and
- The percentage of middle management staff against total unsworn staff is 11 per cent – the third lowest. The purpose of this benchmark is to determine the percentage of total unsworn staff that are middle management.

The concern is that the figures indicate that WAPS is deficient in middle management numbers, and has a poor representation of civilian staff at the executive level. The pitfalls in this position are obvious, particularly in the context of reviewing the significance of management's role in preventing corruption.

Supervision in WAPS has been subject to a recent organizational review in "Doing It Right - A Review of Supervision" completed by the Management Audit Unit (2002i). The report states:

At an organisational level there is a general consensus that WAPS needs to work to enhance the level and effectiveness of its supervision. The WAPU [Police Union] has previously observed that not enough supervisors are available to support officers in the front line and appear to be committed elsewhere to other policing or administrative functions.

The report sets out a rank ratio table of supervisor/constable that indicated that the concerns of the WAPU were justified, as the three front-line Region Commands have the lowest level of supervisors to constables compared with the Policy and Crime Commands.

The picture portrayed by the above figures was consistent with observations made by officers of the Royal Commission during site visits. At two of the police stations visited, the officer in charge was a senior sergeant, with responsibility for a staff of over 50 personnel. The senior sergeant's immediate supervisors were inspectors attached to District Offices, who usually had responsibility for the supervision of at least three police stations, often remote from the District Office. There seems to be a good case for a reassessment of the District Office supervision system, with inspectors stationed at large police stations. This is all the more appropriate in the light of the expectation that the officer in charge of the police station will fulfil the commitment to community policing and participate in community groups in order to formulate strategies for the local area. These tasks would seem more appropriate to the role of an inspector, rather than a sergeant. This would lead to an increase in the number of inspectors, which would then bring the profile more in line with the police services of other states.

8.9 CONTINUITY OF MANAGEMENT

The broad issue of tenure for WAPS officers is complex and is not a matter that the Royal Commission has endeavoured to fully explore. The site visits undertaken by officers of the Royal Commission exposed various areas of complaint on this issue. For example, it is apparent that in some country stations the administrative burden of rotating staff is enormous and, in the absence of appropriate civilian support, has to be undertaken by middle managers, whose attention should be directed to operational issues. At one country district visited, over one third of the staff of 169 full time employees are eligible to rotate each financial year, and the task of making the necessary arrangements is very time-consuming. Similarly, finding funds for the travel and movement expenses of the officers involved is a constant struggle and the limited funding available seems usually to be

exhausted half-way through the financial year. The interruption to the accumulation of local knowledge, due to the continual introduction of new staff is another negative factor.

In other situations, such as the Police Academy, problems arise from limited terms in which unqualified staff spend much of their tenure acquiring the necessary accreditation or expertise and then are expected to return to operational duties, where their newly found qualifications and knowledge are not required. There are also issues of civilianization that overlap in some of these areas.

Whilst greater flexibility in the tenure policy is said to have been recently introduced, the contemporary complaints received by the Royal Commission indicate that the policy is seriously in need of review. In particular, the New South Wales model that involves payment of bonuses to officers who successfully complete hardship postings is commended for consideration.

In the survey conducted by the Royal Commission with WAPS sergeants and senior sergeants, an issue was raised concerning the lack of continuity of management. The view was expressed that the seeming continual turnover of persons in managerial/supervisory positions is destructive, in that it leads to some managers taking less than full ownership of the activities under their control. This view is supported by information contained in the "Workforce Profiles: Operational Profiles" report (WAPS, 2003a) that shows that the average time spent in a position in WAPS is 2.1 years. Given that this is an average figure, it raises concern about the lack of tenure in many positions. Furthermore, it is accepted that it takes some time to "get up to speed" in a new position and become familiar with the issues and technical requirements, develop networks and engage stakeholders. This short duration can create a number of problems in management and supervision, as the awareness that relevant personnel may change in a relatively short period results in less desire to tackle problems as they arise.

The rotation and tenure policy was implemented largely in response to the recommendations of Wood (1997: 459) as it was considered to have advantages in:

- Breaking up the corrupt associations that develop when groups of officers work together over an extended period;
- Enhancing job skills through exposure to other skills;
- Increasing job satisfaction through avoiding boredom and staleness; and
- Overcoming complacency.

In these respects, the policy is logical and was necessary in NSW at that time. The difficulty comes with the unintended consequences of such a policy, and the universality of its application. A number of these “down-side” issues were recognized by Wood (1997), who considered the price of rotation to be:

- Loss of specialist knowledge;
- Loss of continuity of command which may leave windows of opportunity for police to act in corrupt ways;
- Loss of morale connected with the break-up of work friendships, and discouragement of team building;
- Conflict with community policing in that time is needed to acquire local knowledge and to build trust;
- Loss of crime intelligence through lack of continuity of contacts with informants; and
- Interruption of partner’s careers and disruption to children’s education associated with frequent, unrequested moves.

The universality of the rotation and tenure problem does not discriminate between those positions with enhanced risk (for example, plain clothes detectives) and those with reduced risk (such as uniformed positions in country locations). With the advent of a more sophisticated approach to corruption prevention, including the *Public Interest Disclosure Act 2003* and the *Corruption and Crime Commission Act 2003*, it is likely that there will be a reduced need for the rotation and tenure policy to be practised in its current manner. Indeed, on a similar matter, the Minister for Police, the Hon Michelle Roberts, has recently announced that commissioned officers who have completed a three-year appointment following promotion will then be granted security of tenure, replacing the previous rolling three-year contracts (Morfesse, 2003).

There will remain certain positions in respect to which it will be most desirable that incumbents hold the position for short duration only. However, a great many positions should be capable of having their maximum tenure increased. It will, of course, be necessary for a risk assessment review to be undertaken to identify the positions that require a two year turn around, and those that might be capable of a safe extension to seven years or more.

8.10 EXECUTIVE DEVELOPMENT

It is an accepted part of good management practice to have in place a succession plan to make provision for an orderly transfer of authority and continuity of leadership. The

fundamental premise of a succession plan is the development of personnel with leadership qualities to a level of expertise that prepares them for the next step up in the line of command, up to and including the position of the chief executive. The primary tool of a succession plan is an executive development programme. The requirement for such a plan is more acute in a closed organization like the Police Service, where lateral entry does not occur, and it is dependent almost entirely upon its own personnel to fill executive positions.

Effective leadership of an organization is a reflection of the standard of the individuals recruited by the organization. The comparatively modest education qualifications required for recruitment to WAPS has ramifications for the quality of managers who will eventually ascend to senior positions in the organization.

The Australian Institute of Police Management ("AIPM") in New South Wales, offers management programmes for officers, including the Police Executive Leadership Program ("PELP") and the Police Management Development Program ("PMDP"). The PELP "is designed for senior executives and leaders who have been identified as having the potential to achieve the most senior executive leadership positions within their respective organisations". It involves a two-week residential course. The PMDP "is intended for participants who have significant middle management experience" and is undertaken during a three-week residential period. Neither of the programmes has any continuing arrangements for further development once the officers have returned to their duties at the completion of the course.

The existence of development programmes for officers in executive positions in other jurisdictions and organizations highlights the absence of one in WAPS.

In 2001 the NSW police introduced a Leadership Development Program comprising three tiers. Tier One is conducted under the authority of the Australian Graduate School of Police Management, a campus of Charles Sturt University, and requires candidates to complete a "strategically orientated work place action research project" through the University, involving face-to-face seminars with distance education.

In the United Kingdom a High Potential Development Scheme was introduced in 2002. This scheme complemented the Accelerated Promotion Scheme, which has operated for many years, and is designed to recruit persons with potential to reach the highest positions in the police services in the country. Constables and sergeants showing potential for advancement are also eligible to participate under that scheme. In accordance with a proposal outlined in the Home Office report, "Policing a New Century: A Blueprint for Reform" (2001), the High Potential Development Scheme has been introduced to ensure the "fast track" progress of

the most able and brightest officers through an individually tailored career development programme. The scheme is accessible to persons inside and outside police services, and the aim is to work with the students over a period of three to six years to equip them to apply for positions at the rank of chief inspector or superintendent. The programme also contributes towards a degree of Master of Science in Police Leadership and Management accredited by the University of Leicester. The aim of the Scheme generally is to maximize the opportunity for officers to become highly effective middle managers in command and leadership roles. The students are overseen by the Scheme organizer and are subject to supervision by a mentor and line managers. The Home Office report indicated that a new entrant to the police service could rise to superintendent or commander in five years, although that would be unusual. The report recognized that some officers could join the police from other careers in which they had developed considerable or relevant experience. The test applicable to the Scheme was the competence and abilities of the officer concerned for a particular rank or post, rather than a structure that assumes that all entrants join at the same age with the same lack of experience. There is much to be said for the introduction of a similar scheme in WAPS.

The isolation of Perth is a factor in limiting the executive development of senior WAPS officers. There is not the same degree of operational interaction that exists between the police services in the eastern States and internationally, which provides for experience with systems of other jurisdictions and the opportunity for the exchange of ideas and strategies. Given those difficulties, it might be expected that there would be a form of compensation by encouraging and assisting senior officers to travel to other jurisdictions to further their development. However, the reverse seems to be the case. There are limited attendances by WAPS officers at interstate seminars and conferences. At a recent conference on corruption in Sydney, attended by a representative of the Royal Commission, 450 delegates were in attendance, including several police representatives from each State except WA. Other WA public sector organizations were represented, but no WAPS officers were present.

WAPS send two officers each year to attend the Level One Police Management Course at the Australian Institute of Police Management at Manly in New South Wales, but no longer send officers to attend the Level Two course. Previously WAPS officers attended management courses at Airlie Police College in Victoria but not longer do so.

There is at least the perception that the necessary ministerial approval for interstate travel is difficult to obtain, and takes at least six weeks, which is a disincentive for those who might otherwise be interested in nominating for attendance at seminars.

As may be seen by the constant references in this Report to models and programmes used by police in other jurisdictions, particularly in New South Wales, the problems of policing in WA are not novel nor significantly different from those encountered in other States who have already learnt from the same experiences and have moved ahead with the process of improvement.

In addition, in WA, senior police do not seem to become involved in public sector networks or workshops. For example, the Department of Premier and Cabinet is the WA host agency for the Public Sector Management Course, an initiative of the Commonwealth, State and Territory governments introduced in the early 1990s as a national strategy to delivery the best public sector management training in Australia. WAPS officers do not participate in the courses.

No provision exists for the development of executives through a programme of placement of officers with other public (or even private) sector organizations to provide opportunities for the broadening of experience, not just for the individual, but also for the Police Service. That tends to happen naturally in the public sector by the process of promotion, which allows for inter-agency appointments and the benefits that such exchanges bring. The limited strand of civilian executives in WAPS provides little opportunity for the infusion of new managerial talent, and the fact that the executive is dominated by police officers means that competition for those positions comes from within the organization, apart from the very rare appointment from another police service. A mechanism for overcoming these disadvantages is the secondment of executives from other organizations, or the placement of officers at or approaching executive level, with other public sector agencies, not only to acquire new skills and knowledge, but also to establish networks upon which to draw for advice.

The examples referred to above, illustrate that the cloistered approach of WAPS has retarded its development in leadership, supervision and management.

8.11 SUCCESSION PLANNING

Demographic changes are occurring in the workforce as older executives retire at a younger age, increasing the number of available leadership positions within most organizations. Middle-aged managers are also decreasing in number, with the number aged 35 to 45 projected to decline by 15 per cent within the next ten years and as younger employees, between the ages of 25 to 34, become more scarce in the next decade (CCH, 2003). The consequence of this ageing workforce is pronounced, due to the ageing of the "baby boomer" generation and the "de-layering" of middle management that has occurred.

Akin to many other public and private sector agencies, the Police Service is faced with an ageing workforce, many of whom may be retiring within the next five to ten years. The danger is that a loss of continuity at senior management level will inevitably lead to a management vacuum, and the potential loss of corporate knowledge. Given these changing circumstances, it is unlikely that the Police Service can rely on its current practices of filling positions on a replacement basis with those who have “come up through the ranks”.

To overcome the potential talent shortage, organizations are increasingly moving away from a focus of filling specific positions as they become vacant, and adopting a more strategic approach – succession management. The National Academy of Public Administration defines succession management as “... a deliberate and systematic effort to project leadership requirements, identify a pool of high potential candidates, develop leadership competencies in those candidates through intentional learning experiences, and then select leaders from among the pool of potential leaders”.

