

From: Mark Fenlon <markfenlon@bigpond.com>
To: lee.rhiannon@parliament.nsw.gov.au <lee.rhiannon@parliament.nsw.gov.au>
Date: Monday, 28 May 2001 11:39
Subject: Critical evidence regarding Inquiry into Police Resources in Cabramatta

Dear Ms Rhiannon,

My attention was recently directed to a transcript of your Committee's inquiry into Police resources in Cabramatta dated 14 May, 2001.

Having read the responses of Deputy Commissioner Jarratt to questions asked by Mr Dyer and Mrs Sham-Ho concerning the integrity of the promotions system, I am compelled to advise that I have overwhelming evidence that Mr Jarratt has **deliberately misled your Committee concerning the integrity of the promotional processes.**

My name is Mark Fenlon, I am a Police Sergeant stationed at Blacktown. Despite having made a complaint to the Police Service in 1999, investigative action was only commenced recently as a consequence of a direction of the Ombudsmans Office to the Police Service. I also took unprecedented action in going public with the issue on the 28th April, 2001 in the Sunday Telegraph and on Channel 7 and Channel 9 News.

I have been liaising with Mr Gary Richmond of Special Crime and Internal Affairs (who has been appointed as the investigator by Deputy Commissioner Moroney) and he has advised me that in his opinion, the matter should be the subject of a full inquisitorial forum. To that end he advised me that he has made repeated representations to the Police Integrity Commission to carry out a full investigation of my allegations based upon the information he has already gleaned in his investigation thus far. In other words, it has far reaching and extraordinary potential for damaging the image and reputation of the Police Service and it's senior executive.

Mr Richmond has advised me today that he will be meeting with both Mr Steve Kinmond of the Ombudsmans Office and with Mr Tim Sage of the Police Integrity Commission before the end of the week and would again assert his position regarding the incapacity of Internal Affairs to conduct a thorough independent inquiry. He advised me that in his opinion, my allegations were the "bread and butter" of the Police Integrity Commission and that in his opinion, they should be conducting the investigation in a similar fashion to that of the current Crime Management Support Unit inquiry. He advised me that he would relate to me the position of PIC and the Ombudsmans Office regarding the matter before the end of this week.

In short, I have documentary evidence that Mr Brammer, Mr Jarratt and the Commissioner, were all aware of the potential for the promotion system to be corrupted in 1999. I have documentary evidence that the corrupt practices I predicted would occur, did and are in fact still occurring. I have documentary evidence that Mr Jarratt and the Commissioner misled an internal investigation code named "Radium" which dealt with an incident involving corrupt conduct of officers within the Lake Macquarie Command relating to promotions.

Other substantial corroborative evidence exists contained within the files on hand with Mr Richmond at Internal Affairs that confirm beyond doubt that the promotion system has and is being corrupted.

I confined my initial public revelations to a generalisation of the problem and refrained from publicly identifying any persons involved (primarily to ensure that the investigation carried out by Mr Richmond would not be compromised), however my goal of a full and independent inquiry will always remain and I will take whatever steps are necessary to ensure that the seriousness of the situation and the persons responsible are publicly identified and that appropriate action is taken.

It was my hope that the Police Integrity Commission would by now, have accepted my complaint for a full investigation, however their complaint assessment process appears as snail paced as many other Government agencies. My concern is that PIC, despite it's charter, will decline to investigate the matter even though such a decision would draw considerable attention to itself. However, regardless of that agencies decision, I maintain that the issue is far too important. The true impact of a corrupt promotion system on the future well being and effectiveness of the Police Service into the future is being realised throughout the State, not just in places like Cabramatta. I simply will not allow the issue to be ignored any further.

I would welcome an opportunity to give evidence before your Committee and would further recommend you seek the

appearance of Mr Richmond to corroborate the material I have now put before you for consideration.

Yours Sincerely,

Mark Fenlon
02 47 312684 (Home)
02 9622-0000 (Work)

The Commissioner
Police Integrity Commission

Submission by Sergeant Mark Fenlon – Police Integrity Commission hearings into the Police promotion system.

Dear Sir,

having pursued the issue of corruption surrounding the promotion system operating within the Police Service since 1999, I was advised by Mr Gary Richmond today, that public hearings are about to commence next Monday. I must admit that I greeted the news with a mixture of elation and trepidation. The elation was short lived, being fueled by a sense that something was finally happening to uncover widespread corruption of the promotion system. Being perhaps the most dedicated and vocal detractor of the promotion process and having carried the issue into the public arena, my trepidation should be appreciated, the consequence of my actions bringing with it the associated risks and fear of reprisal from those I have sought to expose as corrupt or incompetent.

I personally have no doubt that evidence will be both conclusive and damning against certain individuals targeted during the investigation (by the Commission and S.C.I.A.). I also expect that recommendations for dismissal and perhaps worse, will follow for those persons who are found to have acted corruptly. Such action will certainly be necessary but will not in itself ensure against the re-emergence of corruption within any promotion system utilised by the Police Service thereafter.

I would like to advise that Mr Richmond of S.C.I.A. has been very supportive to myself during this time, however owing to secrecy provisions he agreed to, he has not been at liberty to reveal aspects of the joint investigation. Further I have not been contacted by any representative of the P.I.C. concerning the matter to date. I am therefore not in a position to assume that certain vital aspects of the promotion system have already been included for scrutiny in your inquiry. A detailed examination of these issues is critically important and I would consider the absence of any comment on these issues during the public hearings as a miscarriage of the entire matter.

Those issues are;

- 1) *the examination of the entire promotional processes for not only Duty Officers but Crime Managers, specialist positions (Human Resources, Education etc), all Senior Sergeant and Sergeant positions. The identification of specific integrity shortcomings utilised at each stage of the process. What conclusions can be drawn regarding the integrity of the processes.*
- 2) *the examination of the conduct of Deputy Commissioner Jarratt and others responsible for the introduction and continued use of promotion systems, despite considerable evidence that such systems were not corruption resistant. What motivated so many people to do absolutely nothing about the problems?*
- 3) *the examination of the Government and Related Employees Appeals Tribunal as it relates to Police appointments. The integrity of that body and its capacity to be corruptly manipulated by the Police Service and the Police Association. Its lack of accountability regarding decisions arrived at and the absolute power which the finality of its decisions confers upon it.*
- 4) *the examination of the complicity (by inaction) of the Police Association regarding promotions issues. How conflicting industrial (and in some cases, personal) interest has influenced that organisations decision not to take action in the public interest on the issue of corruption of the promotion system.*
- 5) *the examination of the use of the complaints management system to hinder promotional opportunities*

- 6) *the examination of Management culture – unchanged since the Royal Commission. Complicity of all senior officers (through inaction) in supporting the promotion system. The lack of moral and ethical courage and leadership exhibited in their strict adherence to managerial culture. The “Fear” and “Shirt tail” factors – compliance with everything coming out of Headquarter, concealing truth, doctoring statistics, performance at OCR’s actions calculated to avoid non-renewal of contract or to secure favour and promotion.*
- 7) *the examination of inequities in the provision of career development opportunities (relieving) by Local Area and other senior Commanders and their playing of “favourites”..*
- 8) *the examination of the development of the “Duty Officers Course” in response to appointments of officers to that position (under the corrupted process) subsequently found to be poor performers.*

These issues must be raised and addressed if your inquiry if it is to be more than a headhunting expedition.

My understanding is that there is overwhelming evidence that the promotion system has been corrupted in every form that I predicted in 1999. If your enquiry does indeed reveal that as fact, then the question begs “how widespread is it?”.

If you believe it to be isolated to the particular incidents that have been detected then you have chosen to ignore the obvious. However if you are indeed satisfied that such corrupt practices have been common place, as I and others do, then unprecedented action must be demanded by your Commission of both the Police Service and the N.S.W. Government. You must demand the rescinding of all promotions of Police officers since the introduction of the promotion systems currently in place. Every appointment must be quashed.

I make that statement having fully considered the ramifications of such action if implemented, however I have resolved that whatever the consequences for the Police Service and Government may be, that action must be taken.

Not to take that action would allow undetected corruptly appointed senior officers to continue to act corruptly and remain an ever present danger to ethical and honest officers under their command.

Not to take action would allow corruptly appointed, incompetent senior officers to continue to command police resources ineffectively, placing communities at unnecessary and increased risk.

Not to take that action would guarantee the re-emergence of corrupt practices within any promotion system as those senior officers, over time, seek to establish new networks within the senior heirachy.

Not to take that action would be immoral, a failure of responsibility on the part of the Police Service and Government and contrary to the best interest of the community of this State.

It is regretable that some innocent parties will also be affected by such action but some consolation can be found in the fact that they should not have difficulty achieving promotion under a bonafide process.

Having stated publicly that this action is necessary to ensure the future well being of the Police Service and indeed policing in this State, I maintain that position. It is the only appropriate remedial action that can be taken and is far more important than the sacking of a few persons who happened to be nominated by someone as having acted corruptly and were subsequently caught.

As an aside but certainly matters to reflect upon , I would also strongly recommend that any future Police promotion system be completely administered by an external agency, without any opportunity for Police Service or Police Association input in any way, shape or form. I would recommend a return to examinations (externally set and marked) with minimum tenures of 3 – 5 years for both rank and/or position/function prior to gaining eligibility to sit for same. Promotion one rank at a time should also be considered and operational street experience should be valued and rewarded over administrative experience.

Mr Richmond was unable to advise me if or when I might be required to give evidence at the public hearings into Police promotions but in all honesty I believed that I may have been given the opportunity in some capacity. I would ask you to consider that this has been a burning issue for me since 1999. I don't believe there is anyone else in the Police Service who has been driving as hard or as long as I for this inquiry to take place. It has become, to my personal and professional detriment, an all consuming issue.

In conclusion sir, I am extremely familiar with all aspects of the Police promotion system and can provide your inquiry with an unbiased and factual insight regarding same. I can elaborate further on the specific issues raised above and would welcome the opportunity to do so.

Yours Sincerely,

Mark Fenlon

15 August, 2001

9 Welland Close,
Jamisontown NSW 2750.

Union support 'pay-off for tips'

INSPECTOR Robert Gordon Menzies allegedly divulged confidential information about police promotion exams to secure votes to get elected to the police union's top job a public inquiry heard yesterday.

The Police Integrity Commission heard Insp Menzies, vice-president of the NSW Police Association, was going to call in favours from those he had assisted with inside information about the structure of the job interviews.

His alleged actions helped selected colleagues with his efforts to secure votes to the association's top job.

The vice-president said Insp Menzies was more making an advantage out of what happened, they were never asked.

Menzies said he had a wealth of information about the structure of the exams which he called on to determine promotions.

In the witness box for the second day, Insp Menzies agreed he had a wealth of knowledge about the exams.

In a string of taped phone calls between Insp Menzies and Police Association colleague Senator Constable Paul Museth, which were played in the box, it became clear there was little he didn't know about the crucial exams.

He had a copy of the previous year's exam questions and answers and he had been researching and had helped advise Museth.

An issue of integrity

During the inquiry, Constable Museth told his own version of the story about the problem of use during the interview.

When Constable Museth explains the difficulties this poses for him, Insp Menzies tells him "just think of one mate, Lie."

Insp Menzies told the same lie was "just joking" when he told Constable Museth to lie.

On at least one occasion Insp Menzies, stationed at Mt Olanville, dispatched a mobile radio delivery notes to the home of Constable Museth, an executive member of the union.

Insp Menzies agreed with counsel assisting the inquiry, Chris Hoy, that he was not so forthcoming to everyone who approached him for help.

"I can recall receiving a phone call on behalf of someone else asking for a copy of my study notes and I was not that happy to supply those notes," Museth said.

But in that same call, Insp Menzies had given Constable Museth a copy of the notes.

Menzies said he had a copy of the notes and he had been researching and had helped advise Museth.

Insp Menzies has admitted "swapping" information

about the exams to Museth and other police officers. He said he had a copy of the notes and he had been researching and had helped advise Museth.

Insp Menzies has admitted "swapping" information about the exams to Museth and other police officers. He said he had a copy of the notes and he had been researching and had helped advise Museth.

Attempted coup fails miserably

COMMENT
By RAY CHESTERTON

INSPECTOR Robert Menzies could teach the Labor Party about stacking branches.

Fixated by the lure of becoming Police Association president, Menzies tried to establish a network of officers in crucial positions who would vote for him in exchange for help with exams.

In return for the questions and answers, the officers were expected to become his acolytes at the annual elections. If things had gone according to Menzies' plan, he would have been elected Police Association president in place of Ian Ball at a salary of \$120,000 a year.

The attempted coup is now a disaster for Menzies who is before the Police Integrity Commission to explain his actions.

It is a disaster because when it comes to elections, he would be lucky if he got an electric fan to make a revolution.

Hopefully his work as a policeman was of a higher calibre than his plotting, his mortality and the calibre of men he attracted to his cause. Taped phone conversations show just how indiscreet and untrustworthy Bob had been.

He betrayed friends, ethics, the public and his job.

He pretended to help one officer pass an exam but in reality he supplied a failed application from his friend, Senator Constable Paul Museth. "I was being nasty, I didn't want to help him too much," Menzies says. Museth needed all the help he could get.

Menzies: "You're going to have to provide an example."

Menzies: "That's hard, that's hard."

Menzies: "I just think of one mate, Lie."

Menzies does not sound like the kind of officer you would want to work with. He was given the questions, the phone conversations showed that he was not forthcoming to everyone who approached him for help.

The fact that he had a copy of the previous year's exam questions and answers and he had been researching and had helped advise Museth.

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What the tapes revealed

Secretly taped recording between Robert Menzies and Paul Museth, March 12, 2001.
Menzies: You're going to have to provide an example (in an exam question).
Museth: F... that's hard, that's very hard.
Menzies: Think of one mate, Lie.
Museth: Yeah, Lie like a bastard is that what you're telling me to do?
Menzies: That's it. At the interview mate that never comes out, they'll never question that.
Museth: All right, Pff, I'm going to do the voodoo that you taught me so well.
Secretly taped recording between Robert Menzies and Paul Museth, March 8, 2001.
Menzies: I gave him (another officer) some help, you know... I gave him your first application.
Museth: (Laughs) Oh well done.
Menzies: I was being nasty, I didn't want to help him too much.



Paul Museth

Secretly taped recording between Robert Menzies and Paul Museth, March 9, 2001.
Discussing another officer who has just been promoted.
Museth: I know he would. Um, and he'll vote for you. So slowly we're getting 'em, you know what I mean?
Menzies: He's told you that has he?

Museth: Yes, I saw I'll be looking for a favour come election time. He said, "Moose, anything?" And I have no problem giving him and asking for his support.
Menzies: Mate, vote for big Bobby.
Museth: That's it, that's what I'll be saying.
Secretly taped recording between Robert Menzies and Paul Museth, March 9, 2001.
Menzies: You can't share that information with anyone.
Museth: No, no... I'm not that silly, I need to get a job.
Menzies: Well, that's what I'm trying to do, I'm trying to eliminate everybody.
Secretly taped recording between Robert Menzies and Paul Museth, March 9, 2001.
Menzies: And listen don't give those notes to anyone mate.
Museth: I know when it's time to

look at the area in general and it's same.
Secretly taped conversations between Paul Museth and Robert Menzies, April 15, 2001.
Menzies: Now listen you also need to find something out about Transit, cause I understand the Transit interview... they had extra questions.
Museth: Oh wow, wow. What sort of questions?
Menzies: Don't know.
Museth: Oh wow.

AN ISSUE OF INTEGRITY



Kel Graham

‘Although you told me, you told me cannabis cautioning, AVO legislation, entry rights, planning I think’

— Menzies

‘Planning was another mate’

— Graham

‘Yep, I got that. I’m happy with that because I, to be honest with you I wouldn’t have looked at leadership, but I f...ing will now’

— Menzies

‘So I’ll go out and dig up cannabis cautioning and AVO legislation now’

— Menzies

‘Yeah, anyway mate a few Crown Lagers, money well spent’

— Graham

Q: How do you pass a police promotion test

A: Get a tip-off on the questions



Climbed ranks: Inspector Robert Menzies yesterday.

By NAOMI TOY
SEN CONSTABLE KEL GRAHAM, a former senior sergeant, revealed confidential information to prepare answers for interviews for promotions — and he said the practice was widespread in the police service.

