

Madam Chair, members of the Committee.

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BY:.....

My name is Mark Fenlon. I am a police sergeant with 19 years of exemplary and unblemished service. I am also, regrettably, a police internal witness (whistleblower).

Overshadowed somewhat by the public profile attributed by the media to Detective Sergeant Tim Priest, my disclosures of misconduct and corruption have been as significant and certainly sufficiently volatile to warrant the personal attention of the Police Minister, Michael Costa in recent months.

I should also advise you that as a consequence of my actions, I am now on long term sick (stress) leave and have been so for the past 15 months. Such is the fate of police internal informants who would attempt to disclose the real and serious corruption occurring within the NSW Police Force.

A genuine fear of imminent reprisal arising from my disclosures, has effectively guaranteed that my career as a police officer is now at an end. Indeed the circumstances are such in my case, that no alternative course of action was available to myself other than to recently seek a medical discharge. Whilst a decision in that matter is currently pending, I remain, as yet, a sworn police sergeant, ostensibly attached to Blacktown Command.

I was prompted to make this submission after having been advised of the existence of your committee and its terms of reference.

From a personal perspective, I consider this submission and others like it which may be furnished to your committee by other police whistleblowers, a last throw of the dice. A last chance to have examined, a corrupt and ineffectual police force.

All of my efforts thus far have been met by fierce resistance or empty promises and this by those charged with a public duty and responsibility to do the contrary. There is no one left to appeal to in this State. There is no one left to advise. I have exhausted every avenue in attempting to reveal corrupt, unethical and incompetent conduct of senior members of the Police Force and all to no avail.

Given that my fate and future remains in the hands of those I wish to expose to your committee, it should be appreciated that this submission is not without risk to its author. However, having resigned myself to that fate, such as it is, and as disillusioned as I have become about these matters ever being addressed appropriately, I still believe that I have a moral obligation and duty to allow your committee access to the information I am in a position to provide.

To commence then.

You need look no further for a major contributing factor to increases in crime within this State together with the resultant elevated levels of fear experienced in the community, than that very organization charged to address both. The New South Wales Police Force.

Within the NSW Police Force there exists a management culture debased by practices which reflect not only criminal neglect but criminal conduct.

These practices have become so common place that they are enshrined within that culture, protected and hidden from public scrutiny by a collaboration of lies and deceit. Lies and deceptions which are in turn, lent credence by those very agencies responsible for oversighting the integrity of the NSW Police Force.

So extensive and entrenched is the problem that even the current Government is reluctant to act for fear of the political consequences.

Everyone has had a part to play, few if any, are without guilt, all are equally culpable.

The turmoil within the Police Force as witnessed by the public in recent months should itself be sufficient evidence that all is not well within the Police Force of New South Wales. Sackings of senior executives on the scale that we have seen do not occur within a healthy organization. Clearly symptomatic of serious problems, the issue has been masterfully ignored and discreetly covered up.

These dismissals, like so many other issues impacting upon the effectiveness of policing in NSW are as yet unexplained and will, I believe, remain so. Such is the veil of secrecy surrounding policing in this State.

Your chairperson has already tasted a sample of the contempt with which the NSW Police Force would view any effort on the part of your committee to scrutinise its internal workings. I would suggest her experience is nothing to that which your committee will encounter should it continue along its current line of inquiry. Your committee inquiry threatens exposure of the sinister and the Police Force, well aware of that threat, will vehemently resist your efforts.

Allow me to be brutally frank. The Wood Royal Commission failed. It failed miserably. Hailed as a victory (politically) against corruption, in reality it went no further than the prosecution of some minor miscreants. Corruption has still flourished and indeed taken on new form. We remain a corrupt, unethical, poorly led and ineffective organisation. Exacerbated further by the fact that we are also poorly policed by our Minister and the myriad of agencies charged with oversighting our integrity.

I do not make these charges lightly, the evidence is plentiful and has been made available by myself and other internal police informants to those very agencies.

The evidence however, is being dealt with in what has become a time honoured practice. If the complaint is kept "in house" it is never acted upon or suffers the revolving door treatment as it is shuffled from agency to agency until it becomes so stale as to be seen to be no longer relevant or those involved retired.