In terms of policing, the development of leadership takes on an even greater importance. The skills required of police management in this changing environment are becoming greater, not smaller. Additional requirements are being placed on the police executives to manage people in order that they reach their potential and in a way that satisfies the desire of these increasingly qualified staff to self manage. The members of the Police Executive are functioning in a changing environment where it is necessary that they have the ability to change their organization to accommodate large scale societal changes – diversity, globalization, etc. The skills required to undertake these tasks are not easily or quickly acquired, and they cannot be obtained from a manual (CCH, 2003: 1079). It is necessary that a structured and strategic programme be developed to assist appropriately identified staff develop these new skill sets.

In recognition of the above, “Passing the Torch: Managing Succession in the WA Public Sector”, a document produced by the Ministry of Premier and Cabinet (1999), outlines a number of workplace-based programmes that can assist in accelerating the development of managers who lack experience:

- Maintaining “designated” development positions in the management structure;
- Developing partnerships among like agencies for the purpose of providing varied work experience;
- Using the partnership to encourage self-directed learning sets (groups who get together for the purposes of sharing and problem solving); and

- Developing incentives to retain and attract good performers. Culture, values and autonomy are believed to be aspects of organizational life that determine the choice of employees who are in demand.

In a Discussion Paper (2002) entitled "Strategic Workforce Planning and Succession Management within the WA Police Service", the HR Planning, Equity and Selection Branch of WAPS has identified the risks of not planning for succession:

- Risk of not having people trained to move into jobs on a short term basis;
- Risk of not having pools of people ready for selection to fill vacant positions on a permanent basis;
- Risk of not maximizing the return on expenditure from the relocation of the Police Academy to new premises and the reforms to the Police Training and Development Programme – now the Police Service Development Programme;
- Risk of increased staff turnover, costs due to employees leaving the Agency for a range of reasons, including lack of career development opportunities, skills and abilities not valued/utilized, and limited access to study leave;
- Risk in the future of being unable to attract quality applicants into the Service if the employment conditions and employee development programmes are not keeping pace with other jurisdictions and agencies;
- Risk of not achieving the objectives of Succession Management if the programme is under-resourced financially and with little human resource support; and
- Risk of other pressing organizational issues taking priority over the allocation of resources for on-going support of a Succession Management programme.

Having identified these risks and the costs of doing nothing, three options were developed for consideration:

- Option 1 Inculcate Succession Planning and Succession Management into current planning and people management and development practices.
- Option 2 Enhancing existing Succession Planning and implementing a Succession Management Model.
- Option 3 Formalized Strategic Workforce Planning.

Without making comment as to the preferred option, from the information available to this Royal Commission it is not clear that any of these options has been adopted and implemented.

8.12 ACCOUNTABILITY

The recognition of the significance of management and supervision in corruption prevention leads to a consideration of the means by which appropriate levels of accountability may be imposed upon supervisors who fail in their duties.

The majority of the evidence of corrupt conduct received by this Commission has been similar to that in the previous inquiry conducted by Justice Wood and the Police Integrity Commission. It revealed the activities of detectives, particularly when involved in drug investigations, acting improperly in the course of executing search warrants and charging offenders. It has been a feature of the evidence throughout this and other inquiries that the detectives carried out their duties with the appearance of little or no supervision. There is little doubt that, if the officers had been properly and effectively supervised, the opportunities for such corrupt conduct would have been substantially reduced, and much of the conduct might never have occurred.

It may have been the case that at some of the times when that conduct was carried out, the supervisors could claim that there was no indication that the corrupt conduct was taking place, particularly because many of the victims made no complaint at the time. However, any such claim is clearly not valid. Failure to supervise properly cannot be tolerated. It is the duty of a supervisor to supervise. Failure to do so is a breach of duty. Appropriate sanctions should apply. Supervisors must be made accountable for their failures.

The issue and some of its complexities was recognized by Wood. In the final report of the Wood Royal Commission, in considering “the reasons corruption went unexposed”, the following observations were made with respect to command accountability:

Without effective first-line supervision, accountability by commanders and supervisors for failure to identify and deal with corrupt practices, and action from Senior Command that matched rhetoric, there was little hope of detecting and effectively targeting corruption. Part of the problem in this regard has been the lack of any real sense of responsibility at local level, the view having been taken that corruption should be left to the Office of Professional Responsibility or its predecessors. As a result local supervisors and commanders who should have been best placed to know what was going on, were frozen out of the circuit. (1997: 198)

The report went on to refer to various problems identified in the area including:

- The blind trust supervisors and commanders placed in the integrity of their staff;
- The concern of commanders for personal popularity;
- The absence of a system of identification of signs of corruption;
- Many detectives refused to submit to the command and direction of uniformed officers; and
- The failure to understand and enforce informant management plans.

An essential ingredient of any system which imposes accountability is certainty. Managers and supervisors must be clear as to their obligation to supervise, and the consequences of failures in that regard. Staff must also be clear as to performance and standards. When there is no uncertainty about those issues, sanctions can clearly be imposed.

The essential tool for supervision and for the accountability of supervisors is a performance assessment system. The system should not only specify the performance criteria for the staff but also, in addition, provide with equal clarity the performance requirements of the supervisor. In that manner, if it transpires that staff have behaved in a manner that was either known or foreseeable by effective supervision, the supervisor may be vicariously responsible. Whilst this may seem punitive in its approach, the principal virtue is one of deterrence and reinforcement of the obligations of supervisors to carry out their duties. It should also be balanced by an appropriate system of rewards and recognition for those who perform their tasks well.

8.13 CHANGE MANAGEMENT

As was pointed out in Volume I of this Report, the outcome of previous corruption inquiries is that a number of issues associated with police corruption have become reasonably clear. The pattern of misconduct has been consistent. The causes of the continuation of corrupt conduct are now reasonably well known, and the principles of management necessary to improve the corruption resistance of a police service have been defined. What remains outstanding is the formulation of a process that has a greater assurance of ensuring that proposals for reform become effective, particularly with regard to the change in culture and improvement in management.

The need for change in WAPS was recognized by Commissioner Falconer who commenced the process of reform in 1994. It is still incomplete nearly ten years later.

The issue is one of effective change management. Whereas management in general is concerned with organizational stability, change is a destabilizing force which brings with it risk as a consequence of breaking down established patterns and processes and attacking cherished beliefs – iconoclasm. Murray (2000: 13) therefore maintains that change is “best pursued by those who have leadership rather than management skills” as they need to exhibit visionary skills, and to be courageous in making unpopular and risky decisions. Change management of all management tasks is the most challenging. For most organizations the task of change is not so daunting. They have established processes and philosophies, and an acceptable culture, and have changed in an evolutionary manner. Rarely is there a need for radical and revolutionary change of the degree required for police services.

The causes of the problems in police services related to culture and management are not difficult to identify. For a long time, as is discussed earlier, police services have been closed organizations, with little transparency and a negligible infusion of expertise from external experience or appointments. In addition, police services (along with health and education) have enjoyed the advantage of being quarantined from the productivity assessments to which other organizations are subjected. Unlike most other public sector organizations whose staff numbers have continually decreased in recent years, police services have benefited from increasing numbers and budgets, primarily as a result of the electoral process where political parties endeavour to curry favour with the electorate by the promise of an increase in sworn police officers, by a popular, but arbitrarily selected, number, on the pretence that there will be an increase in the number of police on the street and community safety will be improved.

The Productivity Commission, through the annual reports of the Steering Committee for the Review of Commonwealth/State Service Provision, has endeavoured to specify performance criteria by which police services across the country are measured. However, the assessment of each police service is based upon a comparative analysis rather than against established empirical evidence. All police services have had a similar sheltered existence, and the comparison of one against the other does not assist in establishing a base for performance measurement. In any event, the fact that WAPS appears to have performed poorly on the comparative basis seems to have gone unheeded.

After the vigorous promotion of the change process by Commissioner Falconer, the momentum of the process of improvement slowed. The Delta Reform Programme still exists in name but no longer has the energy of its first few years. This may be explicable by the fact that the early changes were essentially structural, with the devolution of the specialist branches, changes to the promotion system, the establishment of the Professional

Standards Branch and the flattening of the rank structures, combined with significant changes in senior personnel, but the more fundamental cultural issues were less immediately effected. This was not from a lack of endeavour on the part of Commissioner Falconer, who placed considerable store in the blue book "Purpose and Direction" published early in his period as Commissioner as a guide to the improvement of the core business of the service.

Commissioner Matthews has been active in addressing some of the issues by pressing programmes particularly directed at gender and indigenous issues. The establishment of the world class Academy facilities at Joondalup was a noteworthy achievement, but itself seems to have absorbed a great deal of money and corporate energy, at the expense of programmes of improvement, as too have the CADCOM and DCAT information technology programmes. That the Delta Programme should wane after a number of years is not remarkable. Such programmes invariably suffer from reform fatigue, and the adoption of a new format is inevitable if the process of improvement is to be re-invigorated.

The Royal Commission may have contributed to a renewed impetus for reform activity. Consultants Ron Bogan and Stewart Hicks were engaged in April 2002 to undertake a review of the police service reform since the implementation of the Delta Programme in 1993. Following receipt of the Bogan and Hicks Report in August 2002, as is described shortly in Chapter 2 of this Volume of this Report, the Commissioner of Police appointed Assistant Commissioner O'Callaghan to lead the strategic reform of WAPS, in conjunction with Assistant Commissioner Atherton who was assigned responsibility for strategic reform of operational issues, described as "policing models and practices". They are given responsibility for developing "a joint approach to the strategic reform" of WAPS. The consolidation of responsibility for strategic reform is a step in the right direction. The concept of devolving responsibility for undertaking reform projects by allocating sponsorship of them among officers of the same rank, is less than perfect. Whilst it ensures that individuals accept ownership of particular issues, it also has the tendency to create a sense of competition, whereby the individual officers become more concerned about the adoption of their pet projects, at the expense of the projects of others that may in fact require priority. Too often, professional jealousy, personal interest or "patch protection" intrudes into the orderly reform process.

The Bogan and Hicks plan to achieve corporacy and traction in WAPS comprised five key elements:

- Reformulation of the existing Police Service Command as a Police Strategic Executive;

- Creation of the Police Advisory Council;
- An intensified strategic focus at senior levels of the service;
- An enhanced role for middle management; and
- The prioritized early fixing of systems that currently hamper outcomes delivery.

A project was commenced entitled “Corporate Governments and Planning”, sponsored by Assistant Commissioner O’Callaghan and managed by Robin Barrow, an experienced external consultant. The goal of the project was to align the focus of the police executive and the supporting processes, practices and structures to enhance the strategic corporate management and direction setting of the police service. It was recognized that the heavy demands of day-to-day policing, coupled with complying with corporate policy and meeting administrative responsibilities, tend to absorb the energies of senior managers at the expense of supporting strategic direction of WAPS. It was therefore proposed that the current senior management structure be varied by the replacement of the current Executive Command with a Police Strategic Executive (“PSE”) . The core membership of the PSE is to consist of strategic executive positions, namely:

- Commissioner of Police;
- Deputy Commissioner (State Commander);
- Assistant Commissioner (Strategic and Corporate Development);
- Executive Director; and
- A rotational Assistant Commissioner or Commander from the Corporate Management Group, on a six-month rotational basis.

This and other proposals have been reached as a result of a detailed study of the existing structure and the arrangements considered necessary to give effect to the recommendations of Bogan and Hicks, and appear sound. It is not necessary for the Royal Commission to re-evaluate in detail the work that has been done and the recommendations made.

However, it is recommended that there be a further variation to the changes proposed by elevating the rank of the Assistant Commissioner (Strategic and Corporate Development) to Deputy Commissioner. There are a number of reasons why this is appropriate:

- The vision required for the formulation of strategic direction must come from either the Commissioner or an officer close to that rank;
- The authority necessary to drive reform projects is more appropriate to the level of Deputy Commissioner, rather than Assistant Commissioner;

- The second tier of WAPS would comprise the Deputy Commissioner (State Commander), Deputy Commissioner (Strategic and Corporate Development) and the Executive Director with the responsibility for corporate services; and
- The existence of two Deputy Commissioners would enable both to relieve the Commissioner in his absence, thereby sharing the responsibility and experience, rather than favouring one heir-apparent.