The vice-president of the NSW Police Association, Inspector Robert Gordon Menzies, told the Police Integrity Commission that he had been given specific questions and general topics he could expect to be quizzed about during the exam.

But it was in secret tape recordings of telephone conversations between Inspector Menzies and senior constable Detective Senior Constable Kel Graham, played to the inquiry, that the full extent of the information exchanged was revealed.

The conversation was recorded in March this year after Sen Constable Graham had been interviewed for a

promotion to sergeant and before Inspector Menzies had taken his initial interview. The pair discussed in detail the eight questions Sen Constable Graham was asked and which Inspector Menzies believed would be used in his interview in June.

Pleased with the information that he might be asked about his leadership skills, Insp Menzies revealed he would review his study plan.

‘To be honest with you I wouldn’t have looked at leadership, but I f...ing will now,’ he is heard to tell Sen Constable Graham.

Inspector Menzies had trumped the thanks from Detective Senior Constable Graham, an Inspector at Oklawville, in about two years.

He told the inquiry it was common for people to discuss what had occurred in the interviews.

‘Officers who believed they had not done well would “tell all and sundry”

afterwards what questions they had been asked.

‘People would complain about asking about it and passing information about questions that were asked.’

Inspector Menzies said not all the information he provided in the exam was of use as those questions or topics were not asked at the exam.

The commission heard that divulging information about the system could destroy the fairness and equality of the promotional system.

Commissioners signed a confidentiality agreement, forbidding them from revealing the contents of the interview.

Anyone who leaked information could face criminal proceedings, including a fine, a disbarment, a suspension, a dismissal, a counsel assisting the inquiry, Chris Hoy, said. Further investigations may be conducted, as the conclusion of the two-week hearing.

Tripped up while on a fast track to the top

COMMENT
By RAY CHESTERTON

ABOUT 30 minutes before yesterday’s Police Integrity Commission was to rise, a young woman left the room and went to the lift well to use her mobile phone.

‘Don’t worry,’ she said. ‘Bob’s handling it fine. I wanted you to know.’

Talk about your premature expectations, as her words were disappearing into the mouth piece, Detective Bob Menzies was in the witness box turning a nervous shade of pale.

He had just heard the deadly words that are synonymous with modern inquiries.

‘Would you listen to this tape please,’ said counsel assisting, Chris Hoy.

It turns out babbling Bob’s unwise chatter

on a tapped telephone confirmed he was swapping questions and answers to promotional exams.

That broke Bob’s solemn oath given as a police officer not to do so. As a consequence Bob’s own rapid-fire promotions in 2000 are now under scrutiny. So is a third promotion he is chasing in 2001.

Robert Gordon Menzies, the policeman with a prime minister’s name and a carpetbagger’s heart, was a prime witness at yesterday’s Police Integrity Commission inquiry into promotion procedures, which is being heard by Assistant Commissioner Brian Dobson.

There are enough complaints about promotions from rank-and-file officers to keep an inquiry going for years.

Naturally with a Police Minister like the

hapless Paul Whelan, past complaints about promotion and unrest in the service ranks have, as usual, been attributed to unsettled and isolated elements.

But Menzies’ admission that there are pockets of officers controlling promotions reflects on the integrity of the entire process. With no indication of how extensive it may be, the promotion of police all over the state is now compromised.

By his own admission, Menzies openly canvassed colleagues for the questions they were asked in promotion interviews and prepared his answers accordingly.

Now hopefully the PIC will bring about massive reforms in promotional procedures. Menzies was in the witness box when his incriminating phone conversation was played.

He immediately assumed the pained look of someone who has seen the future.

For every praiseworthy NSW detective like Tim Priest, who exposes sinful neglect and gross ineptitude in the police service, there are other less wholesome examples.

These are police whose concept of law and order is so besmirched by personal greed and gain, they put themselves above all else. Menzies’ admission that he swapped notes with other colleagues who were chasing promotion is an extension of the venality in the service.

Trustworthy police effectively set up a road block preventing able, young and honest officers from gaining promotion.

As a consequence they leave, frustrated by lack of opportunity. Maybe the woman in her 20s can tell Bob that.

Tomato cuts cancer risk Cancer patients denied radiotherapy, says report

A US study has found a link between people who eat cooked tomatoes and a reduction in their risk of developing prostate cancer.

Prostate cancer is the most common type of cancer in men, affecting one in 11.

A Harvard Medical School study showed an increased intake of the anti-oxidant lycopene lowered the risk of developing the disease by 21 per cent.

Lycopene is a natural cancer cell inhibitor found in tomatoes and other red-coloured fruit and vegetables. It can also be taken in tablet form.

CANCER patients are not receiving essential radiotherapy treatment because of a system backlog and a severe shortage of specialists, a report has found.

The study, released by the Royal Australian College of Radiologists and the Australian Institute of Radiology, revealed 14 radiotherapy machines, costing \$2.5 million each had not been replaced in public hospitals, although they were more than 10 years old.

The report predicted that within four years, more than 20,000 cancer patients each year would not be able to access the life-saving treatment.

The report said the lack of resources was jeopardising the health of cancer patients.

‘Premature death, inadequate pain and symptom control and reduced quality of life are a consequence of inadequate radiation oncology resources,’ the report said.

The Federal Opposition yesterday highlighted shortages in specialist services, bulk billing and radiotherapy facilities as part of a campaign to ensure health issues were prominent in the election campaign.

Opposition health spokeswoman Jenny Macklin said the results were unacceptable.

‘The international benchmark is 50 per cent of cancer patients need to have radiotherapy as part of their treatment, but we are only able to treat 38 per cent,’ she said.

Policeman admits favours aimed at winning votes

Malcolm Brown

A senior police officer admitted yesterday that he built up a network of colleagues favourably disposed to him to help his push to become president of the NSW Police Association.

Inspector Robert Menzies told the Police Integrity Commission that part of his strategy was to tell selected police officers what questions they would be asked in promotion interviews.

As deputy president of the association, he hoped this would win him more votes at the association's general conference.

Some officers would move into various regions where, he hoped, they would be elected as branch delegates. Ultimately he would be able to call in his favours at election time.

But he said that in the case of one officer, who he did not favour, he gave a copy of a filled-out application which was inadequate and if used would ensure the officer was not even granted a promotion interview.

When the officer did not get the interview, Inspector Menzies, who was tape-recorded earlier this year having discussions with subordinates, laughed about what he had done to an executive member of the association, Detective Senior Constable Paul Museth.

Inspector Menzies, appear-



All the right answers . . . Inspector Robert Menzies.

ing before Mr Brian Donovan, QC, assistant commissioner of the Police Integrity Commission (PIC), said he had had ambitions to be president of the association, though he was now happier with the way the association was being run.

In a conversation taped on March 9 this year, Constable Museth told Inspector Menzies he could count on the vote of a newly appointed inspector.

Constable Museth said he had given assistance to the inspector and had told him he would be "looking for a favour come election time".

He said to Inspector Menzies: "We're chipping away at them, Bob."

Inspector Menzies and three other association executive members have stood aside from association duties until the end of the present inquiry at least.

Questioned yesterday by Mr Chris Hoy, counsel assisting the PIC, Inspector Menzies said he had compiled a "study book" of questions and answers from promotion interviews.

He said he had obtained one

set of questions in his capacity as a member of the Government and Related Employees Tribunal and had used that to provide an "exact answer" for Constable Museth to give at his interview.

In one case, he had used a police squad car to deliver question sheets to Constable Museth at his home.

He said he had twice assisted the treasurer of the police association, Detective Senior Constable Kel Graham. Constable Graham had rewarded him with a case of Crown Lager, and told him what had transpired in his own promotion interview.

In the case of the police officer he did not want to see promoted, he had given him a written application drawn up by Constable Museth and which had not succeeded in getting Constable Museth an interview.

But the police officer, from Gladesville station, had used it as a model.

"He was not someone I was going out of my way to assist," Inspector Menzies said.

But copies of his study notes had found their way into the hands of Constable Museth, Senior Constables Todd Scott and Kel Graham, Detective Sergeant Mark Messenger, and the now Inspector Anthony Long.

The hearing resumes today.

How frail the oaths of the law

COMMENT
By RAY CHESTERTON

IT WAS hard keeping track of the corruption as the PIC resumed yesterday.

While Senior Constable Paul Museth from the Eastwood area was unburdening himself with painful slowness of his involvement with cheating in promotion exams, fresh news was developing.

The PIC announced a former detective sergeant had been charged with theft.

He is alleged to have fraudulently misappropriated more than \$60,000 from the NSW Police Cricket Association between 1996-99.

Proceedings have begun under the Criminal Asset Recovery Act to get the money back.

Honest police must be appalled by the frailty of the oath. Some officers have taken to uphold the law and a high standard of ethics.

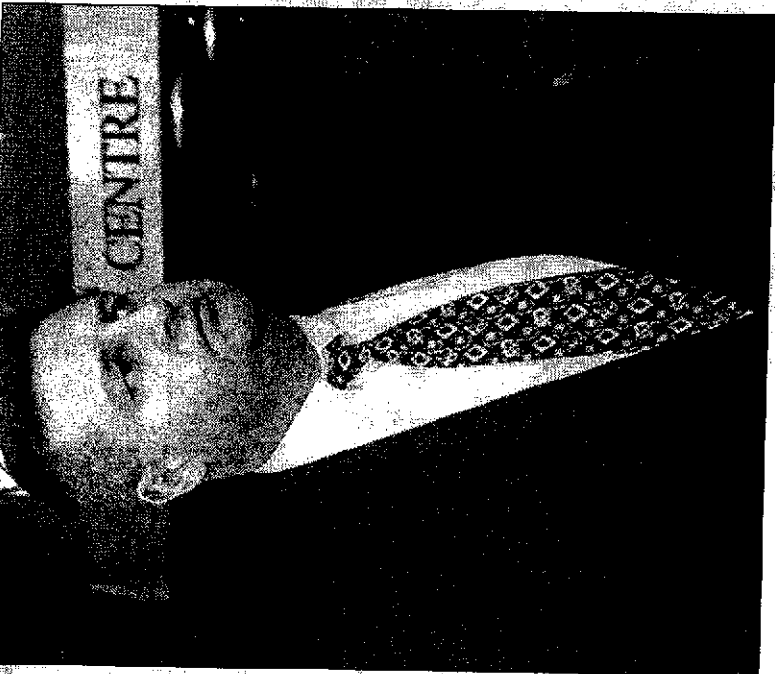
Sen-Constable Museth's sluggish answers yesterday — between silences so long you could have read *War and Peace* — produced little evidence to suggest he was a deserving candidate for promotion.

At one stage he said on tape to Inspector Menzies: "But mate, I haven't got a clue what to do. You'd have to teach me."

To which Menzies replies: "Well you need to, um, you need to sort something out, yeah."

Maybe Insp Menzies was seriously thinking of calling for a fresh candidate himself.

Second officer admits cheating for promotion



Admitted he cheated . . . Sen-Constable Paul Museth outside the Police Integrity Commission yesterday

By NAOMI TOY

ANOTHER NSW police officer yesterday admitted in the Police Integrity Commission that he had cheated to try and get a promotion.

Senior Constable Paul Museth also admitted that in doing so he had cheated those colleagues who had tried to get the job honestly.

For the past two days Sen-Constable Museth's voice has been heard in secretly recorded phone calls with his mentor Inspector Bob Menzies discussing confidential information about upcoming sergeants' exams.

From the witness box yesterday he confirmed he had done his best to beat his colleagues by cheating.

The PIC is investigating whether certain members of the NSW Police Service have been involved in misconducts with respect to the promotional system.

Insp Menzies, vice-president of the NSW Police Association, has admitted to the PIC he gathered information about the structure of various interviews and specific questions which he passed on to Sen-Constable Museth and others in the police force.

In return Insp Menzies expected those he had helped to vote for him which could see him in the union's top job.

Insp Menzies, Sen-Constable Museth and two other officers from the Police Association executive have stood down pending the outcome of the inquiry.

Sen-Constable Museth, who joined the police in 1986 and is stationed at Eastwood, told of "extensive" study sessions



An issue of integrity

he had with Insp Menzies in preparation for two interviews for a sergeant's position in April and July this year.

He used copies of Insp Menzies's applications to help him prepare his own.

"I'd have a look at how Bob [Menzies] worded things and I would utilise the words," Sen-Constable Museth said.

Asked by counsel assisting the inquiry Chris Hoy if that meant copying, Sen-Constable Museth replied: "Yes . . . maybe not word for word, I would put some of my words in there as well."

He said he spent "hours" with Insp Menzies preparing for the exam.


He agreed he would have supplied any information he had to his friends in the force as well as quizzing them to learn more about the nature of the interview.

"I was asking everyone I could about information about areas to study and questions that might come up," Sen-Constable Museth said.

He admitted that his conduct in trading in the information was improper.

"In retrospect, [it was] very improper. At the time I didn't think about it in that way," he said.

The hearing resumes on Monday.




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Police Integrity Commission - Operation Jetz - Commissioner Ryan Comments

24, August 2001

- audio file - Commissioner Peter Ryan
- audio file - Minister Paul Whelan

Commissioner Ryan says it was the Police Service that began the investigation that has led to two officers admit to improper conduct in relation to the promotion system.

The admissions have come during Police Integrity Commission hearings into whether or not certain members of the Service have been, or are currently involved in police misconduct with respect to the promotional system.

Six additional officers have received summonses to appear before the inquiry.

Answering media questions during the launch of a CD-ROM to encourage police recruitment, the Commissioner said the inquiry was started by the Service, in collaboration with the PIC.

"The important thing is the Police Service is cleaning its house out," the Commissioner said.

"That has been my intention ever since I have been here and I am continuing to do that."

The Commissioner said the future of police called before the inquiry would be determined at its conclusion.

Minister Paul Whelan said the fact that the issue is before the PIC is yet another pointer to the Service's determination to tackle improper behaviour and corruption.

"It is the Commissioner who referred this issue to the PIC for investigation," Mr Whelan said.

"I remind you that, in the bad old days, this would have been swept under the carpet."

Mr. Ryan said the Service now is looking at ways to improve the promotions system.

From: SPENCER, ANDREW <SPEN1AND@POLICE.NSW.GOV.AU>
To: markfenlon@bigpond.com.au <markfenlon@bigpond.com.au>
Date: Tuesday, 28 August 2001 6:02
Subject: Police Promotion System

--- Received from NSWP.SPEN1AND 0296897544 28/08/01 17:56
--- Received from NSWP.WILL2ROB 74110 28/08/01 17:51
--- Received from NSWP.GUML1HOW 55463 24/08/01 17:47

STATEWIDE MESSAGE

MERIT-BASED PROMOTION SYSTEM.

Many of you will be aware of my concerns about the police promotion system - concerns which I have held for some time.

Allied to this has been knowledge of matters resulting from a joint Police Service-Police Integrity Commission investigation which has resulted in the current public hearings before the Commission. Both the joint investigation and hearings before the Commission are ongoing.

If you feel you have personally engaged in corrupt activity in connection with the current promotion system, are otherwise directly involved or have knowledge of such corrupt activity by others, then I strongly encourage you to make contact with at Special Crime and Internal Affairs Command as a matter of urgency.

Our focus is not on officers who may, for example, have conducted relevant and appropriate research into potential job applications or similar inquiry. That is not corrupt activity. What I am saying is that if you have engaged in corrupt activity to gain an unfair advantage in connection with the current promotion process, then you should come forward now rather than await developments.

(Equally, if you are an officer who is aware of the apparent misconduct or corrupt activity of others in connection with these matters, you are obliged to come forward at this time. You too can and should contact SCIA on the dedicated MEMO address)

I encourage all officers who are concerned about their individual circumstances to accept this opportunity to co-operate and immediately contact Special Crime and Internal Affairs by MEMO address #SCIAPRO (internal) or SCIAPROM@NSWP.NSW.GOV.AU (external).

If you have acted inappropriately and choose to come forward at this time, I cannot foreshadow the outcome. Each case will be considered on its individual merits and police should be aware that at the upper level of the corruption scale, removal from the Service in terms of Section 181D of the Police Service Act is a clear option. Nevertheless, I remind officers that the management of complaint allegations has evolved from the former punitive-style process to more of an employee management process. Where officers voluntarily come forward, we will work through the issues and all remedial avenues will be explored and considered prior to a recommendation for more serious action such as removal from the Service.