If made public, it is "addressed" by being subjected to substandard investigations with pre-determined, low risk outcomes. Investigations orchestrated and manipulated by those in charge, those, I add, with most to lose.

Damage control and spin doctoring have become the management tools in a Police Force dedicated to the preservation a façade. A façade of integrity and effectiveness.

The evidence I am in a position to present to your Committee pertains to the corruption of the police promotion system and the falsification of crime statistics. It has the capacity to satisfy your committee beyond any doubt that my assertions in this submission have substantial and irrefutable foundation in truth.

As you would obviously be aware, serious systemic corruption within any police force will adversely impact upon its effectiveness to fight crime. What then actually constitutes serious systemic corruption. For too long it has been defined by what we see on our television screens and in our newspapers.

Low ranking, dirty cops, standing over drug dealers or dealing drugs themselves. Caught on tape and publicly placed "in the stocks" that is the Police Integrity Commission so that all may see the heinous picture of disgrace. That is the image portrayed and indeed intended for public consumption of corruption within the NSW Police Force. A professional staging of the "good work" performed by the Police Force, the NSW Ombudsman, the Police Integrity Commission and indeed the NSW Government in rooting out corrupt cops.

These sensationalist revelations, cut into bite size and readily digestible portions, then fed to a media conditioned and willing to gorge itself upon it, performs the more vital role of diverting attention from the far more insidious and ultimately more threatening form of corruption which pervades the NSW Police Force. The management culture itself.

Already we have seen an example of the fruit that such corruption bears, that of Cabramatta. Yet it goes much further than Cabramatta.

Since 1999, I have attempted to reveal and have addressed, serious integrity issues which have and will continue to, impact adversely upon the well being of policing within New South Wales and as a consequence, upon the safety and well being of the community of this State, for many years to come.

In that cause and over the past three and one half years, I have found it necessary to meet and correspond with senior police, senior officers of both the NSW Ombudsman and the Police Integrity Commission, members of parliament from both major political parties, including the Police Minister and the leader of the opposition, as well as make several media appearances and public statements in order to draw attention to these issues. Yet despite these effort, the matters I have raised still remain unaddressed and unresolved.

Your committee might prudently ask the question "Why has it been necessary for a police officer to take such extraordinary measures in pursuing his complaints?". My response would be, not for their want of substance, on the contrary, it is because they possess such substance that they threaten the positions of many powerful people.

These issues are and have been continually and deliberately avoided. Why?, because no one wants to admit the existence of the debacle that policing in this State has become and no one therefore, need ever admit to or attribute responsibility for creating the problems that have precipitated the God awful mess. It is the safe option and the only option open to those who have placed preservation of their privileged positions in front of the well being of the community of this State.

Information I am in a position to provide your committee discloses:

On the first subject matter : Police Promotions Corruption.

- * Evidence of failure by the Police Force to investigate a complaint concerning the susceptibility of the police promotion system to corruption.
- * Evidence of a subsequent conspiracy of lies (and the motivation for those lies) surrounding that complaint, involving former Commissioner of Police, Peter Ryan, former Deputy Commissioner, Jeffrey Jarratt, Superintendent Mal Brammer, Mr Gary Richmond, Ms Angela Myers and others.
- * Evidence that the NSW Police Service deliberately failed to act to address corruption of the promotion system.
- * Evidence of the failure of both the office of the NSW Ombudsman and the Police Integrity Commission to investigate my complaint and subsequent allegations of misconduct against Ryan, Jarratt and others.
- * Evidence that the office of the NSW Ombudsman and the Police Integrity Commission are inappropriately utilising discretionary powers conferred under their respective governing legislation to avoid investigating and reporting on serious police corruption issues.
- * Evidence of the failure of the current Commissioner of Police, Kenneth Moroney to address these same complaints and their consequences arising from the introduction of a proven corrupt promotion system.
- * Evidence of obvious collusion between members of the executive of the Police Association of NSW and the NSW Police Force (and the motivation for same) by choosing to ignore concerns regarding the integrity of the promotion system as early as July 1999.
- * Evidence of the involvement of members of the Police Association executive in widespread promotions corruption.
- * Evidence of improper influence by senior police upon investigators attached to Internal Affairs during the conduct of investigations into senior police.
- * Evidence that these issues were raised with the Minister of Police as proof of failed policing reforms introduced by the then Commissioner, Peter Ryan..
- * Evidence of improper senior appointments.