The Deputy Commissioner (Strategic and Corporate Development) would not only have responsibility for co-ordinating, assessing and categorizing projects for reform, but would also be responsible for the organization's annual business plan and budgeting, and most importantly, for ensuring that the projects are implemented and given "traction". To do so, the Deputy Commissioner could assume the role of chairing the quarterly Operational Performance Reviews, into which checks could be included to monitor compliance with reform projects.

Since the commencement of the Royal Commission there has also been considerable attention paid to a number of new programmes, which include the following:

- Introduction of a performance assessment regime "Developing People for Success";
- Quarterly Organizational Performance Review;
- A further review of the Advance Promotion System by Ron Bogan; and
- A proposed Corruption Prevention Plan.

Albeit perhaps a little overdue, it must be acknowledged that these programmes have been steps in the right direction. However, the issue remains whether these initiatives will secure the requisite "traction" in order to be effective in bringing about change.

Notwithstanding the recent criticism by Bogan and Hicks and the advice that programmes should include "time lines and accountability" in order to be effective, the early example of the performance appraisal programme "Developing People for Success" lacks those very qualities. Whilst the programme accommodated the recommendation of Bogan and Hicks that emphasis should be given to building a performance culture, as described earlier there is an absence of specific time frames for the assessments, and absence of requirements for the assessment to be documented and the absence of any provision for accountability in the event that either the assessments are not undertaken or are poorly executed.

In the Specification for the review by Bogan and Hicks, WAPS recognized that pursuant to the Delta Programme it “achieved a number of ‘short-term wins’ early on in the programme” and that further assistance was needed in order to assess the effectiveness of the change management programmes. Not only has WAPS recognized the need for external assistance, but Bogan and Hicks also reinforced the deficiency by their recommendation for the establishment of a Police Advisory Council “to provide a forum within which the Commissioner and his Strategic Executive can receive support and guidance in developing and pursuing strategic directions”. They envisaged that the Council should be drawn from a number of areas, such as key government agencies, unions, the Police Minister’s office, the indigenous and remote communities and magistracy, academia and the general community. They emphasized that the widest variety of different perspectives be heard at the Council.

Police advisory bodies have not been successful in the past. The New South Wales equivalent was criticized by Wood (1997) and abolished. The issue is not one of obtaining a variety of perspectives, but of obtaining management advice of the highest quality. The need for the interests of community groups to be considered in the formulation of police operational strategies should not be confused with the need for the provision of assistance to the executive of the police service in difficult areas of management. Community representatives rarely know anything about the management of a police service and are an improbable source of advice concerning strategic direction. The Commissioner of Police would be better advised to establish his own network of contacts from whom he could obtain advice as needed, rather than being burdened with regular obligatory meetings with a group of persons with vested interests.

The complexity of the challenge of change management is illustrated by the NSW experience. The crux of the Wood Report was Appendix 31, a document entitled, “Details of the External Audit of the Reform Process” which complemented the final recommendation, Recommendation 174, that there be appointed an external strategic auditor to be engaged by PIC to carry out a qualitative and strategic audit of the reform process. That audit led to the establishment of QSARP. Appendix 31 of the Wood Report was the product of a group of highly qualified managers and consultants, and set out a detailed blueprint for the oversight of the implementation of the reform recommendations. It identified ten Key Reform Areas and specified activities in each area for audit. However, the responsibility for formulating the processes for the achievement of improvements was left with the NSW Police. The result was not free from controversy, as described previously, because QSARP has been critical of the fact that the NSW Police changes have been directed at improved performance, rather than cultural change as specified by the Wood Report. The conclusion to be drawn from that situation is that the provision of an external audit mechanism may be

too little and too late. The preferable course is to involve external consultants in the formulation of the change processes, as well as providing for a subsequent external audit.

Recognition of the need for external advice is not new. McCarrey (1993) made a similar recommendation for the employment of competent management consultants to assist senior police officers to review present management procedures, implement new procedures, and install controlled and trained staff in their use. The recommendation of McCarrey was that consultants should remain part of the organization until the systems are effective.

Bradley summarized the position accurately when he said:

It is the inability of policing itself to come to terms with the current situation, to understand it, and to engage in the fundamental reform required, which is the crux of the matter. Policing has been revealed to be an unreflective institution. The condition is a feature of the policing system, not an inherent characteristic of individual police officers. Policing is not populated by thoughtless persons. Its incapacity for reflection is structural. The system is unreflective to the extent that it lacks the capability to nourish its practices with sustained, experimentally-based and rigorously evaluated intellectual and ideational investment. (Bradley, 1996: 88)

Vigorous change management is vital to the future of WAPS. There is no prescribed formula for making change programmes effective. However, there are a number of devices that are readily available to the police executive command that can go some way towards ensuring that programmes achieve their desired result:

- The use of performance agreements, with prescribed requirements for compliance with specified programmes; and
- The use of operational performance reviews which contain a requirement for the disclosure of compliance with specified programmes.

In addition, the Standards Australia risk assessment process described in Chapter 6.7 can be applied to the change management programme to:

- Establish the strategic, organizational, and risk context;
- Identify, analyse and evaluate the particular risks to the successful undertaking of the change programme; and
- Treat the various risks posed by evaluating the options, selecting the appropriate courses of action and implementing the same.

In applying this process it is necessary that it be done so bearing in mind the requirements to “communicate and consult” and to “monitor and review”.

8.14 ROLE OF THE UNION

The Western Australian Police Union of Workers (“WAPU”) is an important participant in any change process. Significant structural and industrial reforms are necessary to achieve an improved corporate performance by WAPS. However, some necessary measures, such as civilianization and changes in the wages structure, will not sit well with traditional union values. However, the long-term benefits of enhanced professionalism, job satisfaction and improved standing in the community should be recognized, and pursued without fear. The future interests of members will be better served if WAPU actively supports the reform process.

The WAPU is to be commended for its approach to the conduct of the Royal Commission. By way of contrast, there is a basis for concern with respect to the manner in which WAPU has previously approached the task of defending officers who were being investigated for, or had been charged with, corruption. The approach, perhaps influenced by external advice, was to support a counter-attack on WAPS, the ACC or even the internal investigators of WAPS (who were also members of the Union) by the officer concerned. The climate of antipathy that resulted impeded not only the fight against corruption, but also the process of reform. In so doing the interests of the vast majority of WAPS officers who are honest and dedicated suffered because of the damage to their reputation caused by the actions of a few corrupt officers who, in the main, managed to remain in the Police Service.

However, during the Royal Commission WAPU made a wise decision to avoid involvement with individual officers who were adversely mentioned, other than to ensure that they were legally represented and had adequate welfare support.

The WAPU participated in the Round Table Conferences conducted by the Royal Commission and made constructive submissions upon a number of issues, and in particular, supported, with only a few reservations, the establishment of a new external oversight agency.

As part of the agreement encompassed in the latest Enterprise Bargaining Agreement with WAPS, the WAPU has indicated that will support the reform recommendations of this Royal Commission, and it is to be hoped that it will honour the commitment.

8.15 SUMMARY

There are clear indications that the leadership, supervision and management of WAPS needs to improve. The continued inability to deal with issues of corruption and misconduct described in Volume I of this Report, the poor showing in the annual "Report on Government Services", the aberrations in the workplace profiles and the tardy approach to the adoption of management strategies that had been in place elsewhere, are indicative that Western Australia has a police service that has performed below the standards of other states. The need for improvement has been recognized by WAPS itself in its retainer of Bogan and Hicks for advice about the means of improving its process of change management. That attitude is encouraging and is to be applauded. It is to be hoped that it will be sustained and that active steps will be taken to develop the individual and corporate management expertise of the service, only really for the purpose of achieving immediate improvement, but to ensure that the service is better placed to meet the increasing demands upon it in the future.

CHAPTER 9

COMPLAINTS

9.1 INTRODUCTION

Police officers have available to them powers and discretions that are unique in the community. It is inevitable that, in exercising those powers and discretions, there will be occasions when there is an abuse of the authority or even simply a mistake. It is essential, in order to maintain public confidence in the exercise of the powers available, that there be an efficient process by which members of the public can complain and be satisfied that their complaint will be fairly resolved. There are several interests that need to be accommodated:

- The Western Australia Police Service ("WAPS") needs to be able to efficiently achieve an outcome that is in the long-term interest of the Service;
- The officer is entitled to natural justice and a fair result; and
- The community needs to be assured that complaints are dealt with thoroughly and that there is maintenance of discipline and a high level of integrity in the Police Service.

It is not in the interests of any party to have a system that is inefficient and slow, which is autocratic and draconian, and which leaves issues unresolved and complainants dissatisfied.

As is the case with many issues to do with policing, it is difficult to examine matters in isolation, as factors overlap. However, it is proposed to canvass separately the procedures of WAPS regarding the processing of complaints and the outcomes of the disciplinary process and internal investigations in this and the following chapter. These matters are important in the context of police corruption because they concern the investigation of possible corrupt conduct, the identification of officers whose conduct and character may be unacceptable, and the means by which misconduct is remedied.

9.2 COMPLAINTS DATA

Statistics regarding complaints about the conduct of employees are frequently considered as an indicator of the level of integrity that can be found in a particular organization. There are, however, significant methodological difficulties in using this as a measurement. By definition, complaints data only reflect those complaints that have been made. Given that a great deal of the corruption that may occur is suspected of being consensual and covert,

often there will be no “victim” to come forward and make a complaint. This undoubtedly leads to an under-reporting of complaints of corruption. Conversely, as is pointed out by Ede (2000: 35), not all of the complaints made against police indicate inappropriate behaviour by police as some complaints arise:

- As the complainant does not understand the police role or powers;
- Through misinterpretations of the actions of police;
- Due to deliberate falsification or exaggeration; and
- As service delivery issues rather than the misconduct of an officer.

The inclusion of complaints involving those matters has the result of overstating the complaints of inappropriate police behaviour, and an increase in complaints may not be reflective of increased aberrant behaviour. Hopefully, a decrease in complaints may be an indication of improved police conduct, but it is not necessarily so.

Ede (2000) also indicates that caution must be exercised in the use of the number of substantiated complaints due to the risk of variations from one reporting period to the next, such as the introduction of informal resolution processes, or to the varied competency of those undertaking the internal investigation process. There are similar difficulties in the classification of complaints as unsubstantiated where this may be the result of insufficient evidence or inadequate internal investigation, even though the police may indeed have acted improperly.

In the end result, a reduction in the number of complaints is usually good news, but caution needs to be exercised before concluding that it demonstrates an improvement in standards of integrity and conduct.

9.3 EXTERNAL COMPLAINTS

The contemporary and constructive view of complaints from the public is that they are a valuable source of information to an organization in areas where they might improve their service delivery. Indeed, many private sector companies go to lengths to encourage their patrons to make comments on the service they have received, even to the extent of offering them incentives to do so. Police services, on the other hand, do not generally welcome complaints and see them as an intrusion and, at best, a source of annoyance. This reflects the gap being bridged by police services in moving from their traditional authoritarian style towards the general public, to the new tenets of community policing.

Members of the public in Western Australia have a number of recourses open to them when making a complaint. They can make a complaint directly to WAPS where, depending upon the seriousness of the complaint, it will come under the auspices of the Internal Investigation Unit ("IIU") or the Internal Affairs Unit ("IAU"). For those in the community who may lack confidence in the ability of the Police Service to inquire into complaints about itself, they have the option of directing their complaints to the external oversight bodies, such as the Ombudsman, or the newly created Corruption and Crime Commission ("CCC"), which is replacing the Anti-Corruption Commission ("ACC").

As with internal complaints, there is a need to deal with community complaints expeditiously and to provide feedback on the status of those complaints. Failure to do so can exacerbate the issue and lead to a deterioration in the relationship with the community. Given the reorientation of policing from its traditional investigatory practices to processes based on community partnerships and intelligence, the relationship with the community has become of even greater importance to the police. If police are to expect the involvement of citizens in local crime prevention efforts, and as sources of information in a partnership approach to crime prevention, it is necessary that the police work harder on the relationship (Hughes, 2002). One mechanism for doing so is obviously through the expeditious management of external complaints.