You can be assured that I am as dismayed as you at the revelations now appearing. Reform - real reform - of the promotion process remains one of my key objectives. I have made very clear to those concerned my expectations for the immediate future in respect of both the promotion system itself and the implications of evidence now emerging before the Police Integrity Commission.

I will keep you advised of developments and hope to have more detailed information for you within the next few weeks, once we have thought through the various issues. For now though, I repeat my strong encouragement to officers who may have gained an unfair advantage to come forward without delay.

P.J. Ryan
Commissioner.

--- 24/08/01 17:47 --- Sent to -----
-> NFO.ALLSTATE All Police Service Personnel

--- 28/08/01 17:51 --- Sent to -----
-> NSW.SPEN1AND SPENCER, ANDREW BLACKTOW

--- 28/08/01 17:56 --- Sent to -----
-> markfenlon@bigpond.com.au

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From: REITANO, FRANCESCO <REIT1FRA@POLICE.NSW.GOV.AU>
To: markfenlon@bigpond.com.au <markfenlon@bigpond.com.au>
Date: Wednesday, 1 August 2001 6:22
Subject: statewide memo

--- Received from NSWP.REIT1FRA 0296071799 01/08/01 06:16

--- Received from NSWP.GUML1HOW 55463 31/07/01 18:59

Issued Service wide

To: All members of the Service
From: The Commissioner

Further to my memo, earlier today, on the current system of Transfer, Tenure and Promotions.

I can now let you know that a joint task force, involving NSW police and officers of the Police Integrity Commission, has been formed to investigate certain allegations concerning the promotion system.

The following release, issued today by Police Integrity Commissioner Judge Paul Urquhart and myself, has been sent today to media organisations.

P J Ryan
Commissioner.

31 July, 2001

**JOINT MEDIA RELEASE
JOINT INVESTIGATION INTO NSW POLICE SERVICE PROMOTIONS**

The NSW Police Service announced in April, that a Special crime and Internal Affairs investigation was under way into the promotion system and the appointment of duty officers.

Commissioner Ryan has been kept fully briefed on the progress of that investigation and its subsequent referral to the Police Integrity Commission.

Officers from the NSW Police Service and the Police Integrity Commission are working together on a joint task force and the investigation has progressed to the point where a public hearing

is expected to be held next month into whether certain police officers are engaging in police misconduct in relation to the promotion system.

Because this is an ongoing investigation, there can be no further comment.

Authorised by Judge P D Urquhart QC, Commissioner Police Integrity Commission and Petery Ryan, Commissioner, New South Wales Police Service.

--- 31/07/01 18:59 --- Sent to _____
-> NFO.ALLSTATE All Police Service Personnel

--- 01/08/01 06:16 --- Sent to _____
-> markfenlon@bigpond.com.au

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NSW Police Association Executive Members Resign

Two members of the NSW Police Association executive have resigned from their positions following admissions made this week to the Police Integrity Commission - NSW Police Service inquiry into promotions.

Police Association president Ian Ball said he had accepted the resignations of Robert Menzies and Paul Museth.

"I, along with all rank and file police, was dismayed to learn the promotions system had been used by a few officers for political purposes," Mr Ball said.

"A fair and honest promotions system is a vital component of the checks and balances that ensure the integrity of policing – to this end we support the Police Integrity Commission and its current inquiry.

"As Police Association president, I have been concerned about the promotions system for some time - and have made a submission on behalf of the Association with the Police Commissioner.

"That submission dealt with both low level promotions, along with senior appointments which are outside the scope of the current inquiry.

"I trust that he will consider our submission in the light of the revelations of this inquiry and the final report, when it is released

"I would also reiterate what Counsel Assisting the PIC said this week in response to our application to make submissions to the inquiry:

.. "this hearing is not intended in any way to examine the promotional system within the NSW Police Service and secondly, it is in no way cast to reflect upon the Police Association itself and that association, of course, is not the subject of this inquiry.

"I am proud to represent police as president of the NSW Police Association and I want to assure all police officers I am determined that their union remains truly representative of all of the honest police officers in this state."

For more details call Ian Ball on 0412 400 574 or Peter Lewis on 0413 873 285.

Two police cheats resign

By NAOMI TOY

TWO executive members of the NSW Police Association have resigned from their positions after admitting in a public inquiry this week to cheating in promotion exams.

Union vice-president Inspector Robert Gordon Menzies and Senior Constable Paul Museth resigned on Wednesday after giving evidence about their improper behaviour to the Police Integrity Commission.

Union president Ian Ball announced yesterday he had accepted their resignations in the wake of the "disturbing" evidence.

"I'm very sad for policing and that people who were trusted in a demo-



An issue of integrity

cratic process to represent the interests of the membership ... have abused that trust," he said.

"I find that unacceptable. "What we've seen down there is [about] the actions of a few and I need to get a message to our members and the public generally that

we are not prepared to accept that sort of behaviour.

"Police officers in this state want fairness, they want equity and they want transparency and to that end we are very, very concerned and very supportive of [the] PIC's inquiry."

Mr Ball said he was dismayed to learn the promotions system had been used for political purposes.

It has been alleged in the inquiry that Insp Menzies expected those he helped with exam questions to vote for him in union elections.

"I don't see the activities in terms

of this investigation and the electoral process being an issue," Mr Ball said.

"My big concern here ... is there's been misconduct.

"People have behaved abominably and that's what it's about.

"The conduct that's been conducted down there is not widespread. People talk [about interviews] but the reality is that this misconduct has gone well beyond that and that's unacceptable to every honest, hard-working cop in this state."

Mr Ball expressed his wish for a

broader inquiry into the police promotional system, which has come under criticism.

A discussion paper released by the Police Association earlier this month labelled the system as "ineffective and unfair."

"I suppose the thing that would worry me most about this is we would have liked to have seen an investigation by PIC generally, we would have liked to have seen that investigation a bit wider," Mr Ball said.

But Mr Ball said the decision by the PIC's Assistant Commissioner Brian Donovan, QC, not to grant leave for the Police Association to be legally represented reinforced that the inquiry was not about the union or its operation.

Fall from grace of favoured reformer

Rise and fall of Jeff Jarratt

Jarratt the last to know of dismissal

From Page 1

By ANGELA KAMPER
Police Reporter

DEPUTY Commissioner Jeff Jarratt had not seen eye-to-eye with his boss, NSW Police Commissioner Peter Ryan, for the past three years.

Back in 1997, he was the blue-eyed boy for the English police boss, heading Mr Ryan's reform team during the Wood royal commission.

But the first signs of anger came when suggestions were made public that Mr Ryan wanted Mr Jarratt to stand down in 1998 following a Police Integrity Commission (PIC) inquiry.

"During the inquiry, Mr Ryan had questioned Mr Jarratt's decision-making abilities, saying he didn't think Jarratt was 'tough enough'. The comments followed evidence that Mr Jarratt had interviewed an inspector who had been under internal investigation before quitting for the top job in the State Intelligence Group.

The fact that Mr Jarratt had been given a promotion but was not fit for his post.

Mr Ryan immediately sacked his deputy in 1998.

But in May 1999, Mr Jarratt was demoted from command of all special operations including Internal Affairs and Crime Support.

Mr Ryan said the demotion was a result of a "change in the way the police service is run".

closed to free up more police. He said the police service had been "contrasting facilities" and the best way to deliver more police on the beat.

In a 300-page report issued in February, senior police officers believed they were being "mis-managed" by Jarratt.

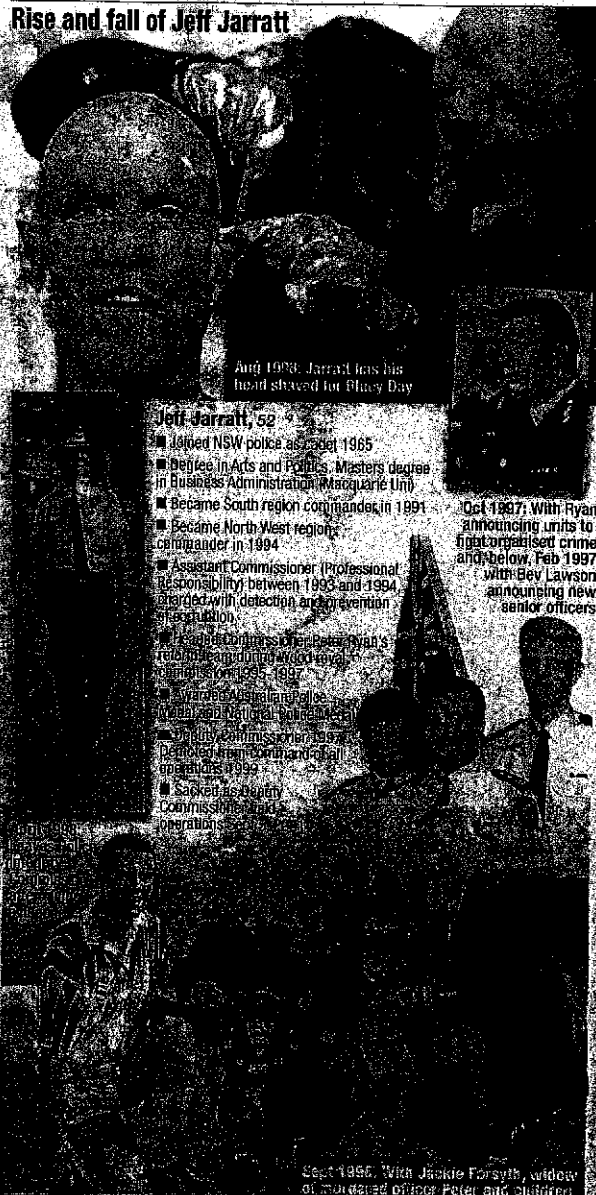
Jarratt allegedly told his subordinates to wear "tough" and "one-upping" the other, and to be "relieved of their duties".

And most recently, Jarratt was criticised for "mis-managing" a major Australian Police Statistics Unit (ASU) project which was on the rise.

Mr Jarratt joined the service as a constable in 1985 and slowly worked his way up the ranks, becoming a South and North-west Region Commander between 1991 and 1995.

He also held the role of Assistant Commissioner for National Responsibility, where he managed more than 6000 complaints a year, including corruption in the police force.

The Deputy Commissioner with an Arts degree in Politics and a Master's degree in Judicial Administration from Monash University in Melbourne presented his resignation to Mr Ryan in 1999.



Aug 1998: Jarratt has his head shaved for Black Day

Jeff Jarratt, 52

- Joined NSW police as constable in 1985
- Degree in Arts and Politics, Masters degree in Business Administration (Monash Univ)
- Became South region commander in 1991
- Became North West region commander in 1994
- Assistant Commissioner (Professional Responsibility) between 1993 and 1994
- Accused with detection and prevention of terrorism
- Joined Crime Support Unit in 1995-1997
- Warmed Australian Police as national commander in 1999
- Deputy Commissioner in 1999
- Resigned as Deputy Commissioner in 1999

Oct 1997: With Ryan announcing units to fight organised crime and below, Feb 1997 with Bev Lawson announcing new senior officers

Sept 1995: With Jackie Forsyth, widow of murdered officer Peter and children

back behind his desk later this month. "So, I've just found out," Mr Jarratt said last night.

"I was certainly contemplating my job and there had been some discussion with Mr Ryan but I only found out five or six minutes ago (from the media). That's the way things go."

A defiantly diplomatic Mr Jarratt refused to criticise Mr Ryan for only allegedly informing him officially through the media, saying it was the nature of politics.

He did say he had had a conversation with Mr Ryan about his future and options were being discussed — however those options did not include dismissal by fax.

"There are certainly better ways of doing it but that's politics in NSW," he said, adding that he was not particularly angry.

"I accept the decision and I'll move on with my life. It is a disappointing thing to finish in this way but that's the way things go. I have had a wonderful career."

Mr Jarratt, who was having a small wake at his home last night, said he and his wife had renovated three or four houses in the past and home renovation may be his occupation of the future.

Earlier in the day, when interviewed by The Daily Telegraph, Mr Jarratt said he had no plans to leave the service and dismissed rumours he had been sacked late last week or had had any falling out with Mr Ryan. About two hours later at 2pm, the police service, through its media unit, announced Mr Jarratt was on "sick leave".

Earlier this week the PIC heard claims by the police service's human resources boss Rod Chadbourne that Mr Jarratt was not committed to the Crime Management Support Unit — devised to reform the culture of the police service. Mr Chadbourne made the same criticisms of Rod Morgan, appointed as Mr Jarratt's replacement.

Former head of Special Crime and Internal Affairs Mal Brammer has already been forced to seek his own legal counsel after a conflict in evidence with Mr Ryan.

Mr Jarratt had reportedly fallen out with Mr Ryan last month after claiming to be in Sydney based on figures he said were "going down". This was immediately refuted by the official NSW Bureau of Crime Statistics which described it as misleading.

Political police: Page 13

Jail for false claims against police

PEOPLE accused of making false claims against police officers will face a jail term for the first time under a new reform to the troubled complaints system.

Police will be given the power to investigate "minor" complaints made against them instead of having to refer them to the ombudsman as is now demanded under the Police Service Act.

Despite the current system being only two years old, Police

Minister Paul Whelan said the changes were urgently needed to remove unproven allegations and move on after the Daily Telegraph revealed last month that one Sydney family the Saads had been holding one of the city's busiest stations to ransom by making a raft of complaints against its officers.

A family member, Danny Saad, yesterday was ordered to stay away from a suspended officer.

Mr Saad of Pundenbowl was told

in the North Sydney Local Court to keep away from former Region 3 Constable Richard McDonnell.

Mr McDonnell was granted an interim apprehended violence order because he feared Mr Saad intended to hurt him.

It was alleged Constable McDonnell had been transferred to different police stations due to section death threats made by the family.

Mr Saad was expected to deny the charge.

Daily Telegraph

NEW ONE FAMILY'S CAMPAIGN PARALYSED SYDNEY POLICE STATION

The Telegraph article

Ethnic terms to stay

ETHNIC descriptors will continue to be used by the NSW Police Service, despite claims the terms are racist and encourage stereotyping.

Premier Bob Carr yesterday defended himself against charges he was fanning racial tension and hatred by supporting the descriptors' use.

Mr Carr's statement to the NSW Parliament came after the Supreme

Islamic Council of NSW demanded he apologise.

"And the United Australian Lebanese Assembly said yesterday Mr Carr's relationship with the Lebanese community was 'at an all time low'."

Mr Carr said the use of the descriptors would continue to be in the Police Service Handbook.

Subject to any suggestion that they should be struck out, he said.

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Deputy Commissioner's Contract Terminated

5, September 2001

The NSW Police Commissioner, Mr Peter Ryan, said today he had recommended to the Minister that the contract of his Deputy Commissioner, Mr Jeff Jarratt be terminated on the grounds of performance.

Mr. Jarratt joined the Service in 1965 and was appointed Deputy Commissioner in January, 1997. Mr Jarratt's last date of service will be 14 October, 2001.

Mr Ryan said he would not comment further. The termination has been made under the Police Service Act.

Mr. Moroney, the Deputy Commissioner (Specialist Operations) will be the designated Deputy Commissioner (Field Operations). The position of Deputy Commissioner (Specialist Operations) will be filled on a rotational basis until a permanent officer is appointed.

~*~*~

Issued by NSW Police Media Unit (02) 9265 4200 and authorised by Commissioner PJ Ryan. (ref:medrel/sep01/jarratt.050901)

Received phone call from Richmond advising me of imminent termination 30 mins prior to press release.

Jarratt is the last to know of his dismissal

By CHARLES MIRANDA and NAOMI TOY

THE state's second most powerful police officer was sacked yesterday by Commissioner Peter Ryan, with his contract torn up for his alleged poor performance in the job.

But Deputy Commissioner Jeff Jarratt only found out about his dismissal after being contacted by journalists, who last night received the news by fax.

In a four paragraph statement at 6.08pm yesterday, Mr Ryan confirmed he had recommended to Police Minister Paul Whelan Mr Jarratt's contract be terminated "on the grounds of performance".

No other details were given but to confirm Mr Jarratt's last day of service would be October 14, two weeks after he returns from annual leave.

The move comes in the middle of a Police Integrity Commission hearing into the reform of the NSW Police Service culture and a shaky police hierarchy which, as *The Daily Telegraph* reported on August 4, has lost a dozen key police figures since their appointment following the Wood royal commission.