I am sure that it would be appreciated by your committee, the significant part any promotion system plays in building both a corruption resistant and effective police force. Certainly no promotion system is perfect in terms of quantifying merit, however in an environment which should encapsulate integrity and honesty (as policing should), it must be (not just seem to be), completely free from undue influence and manipulation.

This promotion system was so obviously and blatantly open to abuse from its inception that only gross incompetence and corrupt conduct could have maintained it as a means of promotion for so long.

Most importantly and critically, what must be understood and appreciated by your committee is that a promotion within the Police Force has become the "legal tender" currency of corruption. No more lucrative method of payment in return for advantage exists. No more expedient means to establish networks of corruption and internal quasi-political power could have presented itself to the corrupt and unscrupulous for abuse. And this occurring under a veneer of complete legitimacy, accompanied by an almost zero chance of detection.

Deliberately ignored and then subsequently denied as a major organisational risk to the integrity and effectiveness of the Police Force by the most senior echelons of its management, together with the Police Association, the NSW Ombudsman, the Police Integrity Commission and indeed Government. Each of those agencies and bodies I submit, demonstrating nothing less than complicity through their respective responses to my complaint and those of other police whistleblowers.

The very foundation of integrity within the Police Force has been undermined and no one within this State has been or is prepared, to do anything about it.

On the second subject matter: Falsification of statistics under the Police and Public Safety Act.

- * Evidence of widespread falsification of those statistics.
- * Evidence of the refusal of the NSW Ombudsman and the PIC to carry out an independent investigation of that complaint.
- * Evidence of a deliberate delay by the Police Force to investigate that complaint.
- * Evidence of prior knowledge of this matter by the Minister of Police.
- * Evidence of prior knowledge of this matter by former Commissioner Peter Ryan.
- * Evidence of attempts by Deputy Commissioner David Madden to initiate "damage control" surrounding that complaint by way of pre-emptive press release prior to the investigation being allocated or conducted.
- * Evidence of an attempt by Deputy Commissioner David Madden to thwart the investigation of that complaint by inappropriate allocation of that complaint to Superintendent John Laycock.

* Evidence of breaches of security surrounding the eventual investigation, strongly suggestive of collusion between involved police and internal affairs investigators assigned to investigate that complaint.

* Deliberate confinement of that investigation to one Local Area Command (Blacktown) despite statistical evidence to support widespread misconduct across the Police Force.

This issue, also symptomatic of a corrupt management culture, bred on lies and deceit is also in the process of being "closeted". Truth once again sacrificed for personal and political gain. Corruption, rampant and obvious, ignored. Again not for the want of evidence but for want of will and integrity and made possible through those corrupt internal networks, courtesy of a corrupted promotion system.

Police whistleblowers in this State have no one and nowhere to take their concerns with any degree of confidence that those concerns will be addressed. They condemn themselves through their revelations as they witness cover up after cover up with corrupt and incompetent senior police emerging unscathed time and again. The environment is caustic for the honest cop.

There is no clearer way to put it. Police whistleblowers have universally lost all faith in this State's capacity to deal with high level corruption within the NSW Police Force and with complete justification.

The corrupt and incompetent have become impervious to prosecution. Surrounded by loyal and obedient cronies, these senior police are now in positions of supreme influence and power. Protected by their culture, they may with impunity do as they please. From misleading the community concerning matters of crime and public safety to exacting retribution upon those courageous enough to speak out. Ridicule, character assassination, indeed even threats of criminal proceedings and dismissal are their weapons of choice and the police whistleblower, their target.

I have attached copies of correspondence, reports, emails and other errata which not only set out the extraordinary events I have found myself involved, they conclusively support the assertions made within this submission.

I most respectfully request that you give consideration to examining this most horrific state of affairs. Only a Federal inquiry has the capacity to bring to light that which this Government and its institutions seek to conceal. A police force in crisis and a State unwilling to fix it.

Yours sincerely,

Mark Fenlon
15 October, 2002