9.4 THE IMPORTANCE OF EXTERNAL OVERSIGHT

There are many within the community who express concern at the internal police disciplinary processes, arguing that the public have lost confidence in the capacity and willingness of police to effectively police their own behaviour (Lewis, 1999). However, a common response by police to calls for the external oversight of police complaints processes has been that police are the only persons who understand policing and who have the investigatory skills to carry out this task. A further argument, although less persuasive, is that policing is developing as a profession and one of the hallmarks of a profession is the self-regulation of disciplinary and professional conduct. These arguments have not held sway and there has been a trend towards external, independent scrutiny both within Australia and overseas. The Crime and Misconduct Commission (Qld) ("CMC"), Police Integrity Commission (NSW) ("PIC") and the ACC are evidence of this trend within Australia. To these specialist oversight agencies must be added the various Ombudsmen at State and Federal level who have displayed an increasing focus in this area of public administration. The CCC will further extend the role of external oversight in Western Australia.

Overseas, in the United Kingdom, the system has recently been upgraded with the establishment of the Independent Police Complaints Commission, and in Northern Ireland the Police Ombudsman processes complaints against police.

Not all police are opposed to these external oversight arrangements. There are those who can see the benefit they provide in satisfying community concerns, in the knowledge that the public will not otherwise accept that some matters have been fully and appropriately dealt with. Any subsequent complaint about the process followed can be directed at the external oversight agency and not at the police service. There are no doubt police who are charged with the responsibility for processing complaints (which is a time-consuming and complex task) who would be pleased to have all complaints investigated by external agencies. For reasons discussed more fully in the Interim Report, it is important that the Commissioner of Police have primary responsibility for the maintenance of discipline within the Police Service, and that includes the first line responsibility for complaint handling.

9.5 COMPLAINTS MANAGEMENT

In recent years there has been a significant shift in views with regard to the appropriate outcome of complaints about police conduct. For many years, the command and control style of management of police services has sustained a formal process of discipline that has been inefficient, expensive and punitive. It is becoming increasingly accepted that such an approach is outmoded and that a process founded upon managerial resolutions is more appropriate.

The Hon. William Kenneth Fisher AO QC in his "Review of Professional Standards in the Australian Federal Police" (2003: 58) summarized the changing attitude toward the discipline of police as follows:

In the case of policing, much has been written about the need for a new culture of professionalism that will not tolerate corruption or other malfeasance or misbehaviour. Accordingly, modern police management needs to draw on these standards to assist in the development of a managerial approach to professional standards. Generally, this process entails managing employees not punishing them. Managers need to engage with the issues presented to them and respond to poor performance and behavioural problems.

Such a system is not compatible with a rigid, military-style approach to managing complaints that emphasizes punitive disciplinary processes. Indeed, Fisher provides examples from other jurisdictions that have successfully "advocated a contemporary managerial administration on one hand and an abandonment or a marked reduction in traditional punitive measures of administration on the other" (2003: 21).

The approach advocated by Fisher involves a neat division between complaints about conduct that can amount to criminal conduct, and complaints about conduct that does not. Complaints relating to possible criminal conduct are to be the subject of the usual investigatory practices, with the prospect of prosecution. In relation to other conduct, a more informal process with a managerial influence is to be adopted. It is in relation to the latter category that the remarks that follow are directed. Investigation of more serious complaints will be dealt with in the next Chapter.

There is a great deal to commend in such an approach being adopted by WAPS. The principal advantage of the adoption of a more flexible and less regimented approach is the huge saving in time and cost. An efficient and fair procedure for processing complaints about police is imperative, but not to the point of the time and resources involved unnecessarily interfering with operational and managerial priorities.

9.6 MODELS FROM OTHER JURISDICTIONS

Before proceeding to analyse the current disciplinary processes of WAPS, it is appropriate to record the consistent trends in other police services in Australia. Without exception, there has been a move from the formal discipline process to a managerial approach. WAPS has yet to successfully make the same transition.

NSW POLICE

The Wood Royal Commission in New South Wales (“NSW”) advocated a shift away from a traditional disciplinary complaints management model to one that emphasizes managerial solutions. Wood maintained that the advantages of such a model are three-fold (1997):

- Along with empowerment of commanders will come true responsibility;
- Replacement of a punitive model of complaint handling by a remedial model will encourage openness and a willingness to admit mistakes, rather than the traditional resort to cover up; and
- The opportunity of retraining and keeping an officer, who might otherwise have been lost to the Service after a long drawn-out and stressful disciplinary process, will be maximized.

Wood (1997) found that the NSW complaints and disciplinary system was:

- Complex, inconsistent and inflexible;
- Counter-productive because of its adversarial nature and its concentration on punitive, rather than remedial, action;

- Directed towards command and control, rather than the management of its members;
- Characterized by substantial delay;
- Prone to leaks, collaboration and ineffective investigations;
- Affected by bias;
- Typified by an almost instinctive reaction to defend any charge, no matter how indefensible, and to appeal against any decision made;
- Conducive to fear and want of openness in dealings between members and the organization; and
- Productive of anxiety and uncertainty during the long waiting period, sometimes leading to genuine stress-related illness.

The solution, according to Wood (1997:310), was to move to a "more managerial or remedial model that places the responsibility on commanders at patrol or equivalent level to deal with complaints and matters of discipline". Concerns about the capacity of the Police Service to set its own standards, given the deficiencies of the existing system as had been highlighted by Wood, were not held as capable of being addressed through an even more rigorous enforcement of rules and regulations. Rather, the solution was thought to rely on appropriately set professional standards, and to encourage officers to achieve and maintain these standards.

The new disciplinary model that the NSW Police have developed in response provides for three categories of conduct (Fisher, 2003: 51) :

- (a) Criminal conduct (including corruption);
- (b) Conduct that, although not unlawful,
 - (i) is unreasonable, unjust, oppressive or improperly discriminatory in its effect;
 - (ii) arises from improper motives;
 - (iii) arises from irrelevant considerations;
 - (iv) is of a kind where reasons should have been given.
- (c) Conduct associated with a law or practice that is unreasonable, unjust, oppressive or improperly discriminatory in its effect.

Through agreement with PIC and the NSW Ombudsman, guidelines have been produced of the types of managerial and administrative complaints that can be dealt with by non-reviewable managerial techniques:

- Grooming;
- Absence from duty;

- Unsatisfactory sick report;
- Failure to commence or complete rostered shifts;
- Lateness;
- Misuse of motor vehicles;
- Late submission of files and other delays;
- Rudeness;
- Minor unprofessional conduct of a kind which, upon coming to notice, can be dealt with appropriately and finalized properly in the work place environment;
- Failure to provide customer service, unless the alleged failure involves death, injury or significant financial loss;
- Failure to return property;
- Reports and records of debt matters;
- Reports and records about recruitment and promotion; and
- Complaints that involve harassment and discrimination relating to sex, race, marital status, age, disability, homosexuality, transgender and carer responsibilities where the alleged conduct has been committed against a member of the police service, and that person consents to the complaint being dealt with as a local management matter, and the police officer(s) who is alleged to have committed the conduct has not had similar complaints made against them.

The range of non-reviewable actions that may be taken under delegation from the Commissioner of Police include:

- Coaching;
- Mentoring;
- Training and development;
- Increased professional, administrative or educational supervision;
- Counselling;
- Reprimanding;
- Warning;
- Retraining;
- Personal development;
- Performance enhancement agreements;
- Non-disciplinary transfer;
- Change of shift (but only if the change results in no financial loss and is imposed for a limited period and subject to review);
- Restricted duties; and
- Recording of adverse findings.

As with the Queensland model, the essential difference in the new system by comparison with the old is the move away from establishing guilt and the attribution of culpability, towards a concern for the management of performance and the effect of a change in behaviour.

The more serious cases that require consideration of the on-going suitability of an officer for employment continue to be subject to the Commissioner of Police's ability to remove an officer in respect of whom he/she does not have confidence, having regard to competence, integrity, performance or conduct.

The revised disciplinary system in NSW uses a hierarchical approach to discriminate between categories of offences and uses a managerial approach that is in keeping with contemporary management practices in the wider community. The safeguards are provided by the oversight arrangements that exist with the NSW Ombudsman and PIC and through the appeal mechanisms for reviewable actions afforded by the Industrial Relations Commission in New South Wales.

Wood (1997) did, however, acknowledge that there would be instances (for example in cases of serious corruption and/or misconduct) in which more formal and rigorous investigative procedures would be required. The managerial model that he advocated would complement the investigative process as it would mean that scarce resources could be committed to ensuring an effective investigation where it was warranted, rather than being directed towards minor complaints that could be remedied at a managerial level.

The complaints management system in the NSW Police Service has been devolved to Local Area Commands, where they are dealt with by a Complaints Management Team. The Complaints Management Team is totally responsible for the management of complaints that occur in that particular command area. This team is the driving force behind the investigations of complaints. There are two types of internal investigations that can occur:

- Evidence-based investigations – this follows a formal investigative process and is the course followed for the investigation of serious complaints; and
- Outcomes-focused investigations – these are fact-finding procedures that focus on corrective resolutions such as remedial training.

The Local Area Commander in each area acts as a Complaint Handling Manager in complaint situations. He/she is responsible for the quality control of the investigations as well as for formulating recommendations for corrective action. Such action can be:

- Reviewable – may involve removal from the police service or any other action that has financial implications, such as demotion or reduction in grade; and
- Non-reviewable outcomes – do not have any financial implications attached and may involve education and training.

These recommendations are reviewed by an Internal Review Panel overseen by the Employee Management Branch.

Performance indicators in relation to the NSW Police complaints management system include:

- Timeliness – of investigations and resolutions;
- Efficiency rates;
- Complainant satisfaction; and
- Involved officers satisfaction.

Advice received is that the management of complaints is an open process during which both the complainant and the officer involved are kept informed of the status of the investigation.

QUEENSLAND POLICE SERVICE

The Fitzgerald Inquiry into corruption within the Queensland Police Service (1989) advanced the need for a system of discipline that was not overly complex and which clearly separated out criminal and corrupt behaviour from complaints of a purely disciplinary nature. A report by the Criminal Justice Commission ("CJC") (1999) recognized that the full investigation of less serious complaints was counterproductive as it:

- Frequently failed to adequately establish the facts of an incident;
- Discouraged officers from acknowledging their involvement in inappropriate conduct;
- Made officers feel that they were being unjustly victimized for minor infractions;
- Was costly;

- Frequently took a long time to complete, which created a negative impact on the officer who was awaiting the outcome; and
- Failed to deliver on the key outcome of 'customer satisfaction'.

The complaints management system adopted by the Queensland Police Service ("QPS") now closely mirrors that described above in NSW, in that the model provides for most complaints to be dealt with by relevant managers and supervisors, the process to which QPS refers as "managerial resolution" (QPS 2002).

The term 'Managerial Resolution' refers to a flexible process for the efficient and expeditious resolution of complaints against members of the Service involving breaches of discipline and misconduct. It is designed to encourage and empower managers/supervisors to effectively respond to complainant concerns relating to a member's performance, competence, conduct or integrity through guidance, coaching and/or improvement strategies.

QPS has in place criteria that determine whether a complaint should be dealt with through a process of managerial resolution, or whether more formal investigative procedures are required. These criteria consider issues such as:

- The seriousness of the complaint;
- The likelihood of improvement being achieved;
- The complainant's expectations of and attitude towards the managerial response process;
- The risk of the behaviour occurring again as part of a bigger pattern of corrupt behaviour; and
- Whether, in fact, inadequate supervision contributed to the conduct in the first instance (QPS, 2002).

The focus of matters referred for managerial resolution is to improve errant behaviour and prevent recurrence. It is not necessary, therefore, to establish to a legal certainty what had occurred and who was to blame. This is a clear departure from the previous adversarial model and provides benefits in terms of resources expended and time taken.

Where managerial resolution is not considered appropriate, due to the nature of the disciplinary breach, the procedures require an internal investigation to take place as a precursor to any disciplinary hearing.

The benefits of the Queensland system are seen as the differentiation between categories of disciplinary breaches and the focus on achieving an outcome through the managerial resolution process.

SOUTH AUSTRALIA POLICE

The South Australia Police (“SAPOL”) implements a system in which three types of investigations can occur:

- A full investigation – this includes taking statements from witnesses and conducting formal interviews;
- Conciliation – the aim of the investigation is to bring about a conciliatory resolution; and
- A preliminary inquiry – this involves a superficial investigation of the complaints, for example, checking witnesses’ diaries.