The police service is under immense pressure with rising



Jeff Jarratt last night

How it happened

12.30pm yesterday: Mr Jarratt denies he has been removed
2pm: Police media unit announces Mr Jarratt on 'sick leave'
4pm: Mr Jarratt denies being on sick leave, or being sacked
6.08pm: Media unit states Police Minister told of Mr Jarratt's sacking
6.11pm: Mr Jarratt's home fax receives media unit press release
6.15pm: Mr Jarratt told by *The Daily Telegraph* and Channel 7 of sacking

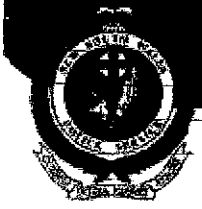
crime, parliamentary and integrity scrutiny and an exodus rate of two officers a day.

Mr Jarratt's removal may only be the first. Contracts of other senior officers are understood to be under review. A sombre Mr Jarratt, 52, said the news of his sacking was a surprise with the veteran officer expecting to be

Continued Page 4

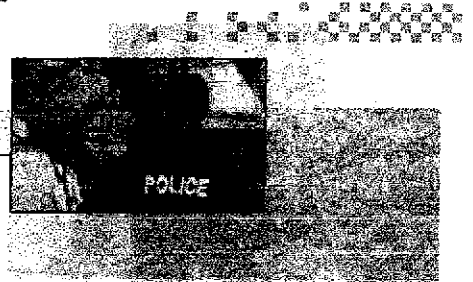


Police Commissioner Peter Ryan congratulates Jeff Jarratt on his appointment. Picture: MILAN SCEPANOVIC



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Latest Police News

Adjournment Of Great Appeals

7, September 2001

The Government and Related Employees Appeals Tribunals today notified the NSW Police Service that the current round of appeals for promotional matters have been adjourned.

All appeals scheduled to be heard between 10 September and 5 December will be adjourned to a date to be fixed pending further hearings before the Police Integrity Commission in relation to alleged police misconduct with respect to the NSW Police Service promotional system.

The Police Service will consult with the Police Association to discuss interim arrangements for the affected positions.

Police Service personnel were advised of this decision via internal email and intranet this evening.

From: Mark Fenlon <markfenlon@bigpond.com>
To: RICH1GAR@POLICE.NSW.GOV.AU
<RICH1GAR@POLICE.NSW.GOV.AU>
Date: Wednesday, 19 September 2001 10:22
Subject: Any updates

Dear Gary, any updates on the inquiry. I read an article in the Sun Herald on the weekend involving former Supt. Reg White which I found very interesting. Also I've heard the inquiry regarding Menzies et al re promotions was brought about by accident as it were i.e. the intercepts picked up on the promotions rorting issues during an investigation into something a little more sinister? Yes, I've been told what allegations were being investigated at the time the PIC stumbled on the promotions rorting. This places a somewhat different perspective on things.

I've been reading the Hot Topics site of the Police Association and see that Patricia Lynch criticised the Police Services wording of the announcement of suspension of appeals. Its also interesting that the date you mentioned as when you would be able to relate to me what has been going on (5th December) has been mentioned as the date when the suspension of appeal hearings will cease. What is so significant about that date? Is that when the investigation will be finished? Or is that when public hearings will commence?

If there have been 400 reports of promotions rorting (as the Sun-Herald states) how is this going to be effectively investigated in 3 months given the logistical problems involved. I cant see the problem being resolved effectively by 5 December, 2001 to such a degree where appeals can recommence at GREAT, unless I fear, some investigative compromises have been made.

I've also heard that a new promotions system is being worked on in the interim, is that true?

I'd appreciate any feedback. Thanks and regards, Mark.

From: Mark Fenlon <markfenlon@bigpond.com>
To: aust1ber@POLICE.NSW.GOV.AU <aust1ber@POLICE.NSW.GOV.AU>
Date: Tuesday, 25 September 2001 5:27
Subject: Confidential

Superintendent B Aust
 Chief of Staff
 Commissioners Office

Sir, further to our conversation, below is the message I have sent the Commissioner. I thank you for your assurance that he will be made aware of same.

Mark Fenlon
 Sergeant

SENT TO RYANICOP@POLICE.NSW.GOV.AU 25/09/01 9.19AM

Dear Sir,

I am the officer that pressed the issue of corruption within the Police promotion system which has led to the current investigation concerning same.

Mr Richmond of SCIA met with myself at the Ombudsmans Office in April of this year and has advised me that he met with you the following day and briefed you fully regarding the matter.

During this investigation, Mr Richmond has kept in contact with myself. He has during our conversations confirmed that the investigations have revealed

- 1) that the conduct of senior police and unsworn officers has been determined to be corrupt
- 2) that the promotion process has been corrupted in every form that I had predicted both in 1999 and 2000
- 3) that the corruption is widespread.

I have also been able to learn that the corruption is so significant that the NSW Crime Commission is in fact playing a significant role in the investigation.

I have indicated to Mr Richmond on a number of occasions that I am not interested in the outcome of the investigation in terms of the number or rank of personnel dismissed or facing prosecution arising from the investigation. I would like to make it quite clear that I derive no pleasure or satisfaction from the sacking of Police involved in promotion sorting, particularly when such action was clearly avoidable had your administration acted appropriately upon my concerns when I brought them to notice two years ago.

I have a copy of program 94 of Police TV, dated 10/11/99. It is the Q & A episode. I am sure that you can recall my question regarding the duty officer promotion system. I recently watched again your response and that of Mr Jarratt to my concerns and indeed you both succeeded in skirting the issue. That being the integrity and value of the process. There was I, a mere Sergeant of Police at Blacktown, telling the big three in our organisation that the system required an urgent review and what do you do about it, absolutely nothing.

Again I attend your offices on the 2nd December, 1999 and provide a detailed submission regarding the integrity shortcomings of the system, what came of it? absolutely nothing.

Not to mention that I had reported the matter to Mr Brammer in September, 1999 and requested specifically that it be brought to your attention, what came of that? absolutely nothing.

February 2000, both you and Mr Jarratt were called upon to respond to concerns raised as a consequence of the Radium investigation. Your responses? merely concern that the process could be compromised. What effective action was taken? absolutely nothing.

I am concerned Sir, because my analysis of the current situation leads me to believe that you will take the credit for

26/09/01

revealing the existence of corruption within the promotion system, that and indeed for taking affirmative action regarding same. Do you see where I might have a problem with this scenario? Certainly the termination of Mr Jarratt, the suspension of promotional appeals and the "not so secret" development of a revised/new promotional system all tend to point towards a specific climax.

Let me make myself perfectly clear Sir, I could care less who gets the credit for revealing widespread corruption within the Police promotion system, providing two important things happen.

1) that a full public inquiry in relation to the entire promotion system debacle is conducted

and

2) that every appointment, be they Sergeant, Duty Officer, Crime Manager or any other position, filled under this corrupted process be rescinded immediately.

I fully understand the consequences for the Police Service in terms of its reputation following such revelations of widespread corruption and of course the imminent litigation by officers affected, however I maintain that both actions are necessary in the public interest.

It appears that many within the organisation have constantly underestimated my resolve in pursuing this issue of corruption within the promotion system. It is therefore imperative Sir, that you are under no misapprehension regarding my zeal in pursuit of the outcomes above. I will never consider this matter finalised until the above actions have been initiated and although "out gunned" by the Service in every department, I will continue in that pursuit of these goals with whatever resources I can muster.

Now Sir, as Mr Richmond is apparently not in a position to confirm or refute what action is proposed to be taken by either the Police Service, the Police Integrity Commission or indeed the NSW Crime Commission regarding the investigation into the promotion system, I offer you the opportunity to demonstrate your integrity by responding to the following questions. If indeed you have been misled by a number of key personnel on this issue, you will have no problem revealing the answers, particularly to one who has demonstrated over this last two years, unquestionable honesty, integrity and commitment to policing well beyond the norm.

1. Is there to be a full independent and public inquiry into the entire promotions system?

If yes, who is to conduct it and when is it to commence?

If no, who made this decision and what is the rationale behind same?

2. Given that corruption of the promotion system has been widespread and that its full extent may never be realised, is it intended that all promotions made under this system will be rescinded?

If yes, when is this action proposed to be taken?

If no, who made this decision and what was the rationale behind same?

There are many other questions that I might seek responses to, however these are the salient issues as far as I am concerned.

In conclusion I make no apology for contacting you in this manner. This issue has caused me considerable anxiety over the last two years and I consider that I deserve better treatment as the catalyst internal witness, particularly in so far as the provision of advice regarding the conduct of the investigation than that I have been given up to this stage.

I await your response.

Yours Sincerely,

Sergeant Mark Fenlon

From: Mark Fenlon <markfenlon@bigpond.com>
To: LUKINS, TEANGI <LUKI1TEA@POLICE.NSW.GOV.AU>
Date: Wednesday, 3 October 2001 5:13
Subject: Re: Promotions issues

Senior Constable Lukins, I have received your reply on behalf on Superintendent Aust for the Commissioner. Please advise Mr Aust that I am dissappointed that the Commissioner has not replied in person. The questions, though serious, were not, in my view, difficult for the Commissioner to provide an immediate response. I have interpreted "in the near future" as an indication that the Commissioner is seeking advice from S.C.I.A., Legal Services or other authorities prior to responding. Given this highly probable course of action, I hold little faith that the eventual response of the Commissioner will meet my expectations. Please thank Mr Aust for his assistance in bringing my concerns to the attention of the Commissioner.

Sergent Mark Fenlon

-----Original Message-----

From: LUKINS, TEANGI <LUKI1TEA@POLICE.NSW.GOV.AU>
To: markfenlon@bigpond.com <markfenlon@bigpond.com>
Date: Wednesday, 3 October 2001 3:10
Subject: Promotions issues

--- Received from NSWP.LUKI1TEA 0292810000 03/10/01 15:04

Sergeant Fenlon,

I am writing on behalf of Superintendent Aust, the Acting Chief of Staff to the Commissioner of Police, to let you know that your email dated 25 September, 2001 titled "Promotions Corruption" has been recieved. The issues you raised shall be attended to and a you should receive a response in the near future.

Regards

Teangi Lukins
 Senior Constable
 Commissioner's Office

---- 03/10/01 15:04 ---- Sent to -----
 -> markfenlon@bigpond.com

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ABN 43 408 613 180

NSW POLICE SERVICE

OFFICE OF THE DEPUTY COMMISSIONERS

Sergeant Mark Fenlon
Police Station
11 Kildare Road
BLACKTOWN NSW 2147

Level 17 Police Headquarters
14-24 College Street
Darlinghurst NSW 2010

Ph: 9339 5423 / 55423
Fx: 9339 5670 / 55670
TTY: 9211 3776

Our ref:
NSW 910/2001/140587
Your ref:

30 November, 2001.

Dear Sergeant Fenlon,


The Commissioner has asked me to respond to your e-mail letter to him regarding the police promotion system.

I think many of your questions will now have been answered with the passage of time. As you will now be aware, a very wide-ranging inquiry has been conducted by officers of Special Crime and Internal Affairs, working in close liaison with various oversight bodies. This has directly led to the current Police Integrity Commission hearing into Operation Jetz, the Scope and Purpose of which is "to investigate whether or not certain members of the NSW Police Service have been, or are currently, involved in misconduct with respect to the New South Wales Police Service promotional system". That inquiry is of course continuing.

The ongoing nature of inquiries and the public hearings before the Police Integrity Commission are such that I cannot comment in detail on some of the issues you raise. Certainly we are now aware that there has been significant interference with the integrity of the police promotion system. We are working through the various issues one by one. The problems are difficult ones, but you can be sure that we will take whatever steps are necessary to correct past wrongs and put in place an improved system of selection for promotion.

I encourage you to keep in touch with Mr. Richmond at SCIA. He is very much aware of your personal situation and, while he may not be able to answer all your questions in detail at this stage, he will do all that he can to assist you through a difficult time.

Yours sincerely,


P.J. Walsh
for Deputy Commissioner
(Field Operations)

CORRUPTION SWOOP

By CHARLES MIRANDA
and BRETT MARTIN

THE biggest police corruption inquiry since the Wood royal commission is expected to begin next week, with a number of officers to be questioned over claims of bribery and drug dealing.

The state's leading anti-corruption body, the Police Integrity Commission, will hold a public inquiry, to last up to three weeks.

The terms of reference are expected to be made public on Saturday but are understood to include claims of distributing cocaine in Sydney and bribes by officers.

Senior police sources said yes

terday the allegations stemmed from information captured on telephone intercepts and other listening devices.

It is understood these were initially gathered for an unrelated police inquiry and the new hearing would involve the direct and indirect naming of several witnesses.

It's going to be big but just now

big will depend on what they [officers] say on the stand," one officer said last night.

It is not known how many officers will be called to give evidence to the inquiry but some sources estimate that it could involve dozens from at least two police commands.

The new hearing comes as the

powerful PIC is already holding two public inquiries — one into the sorting of the police promotions systems and the second into the collapse of the elite police reform unit, known as the Crime Management Support Unit.

Police Commissioner Peter Ryan yesterday declined to

Continued Page 4

Police corruption inquiry tipped for next week

From Page 1

comment on the matter as did the PIC. But the inquiry leaves Mr Ryan's critics to argue further that police corruption has flourished under his five-year reign.

The State Government and Mr Ryan have clashed publicly in recent months over issues such as crime in Cabramatta.

In July Premier Bob Carr declared: "I think in 1999 and 2000 police got

their eye off the ball in dealing with these entrenched problems at Cabramatta." A parliamentary committee then issued a damning report into the Cabramatta problems.

Mr Ryan was brought in as Commissioner after the Wood royal commission — which ran between 1994 and 1997 — uncovered widespread police corruption and allegations of paedophile protection rackets.

The commission cost up to \$10 mil-

lion and ran for more than a year of hearing days, with 640 witnesses. As a result 82 police officers were dismissed.

The PIC was set up as a standing anti-corruption body after a recommendation by the royal commission in an Act of Parliament in 1996. Its brief was to investigate allegations of police corruption.

More than a dozen public and closed hearings have been held since its inception.

But sources are tipping the new hearing will be its biggest yet.

It is unknown who will sit as commissioner next week. The PIC heard Judge Paul Dwyer, is heading Operation Malia, the police reform inquiry. His five-year term, which expired in August, was extended so that he could complete the inquiry.

The head of next week's inquiry could be chosen from the ranks of the state's senior barristers.



Police Commissioner Peter Ryan

Planning and Organising/Work Management

Definition

Establishing a course of action for self and others to accomplish a specific goal; planning proper assignments of personnel and appropriate allocation of resources. Establishing procedures to monitor the results of delegations, assignments or projects.

Key Actions

- Set priorities
- Establish objectives and milestones
- Estimate times and schedule activities
- Identify and allocate resources
- Use tools (eg. calendar, files, charts)
- Establish follow-up process and dates

Communication

Definition

Expressing ideas effectively in individual and group situations (including non verbal communication); adjusting language or terminology to the characteristics and needs of the audience.

Expressing ideas clearly in memoranda, reports, letters or other documents with appropriate organisation and structure, correct grammar and language or terminology that is adjusted to the characteristics and needs of the audience.

Presenting Ideas effectively to individuals or groups when given time for preparation (including nonverbal communication); targeting the needs of the audience.

Key Actions

- Correct structure and logical sequence
- Listen and respond
- Delivery - rate, volume, gestures, eye contact
- Address needs of audience
- Use vocabulary and style appropriate to audience
- Express ideas clearly and succinctly
- Follow logical sequence in discussion
- Present suggestions/point of view in a convincing manner

Teamwork/Collaboration

Definition

Working effectively with team or work group or those outside formal line of authority (eg. peers, senior managers) to accomplish patrol/sector/command goals; taking actions that respect the needs and contributions of others; contributing to and accepting the consensus; subordinating own objectives to the objectives of the organisation or team.

Key Actions

- Build relationships
- Build on others ideas
- Support group decisions
- Put group goals ahead of individual/own goals
- Foster and enhance exchange of ideas
- Listen actively, ask open questions, involve others
- Understanding the dynamics of team activities

Maximising Performance

Definition

Establishing performance and development goals, coaching performance, providing training and evaluating performance.