Another part of SAPOL’s complaints management system is a minor misconduct process. As its name implies, this process picks up complaints of a minor nature that are dealt with at a managerial level. Resolutions may include:

- Education and training;
- Counselling;
- The officer may be transferred for a period up to four months; and
- Recorded or unrecorded advice.

Complaints dealt with through this minor misconduct process may or may not appear on the officer’s personal file.

Internal investigations by SAPOL are subject to external oversight by the Police Complaints Authority (“PCA”). The role of the PCA is to:

- Oversee police internal investigations;
- Conduct their own independent investigations; and
- Maintain a register of all police internal investigations.

The PCA is accountable to Parliament and refers all its reports to the Commissioner of Police before they are tabled in Parliament. The PCA directs that police internal investigations should be finalized within 12 weeks. Complaints dealt with through the minor misconduct process must be completed within a period of two weeks.

VICTORIA POLICE

The Victoria Police approach is more akin to that of WAPS in that it relies on a formal inquiry process for all but “customer service incidents”, which are dealt with by way of the Public Incident Resolution policy. This equates broadly with the processes in WAPS, where minor public interface issues are dealt with by Local Complaints Resolution (“LCR”).

In a submission to this Royal Commission, the Chief Commissioner of Victoria Police has advised that, following the recommendations of the Ministerial Administrative Review (Johnson, 2001), a review of the Victoria Police disciplinary system is being undertaken to examine and evaluate various systems for dealing with employee conduct. The Johnson Review (2001) recommended the establishment of a Police Career Service Commission (“PCSC”) to oversee the disciplinary framework, hearing appeals in relation to sworn staff promotions and transfers, and in relation to industrial matters. In respect of the disciplinary framework, it was expected that the PCSC would concern itself with the fairness of the disciplinary process, the adequacy of the administration of the disciplinary process, the broad consistency of levels of disciplinary sanctions, and monitoring disciplinary policy and processes.

AUSTRALIAN FEDERAL POLICE

As noted earlier, in May 2002, the Australian Federal Police (“AFP”) appointed the Hon. William Fisher AO QC to undertake an assessment of the desirability of adopting a managerial model or administrative approach to professional standards. The recommendations provide for a graduated managerial approach to professional standards in the AFP with a proposed structure as follows:

- “Minor management matters” (including customer service matters) that are not classified as a complaint leading to outcomes that are resolved by local managers with guidance from a central AFP body with the outcome being *monitored* by the Commonwealth Ombudsman;
- Complaints leading to non-reviewable actions that are managerially resolved by local managers with reporting requirements via AFP Professional Standards to the Commonwealth Ombudsman; and
- Complaints leading to dismissal with reporting requirements via AFP Professional Standards to the Commonwealth Ombudsman and reviewable by the Australian Industrial Relations Commission.

There was also a recommendation that the AFP should have a wide range of options available to it to address poor performance and inadequate professional standards.

With regard to minor management matters, with non-reviewable actions, Fisher (2003) recommended that the following options be made available:

Re-educational outcomes

- Coaching;
- Mentoring;
- Retraining and development;
- Personal development; and
- Increased supervision.

Behavioural improvement

- Counselling;
- Reprimanding;
- Warning;
- Performance agreements; and
- Improvement strategies.

Employment-structured change

- Change of shift;
- Restricted duties;
- Reassignment of duties; and
- Transfer.

Recording of adverse findings

- A recorded adverse finding (prescribed limited term); and
- A recorded adverse finding (permanent).

These options provide a succinct list of possible outcomes for a modern manager and can be used singularly or in combination.

Fisher (2003) questions the utility of “reviewable actions”, as provided for in NSW, which enable the Commissioner of Police to order the reduction of a police officer’s rank, grade or seniority or a deferral of a salary increment. In his opinion, these measures may be a relic of by-gone days where security of tenure in the public sector was the norm, and was to be preserved at all costs. Moreover, he takes the view that, if there is evidence of misconduct

that warrants a reduction in rank, grade or seniority or a deferral in increment, this would constitute a firm ground for a re-consideration of employment suitability.

What Fisher (2003) proposed was a professional standards system whereby, for the majority of cases, a managerial approach is taken to performance issues, with termination of services being reserved for those instances where conduct, in the light of public interest, remains below an acceptable standard. Put simply, if the management of poor performance does not deliver the desired results, the officer's continuation in the police service is called into question.

The review by Fisher (2003) concluded that the managerial approach was the preferred option for dealing with sub-standard performance issues and was considered to be far superior to the militaristic approach that it would replace. It was also recognized that the managerial model does not, and should not, lead to an abandonment of discipline within the police service. Rather, it should convey its own sense of discipline and order, with the added benefits of being regarded as fair and just.

9.7 WESTERN AUSTRALIA POLICE SERVICE COMPLAINTS MANAGEMENT

Within the constraints of the present legislation, WAPS is endeavouring to follow contemporary models of complaints management. WAPS has in place a three-tiered approach to processing complaints. Allegations of corrupt conduct are pursued by the Internal Affairs Unit ("IAU"). The less serious allegations of misconduct are investigated by the Internal Investigations Unit ("IIU") and the balance of complaints or allegations are devolved to Districts or Portfolios for further action.

IAU is responsible for investigating:

- Matters of corruption or serious misconduct;
- Unauthorized release of information;
- Improper associations of police officers with known criminals or persons of disrepute; and
- Police officers engaging in prohibited secondary employment.

The investigations of IAU will be considered in more detail in the following Chapter.

WAPS take the view that local managers need to be responsible and accountable for the management of their staff and their behaviour, so that misconduct by staff should, on most occasions, be dealt with by management. This approach was behind the decentralization of

the functions traditionally performed by IIU to Districts and Portfolios. In this environment, the focus of IIU is to support line management in the execution of its responsibility.

To facilitate this system, Districts provide investigating officers who work in collaboration with a regional Internal Investigation Co-ordinator and in consultation with the District Officer or Portfolio command.

All complaints received by WAPS are transmitted to IIU for assessment. Allegations of corrupt conduct are handed to IAU, and the balance are then assessed for classification for investigation by IIU, or transmission to the Districts for investigation or Local Complaints Resolution (“LCR”). A final decision concerning the process by which the matter is to be finalized is made after an investigation. If the complaint is of a customer service type, it is dealt with by LCR. If it is more serious, it is dealt with as a discipline charge, as provided by s. 23 of the *Police Act 1892*.

9.8 A MANAGERIAL APPROACH

The major obstacle to WAPS achieving a transition to a system of discipline that is remedial rather than punitive is the requirement to comply with s. 23 of the *Police Act*. Section 23 brings with it all the defects that were identified by Fitzgerald (1989), Wood (1997) and other commentators. It involves a formal process of charges and hearings, which usually involve legal representation for WAPS and the officers concerned and often a hearing occupying a number of days, which may be followed by an appeal. It is the very antithesis of the system of modern management practices.

The difficulty in gaining an outcome through the current disciplinary system in Western Australia leads in many instances to supervisors being unable to modify the errant behaviour of their officers. As a consequence, when a minor breach occurs that is capable of being substantiated, the full weight of the system is brought to bear against the officer. This takes away from the responsibility of the supervisor the capacity to manage staff appropriately. Rather than using this blunt and negative approach, a managerial procedure would enable the supervisor to intervene earlier and in a more constructive, remedial way.

The overriding principle in considering disciplinary matters and the loss of confidence provision must be the enforcement of high standards of honesty, integrity and ethical behaviour in, and in connection with, the performance of policing duties. In this regard, the public’s interest is best served by having procedures for dealing with police conduct and behaviour that:

- Avoid the full panoply of the procedures of the adversarial process, including the application of the rules of evidence;

- Have an independent appeals process that is inquisitorial in nature and likewise is not constrained by the rules of evidence;
- Recognize that the standards to which members of the Police Service are held are in excess of those that generally apply to employees; and
- Provide the necessary level of flexibility and fairness to meet the interests of the employer and the employee (Fitzgerald, 1989).

It is of paramount importance that WAPS has a disciplinary system that is timely and effective. It is evident that for this to occur the current adversarial system will need to be extensively remodeled to adopt a more managerial approach. Many of the current disciplinary matters that result in punitive outcomes will be capable of resolution at an earlier stage, using the managerial approach as advocated by Fitzgerald (1989), Wood (1997), and Fisher (2003).

This Royal Commission is attracted to the findings and recommendations of Fisher (2003) , which, adapted for the Western Australian context, would provide as follows:

- **Minor management matters** – these are matters relating to communication and customer service, for example, rudeness, poor attitude, inadequate service or failure to explain police procedures adequately. Such matters are presently intended to be dealt with under the LCR process of WAPS. LCR appropriately emphasizes a management rather than a punitive response. Where such minor matters are found to be established, the outcomes referred to in the LCR manual are verbal guidance and local cautionary notices. Fisher (2003) suggests that the emphasis should be on re-educational outcomes, that is, coaching, mentoring, retraining and development, personal development and increased supervision. Whilst the LCR process has merits, it could benefit by widening the range of available consequences and by focusing more on achieving behavioural change rather than simply resolving complaints as single events. This will require different leadership qualities to be developed, such as persuasion and influence.
- **More serious matters** – these are matters which raise performance issues and which, though involving more serious concerns, are suitable for resolution at a local level by the use of procedures such as counselling and improvement strategies, through to change of shift, re-assignment of duties and transfer. Fisher (2003) recommends that such action should be notified to an external body (such as the Ombudsman or the CCC), which will maintain a monitoring role. However, such action should not otherwise

be reviewable by the Courts or by any tribunals. Again, the emphasis is on management of performance and not on the imposition of punishment. Whilst it would be intended that appropriate action be taken at a local level, and the necessary delegations be given to achieve this, care should be taken to ensure that no matters that are of a potentially corrupt or criminal nature are dealt with in this way. The management of performance should never become a “soft option” for addressing dishonesty or criminality.

- **Complaints leading to dismissal** – these are matters where the conduct or poor performance of the officer concerned is so serious as to justify the Commissioner of Police taking action to have the officer removed pursuant to s. 8 of the *Police Act*. Investigations in such cases should be undertaken by the WAPS Professional Standards Portfolio with reporting/oversight by the CCC. Removal decisions can be reviewable to the Industrial Relations Commission (“IRC”) pursuant to Part IIB of the *Police Act*. Again the emphasis is on removal as a management response, not as a punishment, and it should not be used as a substitute for criminal proceedings where these are open on the evidence.

As Pomeroy (1985: 183) said, “men and women who are police officers have absolutely no identity or power as police officers outside the law”, and matters that if proven would amount to criminal conduct, should be treated in the same manner as is criminal behaviour by any other member of the public, involving a full investigative process with the consequence of a prosecution if the evidence is sufficient for that purpose. Matters that do not come within this category should be resolved by managerial processes, even dismissal if necessary.

9.9 SANCTIONS AVAILABLE

Section 23 of the *Police Act* deals with inquiries into misconduct and penalties, and makes provision for the following sanctions:

- Caution;
- Reprimand;
- Fine not exceeding 3% of salary;
- Reduction to a lower rank;
- Reduction in salary to a specified rate within the limits of salary fixation in relation to the rank held;
- Suspension from duty; and
- Discharge or dismissal.

Unfortunately, instead of taking the opportunity to reform and modernize the system, the formal punitive character of it was perpetuated by an amendment to s. 23 in 2003 with the result that the amount that can be levied by way of fine has been increased to 3% of salary, up from a previous maximum of \$200. This change was intended to ensure that fines were proportional to seniority and level of responsibility of the officer concerned. The outcome, however, is more likely to be increased conflict and a reduction in the prospect of a remedial solution.

It is important to note that the sanctions, with the exception of a caution or reprimand, all have a monetary impact in one way or another and thus have a punitive orientation. Absent is any mechanism to correct errant behaviour through education or training. The attraction of education and training as a modifier of behaviour is that they have a remedial orientation. Education and training are likely to be a more efficacious way to shape behaviour towards desired outcomes than the existing punitive options.

Administrative Direction AD-78 (WAPS, 2002d) states that, in circumstances where a member is charged with an offence or is the subject of an allegation which, from a behavioural perspective, could be perceived to run the risk of damaging the integrity of the Service and/or constitute a risk to public confidence in the Service, the Commissioner of Police or his/her delegate may determine to stand the member down. The circumstances where a "stand down" may be contemplated include those related to allegations/charges where there are/is:

- Issues of criminality;
- Issues relating to corruption;
- The use of prohibited substances;
- Improper associations; and/or
- Loss of confidence by the Commissioner of Police.

For the purposes of this Administrative Direction, "stand down" is taken to include the transfer of a member to other duties within or outside of the member's current portfolio/region, or removal of a member's access to the workplace, with a requirement to remain contactable.

There is evidence that indicates that transfers have been used in the past as an informal method of dealing with errant officers. It should be recognized that simply transferring a suspected or under-performing officer from one location to another is an inappropriate means of dealing with such problems. Not only does it fail to address the underlying behavioural issues, which is unfair to the officer, given that an early intervention may

“rescue” the officer from further suspect or under-performing behaviour, but it is also unfair on the receiving supervisor who inherits the problem. This is compounded when the receiving supervisor is unaware that a problem exists, as has been shown in evidence to the Royal Commission. Transfers can however be useful measures to enable a “fresh start” when they are accompanied by appropriate re-training, counselling and supervision. To do less than this is a “dangerous and inadequate response” (Wood, 1996: 63).

It is recommended that if s. 23 is to survive, the sanctions available under it be confined to non-punitive measures and that fines and reductions in salary be deleted from the section. Reduction in rank is arguably an appropriate management response if the conduct indicates an inability to carry out the duties of the position. However, reduction in rank should be part of the management response and not a disciplinary measure. There should also be included the power to direct that officers undertake an education or training course. The power to transfer, as a response to poor performance, should only be implemented in circumstances in which it is accompanied by some other remedial measure.

9.10 SELECTION OF CHARGES AND PENALTY

Under any system, consideration needs to be given to the consistency of disciplinary charges laid and the consequent sanctions. In a submission to this Royal Commission, the Anti-Corruption Commission (2002) expressed its concern that “there are occasions where, in the view of the Commission [the ACC], the resultant decision, and/or outcome in relation to disciplinary action, has been inappropriate” and further, “there should be some process independent of the Police Service to determine whether disciplinary action should be taken against police and to impose sanctions where an officer is found guilty of misconduct”. This derives from a belief of the ACC that, at times, a more lenient approach is taken by those involved in the investigatory and disciplinary processes than is warranted by the seriousness of the matter.

Whilst it is important that all responsibility for processing complaints be devolved to the Districts and Portfolios, and that they be accountable for their actions, there is still a need for centralized supervision. Under new arrangements proposed for the IAU, there is to be a Complaints Assessment Centre within the Professional Standards Portfolio with responsibility for the classification and distribution of complaints. The Centre should also act as a monitor, with the capacity to ratify proposed action before it is implemented. It should also have the responsibility of ensuring that there is a reasonable consistency in the charges and penalties imposed across the Police Service.

The Ombudsman has had the capacity to scrutinize the disciplinary processes, but has intervened in only the most extreme cases.

Staff within WAPS are closer to the process and should have primary responsibility for uniformity. The CCC has now taken over the function of the Ombudsman and should have the research resources to assist WAPS in projects similar to that undertaken by PIC in its Operation Dresden, a major study of the NSW Police Internal Investigation system.

9.11 STANDARD OF PROOF

The arguments surrounding the standard of proof in police disciplinary matters are interesting. The standard that applies to criminal matters, proof beyond reasonable doubt, is well known. Disciplinary proceedings are not criminal in character and therefore the standard applicable should be the balance of probabilities.

In serious cases the civil standard, as explained in *Briginshaw v Briginshaw* (1938) 60 CLR 336, may apply, whereby the seriousness of the allegations made, and the gravity of the consequences that may result from any adverse finding, affects the question as to whether the issues have been proved to the required "reasonable satisfaction". As a consequence, it may be accepted that when a sanction at the upper range, such as dismissal, is being contemplated, the standard of proof required may approach that of the criminal standard, whether this is intended or not. The result is the introduction of a level of formality that is incompatible with the flexibility necessary for effective management.

9.12 APPEAL PROVISIONS

Police officers convicted of an offence against discipline, which involves a penalty other than a caution or reprimand, have the right of appeal to the Police Appeal Board under s. 33E of the *Police Act*. The Board consists of three members:

- A stipendiary magistrate appointed by the Governor;
- A person appointed by the Commissioner of Police; and
- A member of the Police Force elected by the members of the Police Force.

The Board can confirm, modify or reverse any decision, finding or punishment, with the decision of any two members.

If the punitive element is removed from s. 23, with the result that the only sanctions available are managerial, the right of appeal under s. 33E could safely be abolished without prejudice to the fair treatment of police officers.

9.13 LOSS OF CONFIDENCE BY THE COMMISSIONER OF POLICE

Section 8 of the *Police Act* deals with the removal of commissioned and non-commissioned officers, and provides that the Governor may remove any commissioned officer of police, and the Commissioner of Police may remove any non-commissioned officer or constable, subject to the approval of the Minister for Police. The basis for such removal is generally known as deriving from a loss of confidence by the Commissioner of Police in the particular police officer.

The s. 8 process has been recently changed as a consequence of amendments effected by the *Police Amendment Act 2003*, which came into operation on 27 August 2003. The intention of the amendments is that they will provide a suitable appeal mechanism to ensure fairness without undermining the ability of the Commissioner of Police to summarily remove officers whose suitability is doubted. The amendments are similar to those introduced in NSW as a consequence of recommendations made by Wood (1997).

Section 8 of the *Police Act* (as amended) now provides:

- (1) The Governor may, from time to time as he shall see fit, remove any commissioned officer of police, and upon any vacancy for a commissioned officer, by death, removal, disability, or otherwise, the Governor may appoint some other fit person to fill the same; and the Commissioner of Police may, from time to time as he shall think fit, suspend and, subject to the approval of the Minister, remove any non-commissioned officer or constable; and in case of any vacancy in the Police Force by reason of the death, removal, disability or otherwise of any non-commissioned officer or constable, the Commissioner of Police may appoint another person to fill such vacancy.
- (2) The powers of removal referred to in subsection (1) can be exercised only if the Commissioner of Police has complied with section 33L and that removal action has not been revoked under section 33N(1).
- (3) Subsection (2) does not apply where a person is removed from a commissioned office to be appointed to another commissioned office so long as that appointment –
 - (a) is to an office at a level not less than the level of the office from which the person was removed; or
 - (b) is made with the consent of the person.
- (4) Subsection (2) does not apply to the removal of a police probationary constable.

The amendments in 2003 introduced a new Part IIB into the Act. Section 33L provides that if the Commissioner of Police does not have confidence in a member's suitability to continue as a member in the Service, having regard to the member's integrity, honesty, competence, performance or conduct, the Commissioner of Police may give the member a written notice setting out the grounds for forming that view. The member has 21 days to make written submissions in response. At the end of the 21 days the Commissioner of Police can decide whether to take removal action, having taken into account any submissions, and gives notice of the decision to the member. The notice must contain the reasons for the decision and, except as regulations otherwise provide, the member must be given access to any documents or other materials taken into account by the Commissioner of Police in making the decision.

The amendments provide for an officer to receive a "maintenance" payment for a period of 28 days after being removed. During this period, the officer may decide to resign or appeal to the Industrial Relations Commission ("IRC"). The intention is that this will allow police officers to resign at an early stage and will discourage frivolous appeals.

In the past, officers often continued to receive pay whilst their appeal was pending. This provided a strong incentive to prolong the removal process. Under the new provisions, police officers will not be paid beyond the 28-day period except in exceptional circumstances, in which case the Minister for Police may extend the period to no longer than six months.

The amendments provide for a right of appeal to the IRC. On any such appeal the officer must establish that the decision of the Commissioner of Police to remove the officer was harsh, oppressive or unfair. The IRC is obliged to have regard to the public interest, including the importance of maintaining public confidence in the integrity, honesty, conduct and standard of performance of WAPS officers and the special nature of the relationship between the Commissioner of Police and members of the WAPS.

The amendments represent a significant improvement and reflect a focus on removal as a managerial decision rather than a punitive process. It is too early to tell whether the amendments will attain their objective and prove to be a fair and effective management tool. There are, however, some comments that can be made, based upon the form of the new provisions and on the NSW experience.

The previous s. 8 required that the Commissioner of Police obtain the approval of the Minister before removing a non-commissioned officer. This might previously have been justified on the basis that it provided a safeguard and a measure of accountability for what,

on its face, was otherwise a largely unfettered power. Notwithstanding the amendments, this requirement has been retained. Given that the legislation now provides for a right of independent review, the necessity to obtain ministerial approval adds an additional step in the process that appears no longer to be required to ensure fairness. Furthermore, the continued existence of this requirement may serve to encourage affected officers to lobby the Minister for Police. This might give the impression that the removal process is susceptible to political influence. The otherwise similar NSW legislation contains no such requirement.

The reference to the special nature of the relationship between the Commissioner of Police and members of the WAPS could be seen as abstruse. There are good reasons why principles applicable to dismissal decisions in general employment should not merely be transposed to Part IIB proceedings. It would be appropriate for due weight to be given by the IRC to the special powers vested in police officers that necessitate the need for a high level of trust and personal accountability. There should also be recognition of the particular risk that corrupt police officers can have upon the Service if they are not removed quickly and decisively. It is not, however, entirely clear what factors are intended to be taken into account by the IRC and what weight they are to be given.

Clearly it is intended that the amendments will provide an entirely adequate opportunity to seek review of a removal decision. It is, however, noteworthy that the provisions do not exclude any other form of review. Past experience has shown that officers will seek to utilize prerogative writs in order to challenge aspects of the removal process. The possibility exists that a stay of the removal process might be obtained, enabling the affected officer to continue being paid pending completion of the appeal process. This would obviously thwart the intended effect of Part IIB. Whilst it is likely that the Supreme Court of WA would take into account the existence of alternative avenues of appeal when exercising the discretion to grant a stay, the possibility of this alternative course remains. For this reason there would appear to be a good argument for excluding, or at least limiting, other avenues of review.

The amendments contain a provision relating to “new evidence”. The IRC is given discretion to admit new evidence on appeal if it is in the interests of justice to do so. There is no prohibition on an officer raising evidence on appeal that was available previously. It is, therefore, open to an officer to tactically withhold information until the appeal. There are two possible disadvantages to this. First, the IRC in exercising its discretion to grant leave to tender new evidence, is required to consider whether the officer knew of, or had reasonable access to, the information and, secondly, where new evidence is tendered, the Commissioner of Police has an opportunity to revoke or reformulate the original removal

decision. Notwithstanding these disadvantages, there seems to be no adequate reason why a strict fresh evidence test could not have been applied, that is, that new evidence would not be admissible unless the officer did not know and could not reasonably have known of its existence prior to the removal decision. It is appropriate that the exercise of any right of appeal should carry with it an obligation to disclose at the removal decision stage all facts that the officer knows of and wishes to assert are relevant.

Section 33T now provides that an appeal to the IRC shall be adjourned for up to 12 months on the application of either party if the appellant has been charged with a criminal offence that has not been finally determined. The mandatory nature of this provision seems unnecessary. There may be circumstances where an adjournment is appropriate in the interests of justice. Equally, however, it may be possible to continue the appeal proceedings without prejudice to either party and this is desirable in the interests of achieving a final outcome expeditiously. An application by the Commissioner of Police for an adjournment of the hearing of the principal application may be granted if the IRC considers that it is in the interests of justice to do so (s. 33T(3)). On the other hand, the IRC is required to adjourn the hearing on the application of the appellant (s. 33T(3)).

The emphasis at the appeal stage is intended to be on ensuring that the process is fair. The test of whether the removal decision is harsh, oppressive or unfair does, however, suggest that there is scope for a reconsideration of the merits of the decision. An alternative would be to limit review to those grounds, such as taking into account an irrelevant consideration, that apply to the judicial review of administrative decisions. This could potentially provide greater certainty to the review process. It is noteworthy that in NSW the appeal process became increasingly stultified over time by the introduction of additional evidence, resulting in what, in effect, became a complete rehearing of the case for removal. There is some hope that that position has been remedied following a recent judicial decision, which has confirmed that appeals in NSW are not intended to be *de novo* hearings.

The amendments are clearly designed to minimize unnecessary delays. Much of the incentive for delay was that officers could continue to receive full pay pending the outcome of an appeal. That problem has been minimized by the limitation on maintenance payments, though there is still the possibility that officers may seek to take advantage of the six-month extension period. For this reason, it is important that, in accordance with the amendments, such extensions of maintenance payments be made only in exceptional circumstances.