Key Actions

- Agree on measurable performance areas
- Agree on specific objectives
- Agree on how performance will be tracked
- Mutually agree on assessment criteria

Individual Leadership/Influencing

Definition

Uses appropriate interpersonal styles and methods to inspire and guide individuals toward improved goal achievement; modifying behaviours to accomplish tasks; situations and individuals involved (staff, peers or management). Establishes an environment of co-operation and responsiveness. Shows tenacity and persistence. Is decisive. Allocates decision making authority and tasks responsibilities to appropriate subordinates, utilising subordinates time, skills and potential effectively.

Key Actions

- Use relationship skills effectively
- Focus on the situation, not the person
- Anticipate reactions and have a plan to deal with them
- Assign responsibility to individuals for action
- Ask for and gain commitment to action
- Communicate confidence in individuals

Decision Making

Definition

Comprehends and distils significant issues quickly and accurately. Identifies problems and their causes. Develops achievable options exercising judgment and selection of most appropriate course.

Having and using knowledge of systems, situation, pressures and culture inside the organisation to identify potential organisation problems and opportunities; perceiving the impact and the implications of decisions on other components of the organisation. Able to evaluate the impact and implications of decisions and developments of various components of the organisation.

Key Actions

- Gather relevant information
- Identify cause and effect relationships
- Weigh pros and cons or impact of alternatives
- Define the problem before seeking solution
- Commit to the most appropriate action
- Think and act in a flexible manner

Technical/Professional Knowledge

Definition

Having achieved a satisfactory level of technical and professional skills/knowledge in job-related areas; keeping abreast of current developments and trends in areas of expertise.

Key Actions

- Understand technical terminology and developments
- Know how to apply a technical skill or procedure
- Perform complex tasks in areas of expertise

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<p>PLANNING AND ORGANISING/WORK MANAGEMENT</p> <ul style="list-style-type: none"> <input type="checkbox"/> establish objectives and milestones <input type="checkbox"/> estimate times and schedule activities <input type="checkbox"/> identify and allocate resources <input type="checkbox"/> set priorities <input type="checkbox"/> use tools (eg. calendar, files, charts etc.) 	<p>P <input type="checkbox"/> S1 <input type="checkbox"/> S2 <input type="checkbox"/> Overall Rating <input type="checkbox"/></p>
---	---

<p>COMMUNICATION</p> <ul style="list-style-type: none"> <input type="checkbox"/> mechanics - appropriate grammar & vocabulary <input type="checkbox"/> correct structure & logical sequence <input type="checkbox"/> delivery - rate, volume, gestures, eye contact <input type="checkbox"/> listen and respond <input type="checkbox"/> use vocabulary & style appropriate to audience <input type="checkbox"/> express ideas clearly & succinctly <input type="checkbox"/> address needs of audience <input type="checkbox"/> follow logical sequence in discussion <input type="checkbox"/> present suggestions/point of view in a convincing manner 	<p>P <input type="checkbox"/> S1 <input type="checkbox"/> S2 <input type="checkbox"/> Overall Rating <input type="checkbox"/></p>
---	---

<p>TEAMWORK/COLLABORATION</p> <ul style="list-style-type: none"> <input type="checkbox"/> build on other's ideas <input type="checkbox"/> build relationships <input type="checkbox"/> exchange information freely <input type="checkbox"/> put group goals ahead of individual/own goals <input type="checkbox"/> support group decisions <input type="checkbox"/> volunteer ideas freely 	<p>P <input type="checkbox"/> S1 <input type="checkbox"/> S2 <input type="checkbox"/> Overall Rating <input type="checkbox"/></p>
---	---

<p>MAXIMISING PERFORMANCE</p> <ul style="list-style-type: none"> <input type="checkbox"/> agree on how performance will be tracked <input type="checkbox"/> agree on measurable performance areas <input type="checkbox"/> agree on specific objectives <input type="checkbox"/> mutually agree on accomplishments 	<p>P <input type="checkbox"/> S1 <input type="checkbox"/> S2 <input type="checkbox"/> Overall Rating <input type="checkbox"/></p>
---	---

<p>INDIVIDUAL LEADERSHIP/INFLUENCING</p> <ul style="list-style-type: none"> <input type="checkbox"/> anticipate reactions and have plan to deal with them <input type="checkbox"/> ask for and gain commitment to action <input type="checkbox"/> Focus on situation not the person <input type="checkbox"/> clarify scope of authority and responsibility <input type="checkbox"/> assign responsibility for individual(s)/group(s) for action <input type="checkbox"/> use relationship skills effectively 	<p>P <input type="checkbox"/> S1 <input type="checkbox"/> S2 <input type="checkbox"/> Overall Rating <input type="checkbox"/></p>
---	---

DECISION MAKING

- gather relevant information
- identify cause & effect relationships
- weigh pros & cons or impact of alternatives
- identify underlying issues and problems
- commit to the most appropriate action
- think and act in a flexible manner

P S1 S2

Overall Rating

TECHNICAL/PROFESSIONAL KNOWLEDGE

- know how to apply a skill or procedure
- know when to apply a skill or procedure
- perform complex tasks in area of expertise
- understand technical terminology and developments

P S1 S2

Overall Rating

TOLERANCE FOR STRESS

- identify stress and ways to reduce job stress
- maintain poise under pressure
- seek support from others when stressed
- use appropriate coping techniques (eg. humour)

P S1 S2

Overall Rating

RISK TAKING

- make decisions when outcome is unclear
- make decisions with potential negative consequences
- take action that others might avoid
- take action with potential negative consequences

P S1 S2

Overall Rating

Total Overall Rating

Commander/Manager Comment:

Referee Comment:

Signature of Committee Members:

1. **CONVENOR**

.....
Signature

.....
Print Name

2. **2nd MEMBER**

.....
Signature

.....
Print Name

3. **INDEPENDENT MEMBER**

.....
Signature

.....
Print Name

4. **4th MEMBER**

.....
Signature

.....
Print Name

DATE:.....

Police cheat sheet

Top secret test guide clears way to top jobs

By JOHN KIDMAN
POLICE REPORTER

CORRUPT police have used a highly classified official document to clear their way into lucrative promotions.

The paper, obtained by *The Sun-Herald*, enables applicants to cover almost every aspect of written exams and interviews for senior positions, including those of Sergeants and Inspectors.

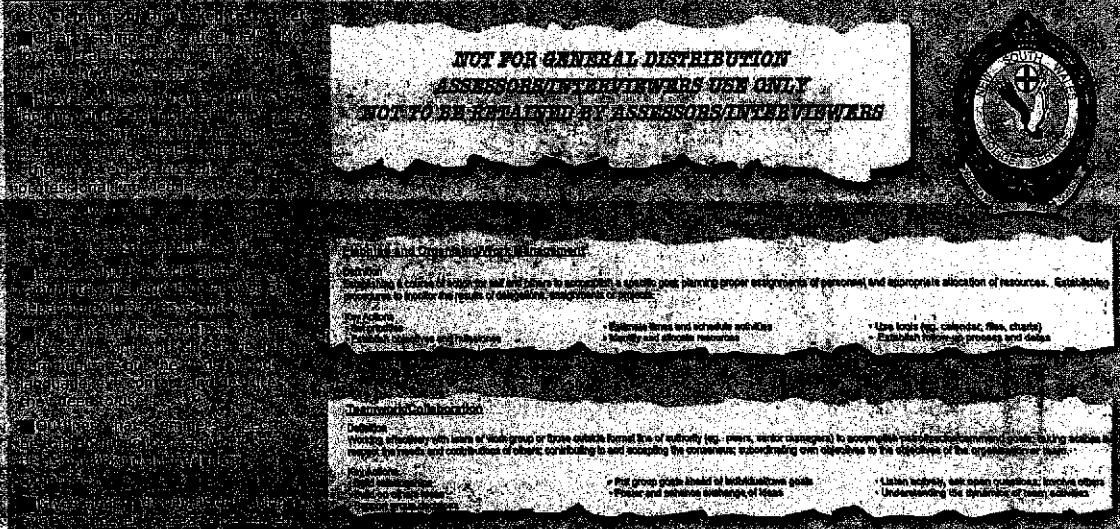
The document, which has been classified as more secret than officers will see, the police promotions system frozen and past appointments investigated, senior sources believe.

Worse still is the potential the information could enable corrupt police to apply for promotion to jobs with a high public profile, such as those of the New South Wales Police Force.

The document, which has been classified as more secret than officers will see, the police promotions system frozen and past appointments investigated, senior sources believe.

Worse still is the potential the information could enable corrupt police to apply for promotion to jobs with a high public profile, such as those of the New South Wales Police Force.

THE SMOKING GUN



jobs, according to former senior police officers. "If an officer can [illegally] get hold of a copy of something like this, 99 per cent of the work has been done for him," one source said.

Security warnings attached to the checklist state that it must not even be shown to other police officers.

However, it has been the system, and forcing of lucrative police appointments which has allowed that malevolence to flourish, according to senior sources.

"It's done more damage to the service than we'll ever know".

The assertion was partly confirmed by Commissioner Peter Ryan when he acknowledged that corrupting the promotion system was a major problem.

Most damning, it is now well documented that corrupt police officers attached to the same police commands on Sydney's north shore.

In a two-page letter to Mr Ryan two weeks ago, Sergeant Fenlon demanded for the last time before going public that a full public inquiry be conducted.

He also called for every police appointment, the process and any other information to be reviewed.

But if we don't re-ignite or re-start the appointments made over the past 20 years, we will allow the corruption to continue and that corruption will re-emerge again and again.

In the wrong hands, the document obtained by *The Sun-Herald* could be used to "walk into" almost any police job, from sergeant to superintendent, the latter worth between \$120,000 and \$160,000 a year plus up to \$1 million in superannuation benefits.

For things to fall apart at places like Cabramatta.

"It's the common denominator, if you like, and you really don't have to go too far to make the connection."

"For an individual to be promoted with and to use [corruptly obtained] information places them in a compromised position."

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exposed



LONE VOICE: Sergeant Mark Fenlon says police corruption has thrived in a faulty promotions system. Photo: BRITAS KILPOVA

Jobs rot cops corruption blame

By JOHN KIDMAN

SERGEANT Mark Fenlon has waited more than two years for tomorrow's Police Integrity Commission hearings to begin.

Yet he fears that the service's most significant anti-corruption rout since the 1996 Wood Royal Commission will miss the point.

He's not really interested in how many rotten cops are sacked because they've peddled cocaine or heroin, or turned a blind eye to murder and mayhem.

What he wants is for the cancer he believes has allowed corruption to fester and thrive so widely - a faulty police promotions system - to be surgically removed.

"My greatest concern is that this inquiry will not focus on that system," he told *The Sun-Herald* on Friday.

"The drugs and everything else will be put right out in front and the problem of promotions will

become a departmental issue. "The inquiry will be used to show how favours are done and corrupt networks are cultivated, but the point is you don't need to be into drug dealing to make use of a promotions rot."

Awarding promotions is where the real power is.

"To ply their trade, corrupt coppers don't need to use brown paper bags in toilet blocks any more. All they need is to get others to do the right thing by them and get them a promotion."

What made it all so simple, Sergeant Fenlon insists, is that promotion exams since 1997 have had a predetermined format.

Early last year an internal police inquiry found, inexplicably, that identical questions were used for some 700 interviews for senior supervisory positions.

It also revealed that a typed list of these questions was circulated among an unknown number of applicants before they took their

tests and the author of the cheat sheet was never identified.

What made the blunder worse was that the police hierarchy, including Commissioner Peter Ryan and his most senior commanders, was warned of the system's fallibility months earlier.

The person who pointed it out was Sergeant Mark Fenlon.

He also approached the NSW Police Association, the PK, the Ombudsman and politicians.

As of a fortnight ago, he was still complaining. "It appears many within the [police service] have constantly underestimated my resolve in pursuing this issue of corruption," he wrote to Mr Ryan.

"It is therefore imperative, Sir, that you are under no misapprehension regarding my zeal."

"What I've been saying is the truth," Sergeant Fenlon told *The Sun-Herald*, "but I've been a lone voice in the wilderness."

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NATIONAL

18:46 AEST Mon 8 Oct 2001

Ryan blames police union for blocking reform

NSW Commissioner Peter Ryan has accused the police union of blocking reform of the promotions system as a major new inquiry into corruption in the state's police force opened.

The Police Integrity Commission (PIC) hearing into allegations of widespread corruption and misconduct began in Sydney today.

The current investigation, Operation Florida, arose largely from a parallel inquiry into rotting of the promotions system by police.

Twenty-five people, including two police officers, have been charged in relation to Florida over a range of issues including supplying heroin, cannabis, cocaine and ecstasy.

Other charges include receiving bribes and conspiracy to commit armed robbery.

Mr Ryan told reporters that the NSW Police Association had opposed his attempts to implement changes in the promotions system.

"I've been trying to change that (the promotions system) for some considerable time, at least two and a half years and I've been met with opposition from association areas because they didn't want the system changing," he said.

"I wanted it changed and we will be changing it after Christmas."

However Mr Ryan accepted criticism from the Police Integrity Commission that supervision in the police service was lacking.

"You have seen that one of the main criticisms is the lack of supervision and I would agree with that. It's something we have been on to for some time.

He said they had already implemented new training for senior and junior officers.

NSW Police Association president Ian Ball rejected Commissioner Ryan's comments, describing them as astounding.

He said the issue should be about fixing the problem, not about blame.



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Commissioner's comments re: Promotions

At a media conference at Police Headquarters today, Commissioner Ryan made the statement that "I have tried to change the promotions system but have been opposed by the Police Association."

As President of the Police Association, I can only state that I am astounded by those comments made by the Commissioner.

In May 2000 at the Association Biennial Conference, the Commissioner sought the assistance of the Association to reform a range of human resource problems, including the promotions system. The Association had already developed a position based upon a research document developed through focus groups and membership feedback during 1999 & 2000.

As a result he established the Tripartite Committee consisting of the Deputy Commissioners, the Executive Director Human Resources, the Director General of the Ministry of Police and the President and Secretary of the Police Association. This was to "oversee human resource issues" and was considered to be "an important process in progressing police initiatives" as stated by Commissioner Ryan.

The Tripartite Committee has met on

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- [New! Visa fraud](#)
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numerous occasions over the past sixteen months and Police Association representatives have been endeavoring to assist the Police Service introduce change that will make the promotions system fairer and more efficient. To that end we have already agreed to legislative change introducing the use of eligibility lists amongst other significant policy changes. Further change has been proposed for implementation from January 2002.

On the 7 August 2001 I released a discussion paper on Police Reform that contained a series of recommendations relating to the progress of reform in areas of complaints and promotions, along with other HR issues. Following meetings with Commissioner Ryan, he indicated his general agreement with the thrust of the Association discussion paper. Once again, legislative change has been negotiated with the introduction of the Police Service Complaints Bill 2001 to Parliament.

The Police Association does not administer the promotion system; the Police Service does under the legislative requirements of the Police Service Act. The Police Association has always sought to secure a promotion system in the best interests of all members, as it is has been their perception for some time that the system is in need of substantial repair.

We remain committed to developing a promotions system that is streamlined, transparent, equitable and capable of selecting the right person for the right job.

Ian Ball
President
8 October 2001

- [GREAT decision Monday](#)
- [Hearing re: GREAT adjournments](#)
- [Worker' Compensation update](#)
- [Great adjournments](#)
- [Media Comments RE: Police Association's legal assistance scheme](#)
- [Roster Dispute - Duty Officers](#)
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- [NSW Police Association executive members resign](#)
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- [Increase to Plain Clothes Allowance](#)

From: Mark Fenlon <markfenlon@bigpond.com>
To: deanw@pic.nsw.gov.au <deanw@pic.nsw.gov.au>
Date: Monday, 8 October 2001 5:48
Subject: Meeting with Mr Sage

I am Sergeant Mark Fenlon and I would like to arrange a confidential meeting with Mr Sage. Please advise him of this request as a matter of urgency. I appreciate he would have a somewhat full schedule, however I am prepared to make any arrangement to accommodate him in order to facilitate same.

His response may be provided by way of email or by telephone on 47 312684.

Thank You.

Mark Fenlon.

@ 10:30am 9.10.01. Received a telephone call from
 a male identifying himself as Richard KENNA,
 legal officer for the P.I.C.