Of course, not all delays occur after the initiation of an appeal. In NSW very significant delays were found to occur in waiting for responses from the affected officer and in

awaiting legal advice prior to referring the matter to the Commissioner of Police. It is vital that WAPS closely monitor all s. 8 matters and establish appropriate benchmarks to ensure that management action is, and is seen to be, timely and effective.

There are some issues that are not resolved by the amendments. For example, what occurs if there is a change of Commissioner of Police whilst an appeal is pending? A further issue may arise in respect of discovery if the Commissioner has relied upon documents that are operationally sensitive and cannot be disclosed in a public hearing without prejudice to continuing criminal investigations.

In the past, a Commissioner of Police's ability to use s. 8 as an instrument to effectively and expeditiously remove officers whose performance or integrity was lacking has been significantly inhibited. The new provisions offer improvements and reduce the incentives to engage in lengthy appeal processes. There remains some, though reduced, potential for the processes to be used to frustrate appropriate management action. The extent to which there are deficiencies will become more apparent in time and it is noted that the amending Act contains provision for a review of the effectiveness of Part IIB after two years.

9.14 LOCAL COMPLAINT RESOLUTION

In keeping with the models of managing complaints described above, WAPS has also implemented a Local Complaint Resolution ("LCR") process. This is an informal complaint resolution process. LCR is characterized by a commitment to conflict resolution through local management solutions, and adopts as its approach an informal problem solving methodology rather than a formal investigative one. The LCR process is employed for complaints that are classified as minor, and includes the following categories of complaints, as outlined in s. 2.1 of the LCR Manual (WAPS, 2001e):

- Complaints relating to demeanour, discourtesy, rudeness, abruptness or any similar act of incivility;
- Complaints alleging careless or inadequate performance in relation to customer service matters, for example, a failure to respond promptly, return property, make inquiries, lay charges (minor matters only), return telephone calls and other failures to provide adequate service;
- Complaints which may be resolved by explanation, such as those based on a misunderstanding of facts or law, or police practices or procedures;
- Complaints of police driving or parking behaviour (excluding serious traffic offences);

- Complaints made by persons who are possibly disturbed or obsessive and the allegations have either been made or considered before, or which, by their nature, are consistent with the complainant's known state of mind;
- Complaints that concern incidents of use of force associated with an arrest or other lawful police conduct, which may include mere jostling, pushing and shoving without any attendant features such as intimidation, attempts to obtain a confession or exacting retribution; and
- Such other matters as the Commissioner of Police or the Ombudsman may from time to time determine.

Complaints about police that fall into any of the above categories are treated primarily as local management issues, rather than discipline or offence matters. Complaints of this nature are dealt with by Resolving Officers. All inspectors, senior sergeants, sergeants and senior constables in charge of police stations undergo accredited training as Resolving Officers. The emphasis for the Resolving Officers in dealing with local complaints is on an effective and timely resolution with a view to improving customer satisfaction as well as organizational efficiency. Section 6 of the LCR Manual (WAPS, 2001e) specifies that in most cases an outcome is expected within 14 days, with a maximum time limit on LCR complaints of 90 days. If the matter has not been completed within 90 days, the matter is to be fully investigated.

The LCR process has embraced the fundamental characteristics of the contemporary model of complaints management described previously. This is most evident in the objectives of the LCR system as listed in part 1.1 of the LCR Manual (WAPS, 2001e):

- (a) To promote and encourage the speedy resolution of complaints of a minor nature, whilst adhering to high standards of thoroughness and accountability.
- (b) To meaningfully demonstrate to members of the public that the Police Service takes its complaints seriously and seeks to resolve them in the most appropriate manner.
- (c) To enable members of the Police Service to have complaints against them dealt with more appropriately at the local level.
- (d) To empower local supervisors to manage and resolve complaints of a minor nature in their area without recourse to a centralized formal investigative approach.
- (e) To identify aspects of a member's behaviour, which may have contributed to the complaint, enabling supervisors to take appropriate management action.
- (f) To encourage members to be open and accountable in order to achieve the resolution of complaints.
- (g) To attempt to reach an acceptable resolution to every complaint of a minor nature.

- (h) To enable the Police Service and the Ombudsman to monitor trends and progress in the incidence, causes and successful resolution of complaints of a minor nature.

The system, therefore, takes into account the role of the manager in the supervision of the behaviour of subordinates, as well as the dignity of the member who is the subject of the complaint. As a result of a compromise when the system was introduced, complaints resolved are not recorded on a member's personal file. A record of the complaint is retained at the District/Divisional Office. However, substantiated complaints against members that have been resolved are expunged from all records following a complaint-free period of 12 months.

The disciplinary process associated with the LCR system includes a range of management actions that can be put in place in respect of the police officer. One such management action is termed "Verbal Guidance" (WAPS, 2001: 5.2.1)

When a Local Complaint Resolution process has revealed that the subject member has displayed inappropriate behaviour or attitude, or has made a mistake as to procedural requirements, or has failed to comply with suitable standards as prescribed in the Police Regulations or orders issued, a subordinate should be initially spoken to with a view to correcting or developing the member's future performance, knowledge, behaviour or attitude. This is known as Verbal Guidance. Verbal Guidance may involve cautioning the member.

Another management tool that can be used as part of the LCR disciplinary process is a Local Cautionary Notice. Indeed this is the most serious action an LCR complaint can attract. A Local Cautionary Notice is written confirmation of a verbal caution delivered to a subject member. It is a managerial tool and should be used to record a caution for instances of inappropriate behaviour or attitude, or other performance problems. It may also detail improvements that the member is expected to achieve within a given timeframe. Furthermore, the Resolving Officer may recommend that specific training be undertaken by the subject member as part of the resolution outcome and follow up. A Local Cautionary Notice should always be issued when an officer is to be cautioned or warned regarding his/her behaviour – rather than just given verbal guidance. This is in keeping with sound personnel management practice.

Despite being the most serious form of corrective action in the LCR process, a Local Cautionary Notice will not affect a member's opportunities for promotion or career development within WAPS. This is provided the member does not receive more than three such notices within a 12-month period. In these circumstances, an Unfavourable Report is recommended to the District/Divisional Superintendent.

It was recommended earlier in this Chapter that the range of sanctions should be expanded to permit a wider range of managerial action.

What is set out above is the theory of the practices in place in WAPS. Unfortunately, like many of the strategies of WAPS, it has not achieved all of the outcomes intended.

OMBUDSMAN WA

WAPS internal investigations have been overseen by the Ombudsman. The aim of the review programme carried out by the Police Team in the office of the Ombudsman is to enhance the accountability of the Police Service by ascertaining the quality and thoroughness of the internal investigations. Timeliness is also a matter monitored by the Ombudsman who has entered into an agreement with the police service in which targets are agreed for the various levels of investigation.

There have been a number of positive outcomes associated with the devolution of police internal investigations. Notwithstanding continuing problems, internal investigation efficiency appears to have improved. For example, the Ombudsman's 2002 Annual Report records that:

- 95 per cent of LCRs reviewed were adequately investigated; and
- 92 per cent of major matters reviewed were adequately investigated (as compared to 81 per cent in 1994).

Section 14(1)(b) of the *Parliamentary Commissioner Act 1971*, which regulates the Ombudsman's oversight of investigations by the Commissioner of Police, provides the Commissioner with a reasonable opportunity to conduct an internal investigation, but if that is not completed within a period of 42 days or such longer period as agreed between the Commissioner of Police and the Ombudsman, the Ombudsman will investigate the actions of police officers. Rarely were investigations completed within 42 days and, invariably, extensions were sought. The failure of the formal extension system as an effective timeliness control mechanism led to its replacement in 1998 with the target system. The first set of agreed targets was for 100 per cent of LCRs to be completed within 30 days, and for the following average internal investigation times for major matters:

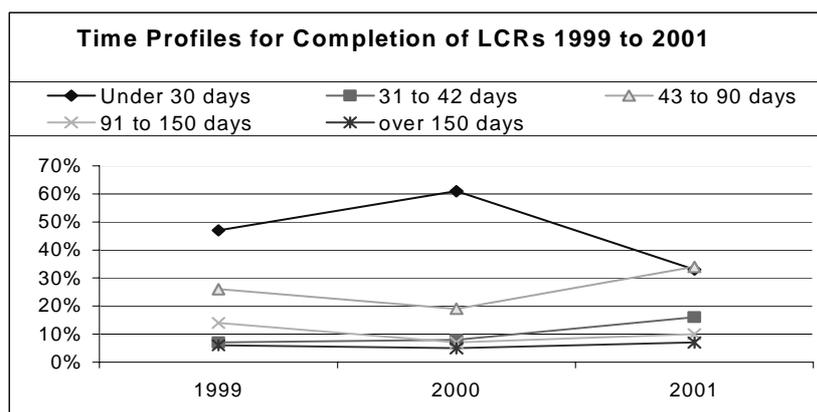
	Year ending 30 June		
	1999	2000	2001
Within 42 days	30%	35%	40%
Within 43–90 days	35%	40%	45%

Within 91-150 days	Year ending 30 June		
		35%	25%
	100%	100%	100%

By 30 June 2001 the average time taken to complete an LCR was 58 days, broken down as follows:

- 33% were completed in less than 30 days.
- 16% were completed between 31 and 42 days.
- 34% were completed between 43 and 90 days.
- 10% were completed between 91 and 150 days.
- 7% were completed in over 150 days.

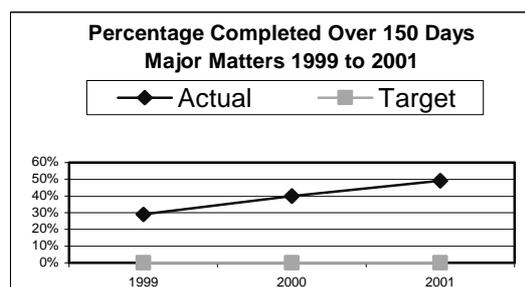
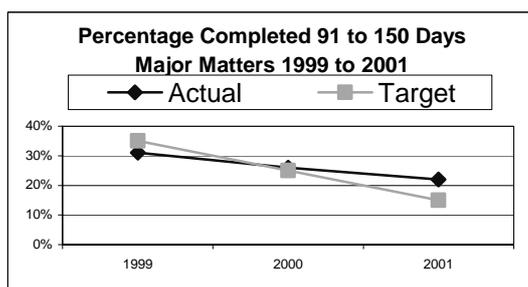
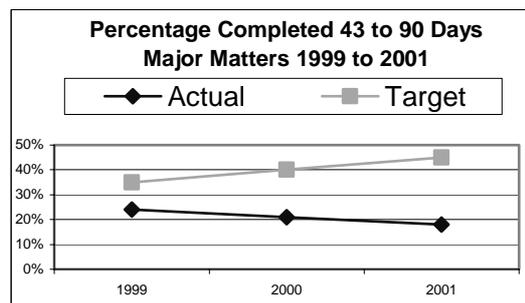
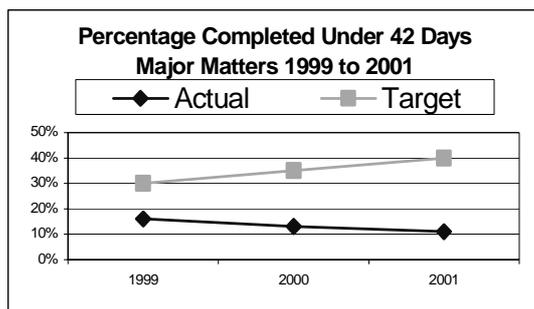
The trend in these completion times is reflected in the following graphs prepared by the Ombudsman.



The average time taken to complete major matters in the 2000/2001 financial years was 184 days, broken down as follows:

- 8% were completed in less than 30 days.
- 3% were completed between 31 and 42 days.
- 18% were completed between 43 and 90 days.
- 22% were completed between 91 and 150 days.
- 49% were completed in over 150 days.

The trend in these completion times is reflected in the following graphs.