I explained to him my concerns regarding not
 being told the truth regarding the promotion systems
 inquiry and my analysis of the actions of
 Mr Ryan being designed for his personal
 interests rather than the interest of the
 service. Dismissal of Jarratt - development
 of Prom. System for introduction in 2002 - outsourcing
 of management review - both prior to any
 recommendations of the P.I.C. Commission

He advised a meeting would take time to
 organise - stated he would call tomorrow after
 speaking with "people".

I stated I did not wait another written
 response - I wanted to meet with someone
 in a position to tell me the truth. I
 told him I'd been given undertakings by Richmond
 that the inquiry would be conducted!

9/10/01

4.15 PM 10.10.01 - Received message on answering machine from Richard Kenna P.I.C. to call him on 9321678.

4.25 PM 10.10.01. Conversation with Kenna. He advised he was re-directed to investigate my submissions for possible inclusion in operation TETZ. I expressed dismay - Richmond had assured me that P.I.C./SEIA joint investigation was based upon my complaint and that it would be examined in detail during current hearings at the P.I.C. I explained my analysis of the adverse affects upon Ryan & his referees - & how he was going to play it out. Kenna stated he would re-examine the material and get back to me next week.

~~Admission~~! - following phone call from Richmond on 11.10.01. at 7.10am. I contacted MENNA and related to him what I had been told. He stated he had commenced reading some of the material and agreed that some issues required addressing - why did the Sec of Police not recognise problem and when brought to their attention why did they fail to act?? Mr MENNA indicated that he believed he should interview me concerning the matter and would do so next week. Giving him time to assess the material so as to ensure I was asked the relevant questions. Interview would be recorded.

From: Mark Fenlon <markfenlon@bigpond.com>
 To: RICH1GAR@POLICE.NSW.GOV.AU
 <RICH1GAR@POLICE.NSW.GOV.AU>
 Date: Wednesday, 10 October 2001 6:01
 Subject: Whats really going on here?

Gary, I've just had a telephone conversation with Richard Kenna which was disturbingly enlightening. Since our meeting in April, you gave me certain undertakings regarding my complaint. You advised me that it was the basis of the investigation into promotions. You advised me that you had made several submissions to the Commissioner and had various meetings with him, Sage and Kinmond regarding the matter. To what end Gary? What I've just learned suggests that there was never any intention of running my complaint as part of these or future hearings. True or false? You asked me to trust you on this...that all would be revealed in time, that those responsible would be held accountable...then why is it necessary for Kenna to review the material for possible inclusion????? Have I just been played for a patsy for the last six months? Has this "secrecy agreement" just been a convenient way to keep me in the dark?

You know I've always held a fear that this would be pushed to the back of things because of the potential backlash for the Commissioner. I've never made a secret of that. When these inquiries were announced I asked you if the promotions system was going to be examined in detail... "wait and see" was your response. Respecting your position regarding the secrecy agreement you said you signed, I considered the opportunity should be offered to the Commissioner to respond... didn't happen. Surely you knew I wouldn't have left it at that. Someone should have been in a position to state categorically that my complaint regarding the promotion system was going to be examined in detail by the PIC. No one has or is willing to, what did the Commissioner expect... that I'd leave it at that?

What I told the press on the weekend was the truth Gary, you know it was. You've been telling me all along that you walk a straight line on all of this, that you don't care where the hatchet falls or who it falls on. I need some serious reassurance that that is still your position.

Mark. 7.10am 11.10.01.

Received phone call from Richmond - somewhat evasive at my suggestion of his lack of integrity in the matter.

Course of conversation being: He stated he, Meroney & the Commissioner pressed the PIC for an inquiry on promotions stated that PIC refused to do so and that the Police Service could do no more. Where has my faith been for the last 5 months - with Meroney. What has been done with it in that 5 months - nothing. Why didn't he or Meroney refer it back to Ombo. I - NOT his responsibility to do so. No persons besides Myrons has been interviewed about problems with Public Service Act in interviewing Pub. Servants. Why did he lead me to the conclusion that PIC were conducting the inquiry - denied having done so. Why didn't he refer me that PIC were not going to look at it as part of VETZ - NOT his responsibility.

10/10/01

He stated categorically that he had made numerous submissions to D.C. Mononey regarding the risks of promotion system both as a consequence of Radium & my complaint.
admitted meeting with Ryan before and after meeting with me at Ombo's office.

Admitted he wasn't happy with the manner in which my complaint was being dealt with. Admitted and stated that matter must be resolved in an inquisitorial forum, preferably the P.I.C. but otherwise Ombo.

Was asked to provide written account of what he was telling me - refused. Asked for copies of his recommendations and findings to D.C. Mononey - refused - suggested I make the request of Seiptone or through Richmond.

COMMENT:- NO ACTION HAS BEEN TAKEN BY THE POLICE SERVICE FOR THE LAST 5 MONTHS ON MY COMPLAINT.

THE POLICE SERVICE (RICHMOND) IS FEIGNING THE PIC FOR NOT DOING THEIR JOBS BUT WON'T DO ANYTHING FURTHER HIMSELF TO PRESS THE MATTER.

RICHMOND PROVIDES MOTIVE FOR PIC NOT INVESTIGATING MATTER - LACK OF RESOURCES - CITES SIMILAR REASONS (WORKLOAD) AND HIS RELOCATION FROM OIC SCIA OPERATIONS TO INTEL. UNIT FOR NOT HAVING ANY FURTHER INVOLVEMENT.

STATED HE HAD BEEN DIRECTED NOT TO INVESTIGATE THE MATTER FURTHER. WHO ISSUED THAT DIRECTION - REFUSED TO DISCLOSE.

SCIA.
Running Defence for Commissioner / CONSPIRACY OF INACTION!

Police Service - DOING NOTHING AND NOT TRYING TO!

POV KITCH AGENDAS - INTERFERENCES ???

11.30am. Call from Richmond indicating hearings at PIC to be commenced

From: Mark Fenlon <markfenlon@bigpond.com>
To: cshamho@parliament.nsw.gov.au <cshamho@parliament.nsw.gov.au>
Date: Wednesday, 10 October 2001 2:41
Subject: Police promotions corruption

Dear Mrs Sham-Ho

Some months ago I contacted you and Ms Rhiannon regarding evidence provided by former Deputy Commissioner Jarratt during the Parliamentary hearing into Cabramatta which you chaired.

Ms Rhiannon was kind enough to respond and confirm receipt of my email and indicated that she had discussed same with you. She also indicated that I would be contacted by the standing committee when a decision was made as to an appropriate course of action regarding same.

I wish to advise you that no such contact has since taken place.

Having read the transcript of evidence and the final report of Standing Committee 3 regarding policing at Cabramatta, I noted that no mention was made of the information provided by myself to you and Ms Rhiannon concerning the evidence provided by Mr Jarratt at those hearings.

Given the nature of the information provided, coupled with recent events, I believe these circumstances warrant a response to myself regarding action you took individually or (as Chairperson) on behalf of the Committee, with that information.

I have found myself constantly frustrated by the Police Service's response to requests for information concerning my complaint regarding the promotion system and find myself increasingly suspicious of the motives of the Commissioner, Government and others in this matter. The situation I find myself in has necessitated the involvement of media to an extent I would have preferred to avoid. Believe me Mam, I am fully aware of the ramifications from a personal perspective in being a "visible whistleblower", yet the reaction of the agencies involved in handling my complaint have left me with few if any other options.

I respectfully request some response from you regarding this matter.

Mark Fenlon

From: Helen Sham-Ho <Helen.Sham-ho@parliament.nsw.gov.au>
To: markfenlon@bigpond.com <markfenlon@bigpond.com>
Date: Friday, 12 October 2001 3:13
Subject: Re: Police promotions corruption

Dear Mr Fenlon,

Mrs Sham-Ho would like to post you a written response to the issues you raise in this email. Would you mind advising me of your home address?

Thanks.

Jodie Young

Secretary/ Research Assistant to the Hon. Helen Sham-Ho MLC

>>> "Mark Fenlon" <markfenlon@bigpond.com> 10/10/01 14:41:22 >>>

Dear Mrs Sham-Ho

Some months ago I contacted you and Ms Rhiannon regarding evidence provided by former Deputy Commissioner Jarratt during the Parliamentary hearing into Cabramatta which you chaired.

Ms Rhiannon was kind enough to respond and confirm receipt of my email and indicated that she had discussed same with you. She also indicated that I would be contacted by the standing committee when a decision was made as to an appropriate course of action regarding same.

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I respectfully request some response from you regarding this matter.

Mark Fenlon

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Despite all the talk, the force still stinks

Date: 11/10/2001

The latest evidence of police corruption throws into doubt the effectiveness of anti-graft measures introduced in the past five years, argues Miranda Devine.

If you ever doubted that this State Government and its Police Commissioner were master spin merchants, here's the proof. They have managed to turn the most glaring failure in Peter Ryan's five-year reign as commissioner - this week's revelations about ongoing systemic police corruption - into a "vindication".

The Police Integrity Commission inquiry which began this week has already revealed corruption as bad as anything uncovered during the police royal commission, with officers stealing drugs and money and DVD players during raids, and giving drug dealers the "green light" in return for protection money.

What we have heard so far of Operation Florida is the worst kind of corruption, with police not just taking bribes but actively organising crime, introducing one dealer to another and encouraging them to work harder. It's clear from PIC covert surveillance videotapes, shown first on ABC-TV's *Four Corners* on Monday night and later in court, that the corrupt police operated without fear of or hindrance from anti-corruption measures introduced in the past five years.

So far we have heard about Manly-Davidson local police command but corruption is said to be far more widespread. So why did we pay \$64 million for a royal commission? And what, exactly, have we been getting for the \$425,000-a-year salary we've been paying to the "world's greatest commissioner"? It's certainly not the "corruption-resistant" police service Ryan and Premier Bob Carr have been boasting about since 1999.

Carr may have overstepped the credibility mark on Tuesday, however, when he told journalists about Operation Florida at a press conference: "I believe it's a vindication, by the way, of the commissioner. A lot of the people who were hounding and attacking and nagging the commissioner ought to think now that they were giving encouragement in many cases to corrupt cops who the commissioner was taking on."

Cynicism this deep is simply irredeemable. If the commissioner has been doing such a good job, why did the Police Service last month call for tenders from the private sector for a \$5 million contract to design a reform program addressing leadership development, culture change, people management and organisational change? Why did an independent audit conducted for the PIC, and released in February, criticise the police reform process and state it did "not support the commissioner's view that the reform process is near completion"? As a long-time observer said yesterday, corrupt police, having survived the Wood royal commission, were "emboldened" by the experience.

Ryan has been in deep trouble for much of this year and what we are witnessing is a co-ordinated effort at rehabilitating him. The NSW upper house inquiry into problems with policing at Cabramatta revealed that senior police were prepared to allow drug crime to flourish on the streets in order to keep crime statistics low, because if you don't make an arrest, there is no crime.

It was only because of the integrity of one of those "naggers" and "hounders" Carr derides that the public became aware of the situation: former Cabramatta sergeant Tim Priest, who was damned by government MPs as a "disgruntled detective" and whose revelations of police inaction against drug crime were proven correct. Ryan never appeared before the inquiry because he says he never received his invitation.

Another PIC inquiry has only begun to reveal the extent of the trouble with Ryan's hand-picked reform unit. Ryan's long-awaited appearance at the inquiry, expected to occur in the next few weeks, has been postponed as the PIC juggles the new demands of Operation Florida.

More work for the PIC may come from allegations of corruption at the Goulburn Police Academy. Then there is the perversion of the police promotions system, which has been a festering sore which has allowed corruption to flourish.

In the PIC this week, the acting duty officer for Northern Beaches command, Sergeant Mark Messenger, was shown on videotape accepting money wrapped in a newspaper from another officer. Duty officers were tasked by Ryan to be the supervisors and role models for junior police. That worked well.

The campaign to rehabilitate Ryan, whose stakes were at an all-time low, has been well planned. It began with newspaper articles in recent weeks about the upcoming Operation Florida inquiry and the forecast of one commentator that it would boost Ryan's political fortunes in much the same way the war on terrorism has helped John Howard.

Vital to the rehabilitation project was the *Four Corners* program on Monday, the first day of the inquiry, pre-empting much of the evidence, with the unprecedented, officially sanctioned airing of surveillance tapes. The show also featured a long interview with Ryan in which he portrayed himself as a hero: "We are the thief-takers, the corruption busters, and we're coming again."

The Operation Florida investigation which trapped the corrupt police is to be lauded, although it is unclear why it needed to continue for three years, during which time dozens of people died from drug overdoses in northern Sydney. It is remarkable, too, in light of the fact police Internal Affairs struggled with a 30 per cent staffing level during the Olympics, after having received a 20 per cent funding cut the previous year. Insiders credit the operation's success to former IA head Mal Brammer, another senior officer who has fallen out with Ryan and who now heads investigations for the Independent Commission Against Corruption.

But how can the news that the Police Service is as corrupt as ever be a vindication for the commissioner who was brought in to stamp out corruption? It does not compute.

Miranda Devine also writes for *The Sun-Herald*.
devinemiranda@hotmail.com

Story Picture:

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MELINDA GAINSFORD-TAYLOR SAYS... Run it 'til you sell it!
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DISILLUSIONED

Fury at 'lack of action'

by MATT GRANFIELD

TWO of Blacktown's top police officers are disillusioned with the force, one is on indefinite sick leave and the other has lost faith in the system.

Chief Inspector John Thommeney said last week the

Sergeant Mark Fenlon were outraged the Police Integrity Commission (PIC) had not followed up investigations into the police's promotions system after former Police Association vice-president and appeal officer Robert Menzies told a PIC inquiry he had helped some officers cheat on exams in return for their working for problems in a corrupt promotions system.

Other Insp Thommeney said Menzies had been an Association representative but about 150 promotion cases were referred to a tribunal hearing committee and the PIC had not investigated any of the 150 promotion cases.

Insp Thommeney agreed

The PIC is currently conducting public hearings on corruption in the Mackay and Davidson areas.

Sgt Fenlon was reported early this month to have misgivings about the focus of this current PIC inquiry.

He was concerned about other police misbehaviour

Police will corrupt anything. Dedication and loyalty are just meaningless in this day and age

—Inspector John Thommeney

Insp Thommeney said after 32 years of service he was completely disillusioned with the lack of faith and transparency in the police force.

He said he was frustrated with the lack of faith and transparency in the police force.

Insp Thommeney said Sgt Fenlon was now so stressed he was on indefinite sick leave and was very much upset about the lack of action on the service's behalf.

with Sgt Fenlon. Robert Menzies had the power to influence and the PIC had investigated any of the 150 cases he set up, he said.

Insp Thommeney said the promotions system was Pandora's box of corruption and cheating.

The Wood Royal Commission inquiry will have been sitting but it was stopped because it was too hard, he said.

A spokesman for Commissioner Ryan said the Commissioner had been happy to receive the information and would investigate.

Dedication and loyalty are just meaningless in this day and age.

Insp Thommeney said Sgt Fenlon was now so stressed he was on indefinite sick leave and was very much upset about the lack of action on the service's behalf.



Blacktown's Sgt Mark Fenlon... police whistleblower is on extended sick leave

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Cops contain gang brawl

by MATT GRANFIELD

LOCAL police were dangerously outnumbered last week when up to 400 youths from two ethnic gangs clashed in Blacktown.

Chief Inspector John Thommeny said just six officers — the entire patrol for the night — initially dealt with the brawl involving Arabic youths from Bankstown and a group of Pacific Islanders from Mt Druitt.

Late Tuesday night last week Blacktown police received a call from a member of the public who said police officers were surrounded by 50 males and were in urgent need of assistance.

After using capsicum spray and batons to control the riot, Blacktown police sent out an urgent alert to cars from Parramatta, Mt Druitt, Green Valley, Cabramatta, Holroyd, Quakers Hill, Mt Druitt and the dog squad to try and subdue the mob.

About 40 officers in 20 vehicles eventually attended.

Insp Thommeny said during the brawl some Arab youths taunted police with chants relating to the actions of terrorist suspect Osama Bin Laden.

Police officers were kept so busy during the brawl last week that only three arrests were made out of the estimated 400 youths involved.

Chief Inspector John Thommeny said poor staffing levels at Blacktown were putting the community in danger.

"The resources haven't met the needs of the community," he said.

"It's a safe labor seat and they don't give a shit about staffing numbers."

He said the police bureaucracy were afraid to tell the community how bad staffing levels were.

"Night patrol is three trucks with six people, a duty officer and station manager," he said.

"In 1967, I joined the police service on the night shift at a station just as busy as Blacktown where we had three caged trucks, but more time to do proactive policing."

"Thirty four years later and the night shift still has only three caged trucks."

A witness who declined to be identified said the brawl started after a large group of Arabic youths came out of the RSL disco about 11pm and confronted a large group of Islanders.

Another melee then broke out between the group of Islanders and five bystanders on Boys Ave, Blacktown.

Police broke up the fight, but not before one bystander suffered a broken nose. A police officer also sprained a thumb in the course of making an arrest.



'Blacktown ignored' . . . Commissioner Ryan visits Manly police station last week

Two officers disillusioned

● From page 1
 "Mark Fenton is one of the best sergeants God ever gave breath to," he said.
 "It's a crime (Blacktown) people don't get his service because of what they have done."
 He said Sgt Fenlon had no chance of bringing change because management didn't care.
 "Mark is referred to as a Christian zealot by the hierarchy," top brass and doubted the situation would change.
 "The organisation really and truly doesn't give a shit about him. We are supposed to be truthful and transparent, but we are less truthful than we've ever been in our lives."
 A Police Integrity spokeswoman declined to comment.
 "Commissioner Ryan never visits Blacktown," he said.
 "He's been here once and he walked in the front door . . . out the back and got in his car and drove off — he didn't talk to the troops."

Present this AD to receive this limited offer

HEARTLAND

LOLDEN

HEARTLAND

LOLDEN

Document Owner: Commissioner's Office Document Author: B Aust E/N:

Promotion System

To: All members of the Police Service

From: P J Ryan, Commissioner of Police

Date: 19 October 2001

RE: POLICE PROMOTIONS- ONGOING PROCEEDINGS BEFORE THE POLICE INTEGRITY COMMISSION

As all members of the Service would be aware, I have been concerned for some time about issues with respect to police promotions. In particular, I am concerned that all employees of the NSW Police Service are treated fairly and have an equal opportunity for promotion commensurate with their relevant skills, abilities and experience. Recent hearings before the Police Integrity Commission arising from an investigation by the NSW Police Service have revealed evidence of significant misconduct by individual members of the Service in promotional processes. The material currently available would suggest that a number of officers have had an unfair advantage over other applicants for positions within the Service.

As members of the Service are already aware, the Senior Chairperson of the Government and Related Employees Appeal Tribunal (GREAT) adjourned all GREAT appeals in the current round of appeals following the supply of information to the GREAT by the NSW Police Service. Following upon an application by the Police Association of NSW to relist the matters for hearing, on behalf of individual officers, the decision to vacate and adjourn those proceedings was affirmed. Following the subsequent mention of these matters before GREAT, the Senior Chairperson of GREAT is making arrangements to relist GREAT promotional appeals as and from 17 December 2001. The Service supports this proposal. The Service will notify the GREAT and individual officers in all cases where an issue of integrity has arisen since the nomination of any relevant concerned officer. Such notification will include any appellant who has been identified as having been involved in misconduct relevant to the promotion process. Given the concerns that I have already raised, an issue has arisen as to the need for changes to promotional processes and interim arrangements which need to be put in place. Accordingly, I have determined that the following procedures will apply:

1. I have directed the Executive Director, Human Resource Services, to expedite development of a new set of processes and measures designed to ensure the integrity of the promotion system. It is proposed that these changes will be in place by 1 January 2002.
2. No further police promotional positions, which will be subject to the new set of processes and measures identified in (1) above, will be advertised until the new procedures and guidelines referred to above are in place and can be used to assess applicants for future promotion.
3. All current vacant positions, which have been advertised and in which applications have closed as at 19 October 2001, are to be progressed. Applications that have been advertised but have not closed as at 19 October 2001 are hereby withdrawn.
4. All nominated officers, or successful appellants, that are currently in progress within the system will be invited to sign a statutory declaration affirming that they have not been involved in any conduct which has given them an unfair advantage over other applicants for positions and/or been otherwise involved in any misconduct within the promotional system. The statutory declaration will recognise that any officer who is subsequently found to have been involved in such activity will be liable to action in accordance with the provisions of sections 173 and 181D of the Police Service Act 1990.
5. Any officer who declines the invitation to sign the statutory declaration will not be eligible for nomination or appointment, including temporary appointment.
6. Any officer currently adversely identified by the joint investigation task force and/or within the evidence of Police Integrity Commission will not have their nominations progressed.
7. During the interim period, all appointments progressed in accordance with (3) above will be by way of temporary appointment under the provisions of section 66 of the Police Service Act 1990 only. Such appointment to commence as and from the date at which the officer takes up duty in the position. Where there has been no misconduct identified, the position will proceed to permanent appointment, subject to the

outcome of any applicable appeals to the GREAT. The period of the section 66(1) appointment would then be recognised for incremental and seniority purposes.

8. In the interim period, where Commanders consider that it is not appropriate to meet operational needs by way of normal relieving arrangements, including the payment of higher duties allowance, applications can be made by Commanders to temporarily appoint officers to vacant positions in accordance with the provisions of section 66 of the Police Service Act 1990. Such applications will be processed and approved in accordance with current procedures and delegations.
9. A copy of the statutory declaration which officers will be invited to sign is attached to this memorandum.

I am concerned that there should be a minimum of disruption to the police promotion system and that no employees are disadvantaged through this process. However, I consider it imperative that no employee is disadvantaged because of the misconduct of some officers.

P J Ryan Commissioner

↑
TOP

SUBMISSION ACCOMPANYING INTERVIEW WITH POLICE INTEGRITY COMMISSION
ON MONDAY 22 OCTOBER, 2001

Mr Richard Kenna

I am aware that you are in possession of all relevant documentation surrounding my original complaint concerning the police promotion system and further documents which demonstrate beyond doubt what can only be considered, gross mal-administration by senior executives of the Police Service in the matter.

I have prepared this document as a guide to the chronology of events, to identify involved persons or organisations and to raise concerns I hold as a consequence of my dealings with them directly or indirectly.

ORIGINAL COMPLAINT TO SCIA /BRAMMER EMAILS

There is no doubt that Mr Brammer was personally aware of my specific complaint made in August 1999. Emails both to and from Mr Brammer confirm this beyond doubt.

Given that Mr Brammer knew personally of the concerns I raised in that complaint:

- 1) why did he fail to identify the risk to the Police Service?
- 2) did he fail to disclose those concerns to the Commissioner as I had requested in my original complaint?
If he did fail to, why?

I have been advised that my complaint was forwarded by SCIA to a Police Service Solicitor for a legal advising. On 4 November, 1999 that Solicitor provided written advice and I quote "*...the concerns of Sergeant Fenlon, well founded, may be considered to render questionable the effectiveness and probity of the selection process...*"

Given that the risk was real and supported by legal advice to that effect:

- 1) why was the file allocated to Human Resources for investigation?
- 2) Why was I never interviewed during the alleged investigation
- 3) Who if anyone was responsible for reviewing the outcome of the investigation carried out by Angela Myers?
- 4) Why did the reviewing officer fail to identify the Service wide risk?
- 5) Why was the conflict of interest concerning Myers not identified during either the allocation or review processes?

ASSERTIONS MADE ON POLICE TV

Given that I stated to the Commissioner and his deputies on Police TV on 10th November 1999 that the promotional system for Duty officers lacked integrity and required urgent review:

- 1) why did both the Commissioner and Deputy Jarratt fail to respond to the issue of lack of integrity of the process in their respective responses?
- 2) Why did neither proactively seek a personal explanation to my concerns immediately after the program?

Given that Mr Jarratt's opening comments clearly indicate delegated responsibility for oversighting the promotion system in place:

- 1) why was Jarratt allocated such responsibility in front of the Executive Director Human Resources, Mr Ed Chadbourne?
- 2) Who made that decision?

MEETING AT POLICE H.O. ON 2ND DECEMBER, 1999

Given that I made a request through the Commissioners Chief of Staff at the time, Superintendent Scipione to meet with the Commissioner regarding my concerns:

- 1) who was responsible for allocating Inspector Adrian McKenna and former Superintendent Peter Rankin to meet with me?
- 2) What happened with my submission which was intended for the Commissioner and Deputy Jarratt?
- 3) Did McKenna or Rankin in fact report on my concerns to the Commissioner or Jarratt as I requested?

Given that Gary Richmond subsequently indicated to me that Mr Jarratt was in fact the officer to who McKenna and Rankin reported the matter:

- 1) what did Jarratt actually do with the information?
- 2) Was there any communication between the Commissioners office and Mick Tiltman and/or Angela Myers as a consequence of that submission?

THE "RADIUM" INVESTIGATION

McKay' investigation findings in the Radium inquiry were flawed as further investigation and discussion with myself would have revealed knowledge of the problems with the promotional system existed within the senior executive, and that they failed to act appropriately to deal with same, including her Commander Mr Brammer.

McKays concluding investigators report states that my original complaint was made to Human Resource Command rather than as was factually the case, Internal Affairs Command. This can be construed as deflecting responsibility for the investigation away from Internal Affairs in the first instance.

Given the disclosures of admissions by Police involved in the Radium investigation, why were criminal charges not preferred or 181d action taken against those involved ?

Given that during the course of "Radium, a memorandum was sent personally from Brammer to Jarratt on 17 February, 2000, which was subsequently responded to by Jarratt on 7 March, 2000 (Information from Richmond):

- 1) knowledge of confirmation of the corruption of the promotions system would have at that time existed in the mind of Jarratt
- 2) why did Jarratt fail to act on this information?
- 3) Why did Jarratt then mislead the Parliamentary Select Committee No.3 when giving evidence on behalf of the Commissioner, regarding the promotion system, before that Committee on 14 May, 2001 (Pages 14 & 15 of transcript)

Given that a similar memorandum was sent to the Commissioner by Brammer around the same time which was also responded to by the Commissioner (dates unknown):

- 1) knowledge of confirmation of the corruption of the promotion system would also have been present in the mind of the Commissioner at that time
- 2) why did the Commissioner fail to act on this information?
- 3) If Brammer had not previously notified the Commissioner or his deputies of my original complaint, did he do so at this stage? If not why not?

Given that I have been advised by Gary Richmond, who oversighted Radium, that he made several observations and written recommendations concerning the lack of integrity of the promotion system at the conclusion of that investigation, to the Commissioners Office (his assertion in June 2000 by telephone to me and restated by him on 11/10/01):

- 1) why was no action taken by the Commissioner or his Deputies on these observations and recommendations to address obvious integrity failings of the promotion system?
- 2) Who gave approval for the continued use of the promotions system after the RADIUM findings were made know to the Commissioner and his Deputies?

OMBUDSMAN INVOLVEMENT

Given that in the interim, S.C.I.A. had forwarded my original complaint to the Ombudsman for finalisation and that the Ombudsman had readily identified obvious and serious failings in the investigation:

- 1) why were these failings not identified by S.C.I.A. during or post the Radium investigation and acted on.
- 2) Why was my original complaint again referred to the Police Service for further investigation?
- 3) What observations did the Ombudsman make of the Radium investigation?
- 4) What recommendations, if any has the Ombudsman made to the Police Service in respect of the promotion system following their review of both my complaint and in particular Radium?

MEETING WITH RICHMOND AT OMBUDSMANS OFFICE 4TH APRIL, 2001

This meeting took place after my original complaint had been returned to the Police Service to address concerns raised by the Ombudsman concerning the handling of my complaint. Gary Richmond was apparently delegated to attend the meeting representing the Police Service. Also present were Kim Castle (Ombudsmans office), Senior Sergeant Steve Graham (I.W.S.U.) and myself.

I recorded the proceedings on mini-cassette.

GARY RICHMOND

Since that meeting I have met with him personally only on one further occasion and that was to present a copy of the submission I prepared and provided to McKenna and Rankin on 2 December, 1999. That meeting took place in SCIA and during that meeting he showed me a computerised transcript of an interview that his officers had conducted with Angela Myers during the course of the Radium investigation. During that meeting he asked for time to commence the re-investigation of my original complaint and the matters arising from its handling. I stipulated a three week period before I would "go public" with the matter.

4.

Three weeks passed with no apparent progress. The matter then appeared in the Sunday Telegraph. Channel 7 and 9 picked up on the story and the revelations were given further public exposure that night on both T.V. stations. I received a telephone call from Richmond that night congratulating me on my "performance".

All other contact has been by way of telephone. Contact being initiated by both parties.

During these telephone contacts Richmond has provided me with limited updates under the now apparent pretence that a full investigation into my matter was being conducted.

No written updates have ever been provided to myself by Richmond.

Richmond has constantly intimated to me that an investigation into my particular concerns involved the Police Service, the Ombudsman and the Police Integrity Commission.

He has indicated to me that he has met with or spoken with both Tim Sage and Steve Kinmond concerning the development and implementation of an investigative strategy a number of times as a consequence of my complaint.

He gave me assurances that the investigation involved only the most senior personnel. At no time did he infer that there was in fact a drug investigation.

He has provided me with advance notice of the "JETZ" hearings involving Menzies et al. He has provided me with advance notice of the dismissal of Jarratt. He recently provided me with advance notice of the current "FLORIDA" hearings, but failed to stipulate they involved drug matters only. The inference however at the time being that the inquiry involved my allegations. Yesterday (11/10/01) he advised me of the recommencement date of hearings for "JETZ".

During the initial "JETZ" hearings he indicated to me that the terms of reference were not set in concrete, inferring that a broader investigation of the promotion system was imminent "behind the scenes".

I requested and have continued to request confirmation from him regarding the conduct of a specific PIC inquiry into the promotion system. He has constantly refused to provide that information and other information, citing a secrecy agreement he has been required to sign with the NSW Crime Commission (this was a Freudian slip during one of our conversations prior to the JETZ hearings commencing). He has continually used this secrecy agreement to avoid providing details on the progress of my complaint. Frustrated by the lack of information I sent an email to the Commissioner of Police.

Owing to a lack of response and growing concerns regarding a possible conspiracy of silence involving Richmond and SCIA. I again went public with the matter.

Surprisingly there was no response from Richmond on this occasion.

This served to confirm somewhat my suspicions that Richmond might, since April 2001, in fact been engaged to ensure I and the matter I was raising, kept as low a public profile as possible.

In view of statements made by Richmond to me in the past concerning the involvement of Tim Sage and Steve Kinmond in the "decision making process" regarding my complaint. I sought a meeting with Mr Sage, hence the email sent.

Having been contacted by Richard Kenna as a consequence of that email. I have gleaned that the PIC did not in fact ever intend a general inquiry into the police promotion system. This caused me considerable concern.

I sent an email to Richmond and subsequently received a telephone call from him the following morning.

I learned that he and SCIA, have done nothing with my complaint beyond interviewing Angela Myers since our meeting at the ombudsmans office in April, 2001.

I have learned that he sent the file to Deputy Commissioner Moroney some time ago and that is where it has remained.

He advised me that he has no further responsibility concerning the matter as he has been moved from the operational area to the intelligence area of SCIA.

He stated that he is of the opinion that the matter must be dealt with in an "inquisitorial forum", preferably at the PIC or the Ombudsman.

He stated that he personally has recommended that course of action.

He stated that Deputy Commissioner Moroney has "Pleaded with the PIC" to have the matter included in hearings at the PIC.

He stated that he had heard the Commissioner had also asked the PIC "that it be looked at".

He stated that it was not a priority for the Police Service and that his office had insufficient resources to address the matter with all the "other stuff" going on.

He stated that PIC did not have the resources to deal with it either.

He stated that the Police Service and he had done all it could to have the matter looked at and that it would just have to wait.

I asked if any other senior officer had been interviewed regarding the matter he again said no, that it was not appropriate that they be interviewed before Myers or Tiltman and that those interviews could only effectively be conducted in an inquisitorial format.

When asked when he had been advised that the PIC would not deal with it, he stated that it was not up to him "we're the tail and PIC is the dog, the tail cant wag the dog". When I asked why he had not told me in person, he grew indignant.

I asked if the Police Service could not or would not deal with it and the PIC had refused it, why was it not immediately referred back to the Ombudsman to be dealt with? He said it would in time.

I said I believed that would not be until after the Commissioner was "off the hook" and that his role in the promotions system, i.e. allowing it to occur and then failing to address the problem after discovery, which would affect his credibility, would be discovered too late to do any damage to him. I also stated that such an outcome would suit the Minister and Government.