In the Ombudsman's 2003 Annual Report, it is recorded that there has been an encouraging positive trend in the adequacy of internal investigations and LCRs. However, there remains a major issue with timeliness as it is reported that the average time to complete an LCR is 55 days, which, although a decrease of 15 days from the previous year, still significantly exceeds the 30 days target between the Ombudsman and the Police Service. Similarly, in relation to police internal investigations, on average, police took 182 days whereas the target agreed was 120 days. Importantly, the Ombudsman also reported that a survey of complainants whose complaints were dealt with by LCRs revealed that 88 per cent said that they were happy with the time taken. On the other hand, a similar survey of complainants dealt with by internal investigations revealed a consistent decline over the past three years in the way complainants viewed them.

In a statement provided to the Royal Commission pursuant to a notice under s. 5 of the *Royal Commission (Police) Act 2002* the Ombudsman advised that there has been a recent investigation into how WAPS internal investigations were being case managed. The statement confirms observations of the Royal Commission that there are inherent inefficiencies in the LCR process through the central distribution role of the IIU, and the intervention of Region Co-ordinators, who seem to add little value to the process. Consideration should be given to eliminating the role of the Region Co-ordinators. The Ombudsman, whose views must be respected in view of the lengthy experience of the office in reviewing WAPS internal investigations, also considered that the District Officers needed to be held more accountable for their internal investigation performance. On a more

practical level, the Ombudsman reported that the officers surveyed mentioned that they would be assisted by an "internal investigators kit".

9.15 CURRENT ISSUES

TIMELINESS - SYSTEM ISSUES

It appears that internal investigation case management varies between Districts, although they operate within the same system. Generally speaking, the procedure followed at the District level is as follows:

- On receipt of the internal investigation file it is recorded by the District Co-ordinator.
- The file and the nature of the complaint are discussed with the District Superintendent and the Assistant District Officer (ADO) responsible for the officer named in the complaint.
- The nature and seriousness of the allegation is then considered prior to allocating the internal investigation to a supervisor. Serious complaints are generally investigated by the relevant ADO and less serious complaints by either the Officer In Charge (OIC) of the workplace of the officer complained about, or the station or shift supervisor.
- Progress of the investigation is generally monitored by the District Co-ordinator on a weekly/fortnightly basis. This officer informs the District Superintendent and ADOs of progress at weekly/fortnightly management meetings.
- Completed internal investigation files are forwarded through the chain of command to the District Co-ordinator, who will usually undertake some form of review.
- The investigation file and letter to the complainant are then forwarded to the District Superintendent (the "owner" of the internal investigation).
- If the District Superintendent is satisfied with the outcome and recommendations he/she signs the letter to the complainant.
- In country Regions, the completed file is then sent on to the Regional Internal Investigations Co-ordinator, who undertakes some form of review prior to approval by the Regional Commander.
- In the Metropolitan Region the completed file is sent on to the Regional Internal Investigations Co-ordinator, who notes the file before forwarding it to IIU.

There are inefficiencies in this system, both at the District and the wider level. The Ombudsman has provided two examples of the impact of these inefficiencies, which are reproduced at Appendix A (a metropolitan example) and Appendix B (a country example) to this Chapter. In both cases, approximately 50 per cent of the time taken involved administrative actions - seven months in A and three months in B.

The inherent inefficiencies of the system are starkly revealed in both examples. The duplication of file handling was a matter that the flattening of the rank structure of the Police Service was intended to address. The Ombudsman has correctly pointed out that the system, although purportedly devolved, is neither fully devolved nor fully centralized and that District Officers need to be held accountable for their investigation performance. IIU should accept greater responsibility for consistency across the various districts. At the present time, IIU seems to make little contribution to the process other than to act as a "post box". When the Complaints Assessment Centre becomes functional, it should accept a greater role in monitoring the outcomes of the processors, and the performance of the District Officers.

TIMELINESS - LOCAL ISSUES

Timeliness is frequently a function of the current workload of the internal investigator. District Officers have acknowledged that the existing workload of an internal investigator is not taken into account prior to the assignment of an internal investigation file. The more important consideration is that he or she is the most appropriate officer to conduct the investigation.

The tyranny of distance is significant in remote areas, for example in having to travel long distances to interview witnesses. Locating and contacting itinerant witnesses was also cited as being problematic.

Leave arrangements and the assignment of higher duties are major issues. It is not uncommon for an officer to take leave or be put on higher duties prior to finalizing an internal investigation. When this occurs, internal investigations typically remain in limbo until the investigator returns. District Officers are generally reluctant to reassign internal investigations because of a loss of continuity.

District Co-ordinators usually undertake weekly or fortnightly reviews of the status of each internal investigation file within the District. They should also conduct status review meetings with the District Superintendent on a weekly, fortnightly or monthly basis. Frequency and interest in these meetings, and quality and timeliness outcomes, appear

often to be a function of the level of interest the District Superintendent has in internal investigations.

Many OICs and shift supervisors have voiced a strong preference to return to the centralized system in which IIU undertook all investigations. This view was founded on the notion that having to investigate allegations about officers within their station or shift would adversely affect their relationship with their staff. They believe that the position was compounded by their relative lack of experience and expertise in conducting internal investigations, which they considered to be generally more complex than standard criminal investigations. Such a move would be inconsistent with the management orientation of dispute resolution.

District Superintendents have expressed reservations about the need to have the investigation file, report, letter to the complainant and recommendations reviewed by Regional Co-ordinators. They assert that this step in the process defeated the purpose of devolution, effectively usurping their ownership of internal investigations and invariably delaying completion. Delays of over three months have been cited as commonplace. The Ombudsman shares the view that the Regional Co-ordinators add little to the process, and create a significant and unnecessary bottleneck in the system. Consideration should be given to subsuming their role into the functions of the IIU.

9.16 QUALITY - SYSTEM ISSUES

Although devolution was an important aspect of the improvement in internal investigation quality, it brought with it the risk of inconsistency. Inconsistency is perhaps inevitable in a system of devolved responsibility. Obviously, there can be efficiency advantages to devolution in a state as large and geographically varied as Western Australia. However, some degree of certainty as a means of achieving minimum service standards is important.

In 1999, in an exercise intended to assist in achieving a more certain minimum standard, the Ombudsman recommended that an investigator's kit be developed and provided to all officers required to conduct district level internal investigations. The Ombudsman suggested that the kit include the following:

- A full and clear explanation of the internal investigation process, including the roles and powers of the Ombudsman's Office, the ACC, [now CCC] the IIU and the IAU.
- A flow chart explaining the various stages of the complaint handling system.

- An explanation of the expectations that the Commissioner of Police and the Ombudsman have of district level internal investigators.
- Contact telephone numbers for relevant personnel at the IIU and the Ombudsman's Office, and advice on the types of assistance that can be obtained from those sources.
- A clear explanation of internal investigation review protocols.
- A clear explanation of the rights and obligations of officers subject to internal investigations.
- A clear explanation of the powers available to internal investigators and guidance as to how such powers should be exercised.
- A clear explanation of the meaning of the terms "impartiality", "accountability" and "transparency", and how to give effect to those notions.

In September 1999 this recommendation was agreed to, but has not yet been implemented.

The recent investigation by the Ombudsman attracted a number of complaints about the absence of such a kit. The Royal Commission endorses the view of the Ombudsman that, at the current time, the most important step is to immediately develop an internal investigator's kit and practice guidelines.

9.17 QUALITY - LOCAL ISSUES

District Officers appear to share concern about the resources allocated to them to conduct internal investigations and the training provided to such staff. Most said that when internal investigations were devolved to the districts, staff numbers were not increased commensurately. There appears to be frustration at the lack of training for district level internal investigators.

Both of these factors impact negatively and significantly on internal investigation quality. Although the notion of impartiality appears to be well understood by District Office staff, it is not uncommon for inexperienced internal investigators to accept the accounts of police officers without properly analyzing evidence to the contrary. Furthermore, it is not uncommon for interviews to be less than thorough, with important lines of questioning not being pursued. When this occurs, suspect officers are simply allowed to provide their account of events, without competing accounts or contradictory evidence being put to them. The same internal investigation files will often contain rigorous questioning of complainants. It is also noteworthy that internal investigators have utilized the mistaken justification that disciplinary action cannot be taken unless the conduct in question can be

proved “beyond a reasonable doubt” even though, obviously, this standard applies only to criminal charges.

District Co-ordinators are the lynchpin to the system of devolved complaint resolution, setting for all practical purposes the standard for the quality of internal investigations. There is considerable variation in the way District Co-ordinators discharge their role. There are a number of explanations for this. First, District Co-ordinators are unclear as to exactly what is required of them. Secondly, in a number of Districts, it appeared that the position was something of a “revolving door”. On occasions officers held the position for only a few months. Thirdly, while some District Co-ordinators had significant IIU experience and others had received training, there were some who had no experience or training whatsoever. Fourthly, the position was not seen as being a desirable appointment and, for that reason, there was often a distinct lack of enthusiasm by those appointed as Co-ordinators. Finally, District Co-ordinators are typically sergeants. They are often required to review the adequacy of internal investigations conducted by inspectors and senior sergeants. In a rank-oriented organization such as WAPS this is problematic because there may be an understandable reluctance to criticize or disagree with a report by a superior officer.

It is also the view of the Ombudsman that internal investigation problems at the District level stem largely from the low priority that they are afforded. The Ombudsman recommends that the Commissioner of Police address the issue by including internal investigations timeliness and quality outcomes among the performance indicators against which district performance is measured and District Officers held accountable. The Royal Commission would add that the “Organisational Performance Reviews” are a convenient mechanism by which Districts can be held to account for internal investigations.

9.18 COMMUNICATION

A major issue in internal investigations is customer satisfaction. If the process is to be fully effective it should create in the complainant a feeling that the procedure has been conducted thoroughly and impartially. Community confidence in the system is vital. It may not matter to some complainants that the allegation has not been sustained if there is engendered a feeling of satisfaction that at least the investigation was carried out properly. Some complainants, of course, are never satisfied, but the Royal Commission has received many complaints from persons who have previously complained to WAPS but were left dissatisfied, mainly as a result of inadequate communication.

Generally speaking, letters to complainants are often too brief to provide an adequate explanation. The contrast in style shown by the letters contained in Appendix C (from a

District Officer) and Appendix D (from the Ombudsman addressing the same issue and utilizing the same evidence) illustrate this point. Further, the Police Service appears to be guarded when it comes to explaining the disciplinary or other action that has been taken, again impacting on the perception of a lack of impartiality. These two points are reinforced by feedback from complainants, who have referred to being confused about the outcome of internal investigations and suspicious about the extent of inquiries conducted by the internal investigator.

Adequate communication of the outcome of internal investigations can only occur after an investigator has drawn appropriate and logical conclusions from the evidence gathered, having due regard to the relevant standard of proof. Appropriate recommendations, based on the conclusions drawn, should be made which address the complainant's position, the public interest, and the Police Service's policies and procedures. Proper effect should be given to considerations of accountability and transparency, in particular ensuring that the complainant is fully advised of the outcome of the investigation, and that any remedial action is consistent with action taken in similar situations and adequately reflects the seriousness of the conduct in question.

9.19 THE WAY FORWARD

The Ombudsman points out that it is not difficult to identify the principles upon which internal investigations should be carried out as there is an "Australian Standard for Complaints Handling", AS 4269 (1995: 4, 7–10). It states that a comprehensive complaints system should:

- Increase the level of consumer satisfaction with the delivery of products and services and enhance the consumer/provider relationship.
- Recognize, promote and protect consumers' rights, including the right to comment and complain.
- Provide an efficient, fair and accessible mechanism for resolving consumer complaints.
- Provide information to consumers on the complaints handling process for the services and products of the organization.
- Monitor complaints in an endeavour to improve the quality of products and services.

In addition to complying with these more general principles, the WAPS internal investigation system must also assist in maintaining discipline.

AS 4269 (1995: 7–10) also refers to the essential elements of good complaint handling systems. It is not necessary to repeat all the elements here. Suffice it to say the Standard notes that:

- There needs to be commitment to the complaint handling system within all levels of the organization, particularly at the top levels.
- The process needs to be fair to both the complainant and the organization or person against whom the complaint is made.
- Complaint handling staff need to be appropriately selected, trained and resourced.
- The complaint handling system needs to be visible, accessible and responsive. In terms of responsiveness, reasonable target time limits for all stages of the complaint handling process should exist.

The principal problem at present is timeliness. There is no instant remedy to the delay in processing complaints. It is to be hoped that, with the development of additional expertise, the provision of greater assistance in the form of the internal investigation kit and less interventions in the process, WAPS will be in a position to meet the time targets agreed.