He again reiterated his recommendations to the Commissioners office as a consequence of the Radium investigation and the fact that he had personally put it on paper as well as having reported my concerns to the Commissioner in person the day after our meeting at the Ombudsman office as well as providing further documentation to the Commissioners office on my matter. He stated that it was out of his hands and demanded to know what I wanted him to do.

I asked him to take the matter back to the Ombudsman himself or indeed go to the media himself if he was so unhappy with the response of his superiors to the matter. He dismissed the first idea as not being his responsibility and the second as being absurd.

I asked if he was prepared to give me copies of his reports and recommendations concerning Radium and my matter, he refused stating that I could ask Scipione for them. I asked that he provide in writing to me what he has just revealed to me in this telephone conversation, he said he would not.

At this time I was convinced beyond doubt that Richmond has been engaged in conduct designed to avert an otherwise extremely damaging expose of the performance of the Senior Executive of the Police Service, in particular the Commissioner. This would ensure that their fore-knowledge of the problems to which they were alerted and their subsequent handling of the matter would not be revealed.

Richmond because of his association with Brammer (Brammer actually selected Richmond to SCIA and was his Commander for some time – it is clear from conversations I have had with Richmond that he is loyal to Brammer) and his position in the organisation, i.e. deferring only to the Commissioners office and his current commander, Scipione (who was the Chief of Staff for the Commissioner at the time of my original complaint), will do nothing himself to endanger his position by discrediting his immediate superiors. While he has at least admitted he is not happy with the handling of complaint, he is not prepared to act independently for the reasons cited.

However, Richmond has already provided himself with an alibi for not taking independent action. If indeed he has provided written recommendations concerning the promotion system to the Commissioners office as a consequence of Radium and my complaint (he disclosed to me that he had copies of those documents secured), should the need arise he can always defer responsibility for inaction in the matter to a higher authority. Should a public inquiry indeed be carried out in the future regarding the conduct of the investigation, he will emerge from it unscathed – as having fulfilled his responsibility. The risk to Richmond is therefore negligible and he can effectively wash his hands of involvement.

The revelations of that telephone conversation has now provided my original complaint a new and far more serious dimension regarding the conduct of the Police Service in this matter.

INVOLVEMENT OF FORMER DEPUTY COMMISSIONER JARRATT AND HIS DISMISSAL

Former Deputy Commissioner Jarratt was a major stakeholder in the promotions system having been given charge of overseeing it by the Commissioner in 1999. As a consequence of that delegated responsibility, Jarratt became engaged in negotiations with the Police Association since 1999 regarding the promotion system.

Jarratt's staff officers in H.Q. included Adrian McKenna and Peter Rankin, the officers whom I met with in Police HQ on 2 December, 1999.

He enjoyed a close professional relationship with both Mick Tiltman and Angela Myers which had developed over many years.

By virtue of circumstances and the reporting relationships, Jarratt had knowledge of the integrity shortcomings of the promotion system yet failed to act.

Jarratt failed to fully report his knowledge of integrity shortcomings of the promotion system in responding to a memorandum from Brammer during operation Radium in February 2000.

Jarratt featured prominently in my subsequent complaint to the Ombudsman and in my meeting with Richmond at the Ombudsman's office on 4 April, 2001.

Jarratt misled the Parliamentary Standing Committee No.3 in evidence during its inquiry into Policing at Cabramatta in responding to questions concerning the police promotions system.

I was advised of the imminent dismissal of former Deputy Commissioner Jeffrey Jarratt 30 minutes prior to the official press release, by Gary Richmond vide telephone.

I was not surprised by his dismissal.

Whilst the public have not been made aware of the reason for his dismissal, Richmond indicated to me that his dismissal resulted because the Commissioner "was sick of being told lies".

I believe he was dismissed for his handling of the promotions system.

I believe that the timing of his dismissal was strategic.

I believe the Commissioner intends to attribute blame upon Jarratt for the integrity failings of the promotion system.

THE INVOLVEMENT OF POLICE ASSOCIATION OF NEW SOUTH WALES

From the earliest opportunity in 1999, I had been in contact with both Mark Burgess and Phil Tunchon regarding concerns I held about the promotion system. This involved numerous telephone calls and several emails to both individuals.

Both were made aware in 1999 of the susceptibility of the promotion system to be corrupted and in the case of Burgess, he was personally aware of the "Radium" investigation.

The Police Association has never seen fit to highlight the obviously serious integrity shortcomings of the current promotion system.

If ever that aspect of the promotion system was discussed with former Deputy Jarratt or other representatives of the Commissioner during the "Tri-partite" Committee meetings, neither the Police Service or the Police Association have ever made the outcome of that discussion public.

In any event the Police Association, having knowledge of the susceptibility of the promotion system to be corrupted has not acted ethically in addressing the matter. I strongly suspect that the "integrity issue" surrounding the promotion system was "negotiated" into silence and inaction in return for industrial or personal gain.

My suspicions are confirmed to a significant degree in that since my claims were made public, I have received no formal contact or support in the matter from the Police Association. Not only that but the current administration has never seen fit to describe the process as corrupt, preferring the term inept to describe it. How is it that the Police Association has also apparently failed to recognise the obvious regarding the integrity of the process.

In my analysis of events a promotion system that can be manipulated to personal advantage, provides the unscrupulous within the senior executive of the Police Association with a means of establishing powerful networks within the Police Service.

I strongly suspect complicity on the part of persons within the senior administration of the Police Association of NSW in permitting the promotion system to continue in its current form, despite knowledge of it being a corruptible and corrupted process.

THE INVOLVEMENT OF THE POLICE INTEGRITY COMMISSION

Whilst I appreciate that resources within the PIC are limited, the PIC saw fit to initiate operation "JETZ" as a consequence of information disclosed, but not expected, concerning the corruption of the promotions system during an investigation into illicit drug dealing by Police.

I must assume that the PIC was at some stage made aware of operation RADIUM by the Police Service, in any event in June 2000 that information was provided by myself to the PIC.

I consider that my complaint was of such significant importance in terms of the potential for the existence and promulgation of systemic corruption within the Police Service, that even without substantive evidence of that corruption existing, it warranted an investigation by the PIC.

Now that substantial evidence of corruption of the promotion system does in fact exist, failure to include an investigation into the root cause of the existence of the problem would be extremely difficult to justify whatever excuses may be offered.

As I have already stated in other documents on hand at the PIC, it is irrelevant how many officers are exposed as having corrupted the promotion system or what their motives may have been. The fact remains that the current "JETZ" operation was avoidable. Avoidable had the senior executive of the Police Service acted in a responsible, professional and ethical manner in response to my concerns in 1999. They did not. As such they have demonstrated gross negligence and incompetence in their respective positions and must be publicly held accountable for their mismanagement of the matter.

The position of the PIC to not include a general examination of the promotion process which would incorporate events surrounding my involvement in the matter, within operation "JETZ" can only be interpreted as a fundamental failing of the PIC in the role for which it was intended.

AFFECTS OF A CORRUPTED PROMOTION SYSTEM ON THE POLICE SERVICE

Though previously stated in other documents, the affects of a corrupted promotion system upon the well being of the Police Service must be fully appreciated in order to judge the seriousness of the matter.

A corrupt promotion system is the primary contributing factor to:

- 1) low morale and all that entails (eg high rates of sick leave)
- 2) high attrition rates, particularly of experienced police
- 3) a reduction in operational effectiveness
- 4) the establishment of internal criminal networks supporting the emergence and continuation of more sinister forms of corruption
- 5) the establishment of internal quasi-political networks of power and influence

All of these inter-related phenomena are currently being experienced by the NSW Police Service, yet few within the Police Service, especially in the upper echelons, appear anxious to make the connection between them and the promotions system in place.

Based upon these outcomes and their continued risks to the NSW Police Service well into the future, there is no doubt in my mind that the introduction and continued use of the police promotion system, has been the most obtuse example of gross mal-administration ever demonstrated in the history of the NSW Police Service.

Uncertainty regarding the extent of the corruption of the promotions system only serves to heighten the risk, not reduce it.

POLITICAL AGENDAS

I am sufficiently conscious of the political aspects of this matter to identify the potential for unethical interference by those most likely to be affected.

Both the Commissioner and Government can expect to suffer adverse personal and political comment where the promotion system is exposed not just as a failed reform, but a failed reform with the worst possible consequences for the Police Service and ultimately the community.

It is not in the interest of the Commissioner or indeed Government to expose the failings of the promotion system, or indeed the incompetence of the Police Service senior executive in failing to deal with the integrity risks identified in 1999 and re-inforced in 2000 by the Radium report.

I am firmly of the opinion, regardless of reasons proffered, that the Police Service has recently engaged in a cover up at the highest level regarding my complaint simply by delaying its address and that that action has been by design, to minimise or avert damage to the credentials of the Commissioner, his senior executive and perhaps to Government.

As the Police Integrity Commission also falls under the responsibility of the Minister of Police, I am concerned that the investigation of my complaint by the PIC will be decided not so much by the substance of the complaint but by possible political outcomes.

I am at least cognitive of the fact that there exists a political conflict of interest for the Minister of Police in this matter.

THE RESPONSE OF THE COMMISSIONER

I am greatly disturbed that the Commissioner has already pre-empted any findings of a public inquiry into the promotion system by making a series of announcements recently.

The fact that these announcements were made at all suggest that the Commissioner feels comfortable that no such public inquiry will be held or indeed if held, he has nothing to fear from any findings or recommendations that might be made by the Police Integrity Commission as a result.

CONCLUSION AND RECOMMENDATIONS

It would appear that the final paragraph of my original complaint in 1999 has been prophetic. My complaint has indeed been subjected to neglect, incompetence and dishonesty by any number of individuals and authorities who have come into contact with it. All of which have only served to further my resolve not diminish it. Through their actions, those involved have simply exacerbated their culpability.

It should be quite apparent that this complainant and the issues being pursued will not be going away. I believe I have demonstrated a degree of patience and persistence which, although unusual, are appropriate given the seriousness of the subject matter. Furthermore I know I am right, regardless of how many or how powerful my detractors may be. More importantly I am gaining support.

The Police Integrity Commission must include an additional term of reference within the current "JETZ" inquiry.

That term of reference must be sufficiently broad to include a public examination of the promotional system, the circumstances surrounding my complaint, the examination of all parties involved regarding their knowledge and actions, the investigation codenamed "Radium" including its findings and recommendations and all other related matters.

The aim of such inquiry being to expose the gross corrupt/unethical and/or incompetent management practices surrounding the issue, identify and attribute culpability to those individuals responsible and arrive at appropriate recommendations.

In regard to possible recommendations arising from a public inquiry into the promotion system, I re-iterate those made in previous correspondence to the Police Integrity Commission.

- 1) To ensure the destruction of all corrupt/quasi-political networks established and entrenched since the introduction of this promotional system, all promotional appointments made must be immediately rescinded.

Whilst this action will have both a de-stabilising effect on the Service and be accompanied by imminent civil litigation from persons affected, the potential risk to the Police Service and the community by allowing the status quo to be maintained, far outweighs these considerations. Whether such action would necessitate the introduction of a bill in Parliament then that action must also be taken.

- 2) A promotional system incorporating written examinations, relevant experience and minimum tenures on rank, must be developed and operated by an agency external to the NSW Police Service.

This process must be devoid of input and influence from the NSW Police Service and from the NSW Police Association. Self serving individuals within both organisations must not be given another opportunity to influence decisions regarding appointments.

Mark Fenlon
Sergeant
N.S.W. Police Service
19 October, 2001



The Hon. Helen Sham-Ho

B.A., B.Leg.S., Dip.Soc.Wk., J.P.

*Member of the Legislative Council
Temporary Chairman of Committees*

Mr Mark Fenlon
9 Welland Close
Jamisontown
NSW 2750

24 October 2001

ref: 2410jy

Dear Mr Fenlon,

Re: Allegations of Corruption in the Police Promotions System

I am writing in response to your e-mail of 10 October 2001, regarding allegations of corruption in the NSW Police Service promotions system. I refer also to your previous e-mail to me on this issue dated 28 May 2001.

I note your concern that the information contained in your e-mail of 28 May 2001 was not incorporated into General Purpose Standing Committee No. 3's report on Cabramatta Policing. Unfortunately however, the allegations you made in relation to corruption in the police promotions system were outside of the terms of reference of that inquiry. For your reference, the inquiry into Police Resources in Cabramatta was responsible for inquiring into and reporting on:

- a) the adequacy of police resources in Cabramatta, especially in relation to drug crime;
- b) the impact, if any, of the crime index on Cabramatta policing; and
- c) the effectiveness of the Police Service in addressing the needs and problems of Cabramatta residents and in particular people from non-English speaking backgrounds.

While the Cabramatta Policing inquiry was unable to investigate your claims, I draw your attention to the fact that the Police Integrity Commission has recently begun an inquiry into the problem of corruption in the police promotions system. This inquiry, known as the 'Operation Florida' hearings, is currently being overseen by Acting Police Integrity Commissioner Tim Sage. I suggest that you contact Commissioner Sage with this information, if you have not done so already.

Thankyou for bringing your concerns to my attention.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Helen Sham-Ho'.

The Hon. Helen Sham-Ho MLC

"Special Conference" 7 December 2001

Dear Members,

In accordance with the rules of your Association I have called a "Special Conference" commencing at 12 noon on 7 December 2001. Following extensive consultation with the membership I am proposing a number of rule changes (as outlined below). In particular, I wish to draw your attention to the proposed electoral changes which, if enacted, will ensure fair representation from all regions at Executive level.

All delegates who were elected prior to the 2000 Biennial Conference have been formerly advised and provided with comprehensive detail of the proposed rule changes.

Summary of proposed rule changes-

- ⌚ Management of the Association to comprise of; a President, a Vice President, a Treasurer and 14 Executive.
- ⌚ Executive composition- One Executive member from each of the following regions City East, Endeavour, Georges River, Greater Hume, Macquarie, North Metropolitan, Hunter, Northern, Western, Southern Rivers, South Eastern and Commissioned Officers. Two Executive members from the Specialists region.
- ⌚ President, Vice President and Treasurer to be elected by Conference Delegates at the Biennial Conference.
- ⌚ Executive members and Conference Delegates to be elected by their Regions prior to the Biennial Conference.
- ⌚ In the event of an Executive member being transferred to another region or upon promotion to Commissioned rank that person would relinquish their position in favour of the next eligible candidate from the region.
- ⌚ These proposed changes and subsequent administrative and financial changes refer to rules *E.1, E.4, E.6, E.9, E.11, F.12, I.1(a), 8.3, 8.4, 8.5 and 8.13.*

For complete details of proposed rules changes and supporting information (as supplied to current Delegates) please contact Mr Phill Tunchon, Manager Legal Services at your Association.

Ian Ball

President

22 November 2001

The Hon. R. D. DYER: Would you mind articulating the figure at the end?

Mr JARRATT: It is 4,644 for Cabramatta. Are there any others you would like for comparison purposes? I will provide all this material to you. I felt it was easier for me to concentrate on that one set, if that was okay.

CHAIR: They are charges but do you have the success rate of convictions?

Mr JARRATT: I have not got anything specifically on Cabramatta, but again we could give you material. We have an 85 per cent success rate at the Local Court. Fairfield may vary from that marginally—I have to say I do not know precisely—not much, it would be in that region. For the sake of completeness—because this will come to our index at a later point—I will refer to goods in custody. One useful piece of legislation from a police officer's point of view is one that reverses the onus: you suspect someone is in possession of stolen goods or property then you can take them before a court and the onus is on them to establish they came by the goods lawfully. It is what is called goods in custody and is where you cannot prove they are stolen or are otherwise unlawfully obtained.

We mix this with receiving—because again this only happens when police are active out there, asking citizens when they have reasonable suspicions to justify their possession of goods—which is an offence where people who might be seen to have stolen something want to convert it into cash. These days we find that they actually take out the middle man, then usually hand over the goods to the supplier who is not only a supplier of goods but a receiver of stolen goods in exchange. That is an important one from one perspective—and one I take as a personal measure of the activity of the police. It is only generated when police are out doing their job. Again, in my view it would tell me that Cabramatta police are active.

The Hon. R. D. DYER: Is that figure 498?

Mr JARRATT: Yes, it is. The next one we again use as an indicator of police activity is under the police and public safety Act which was introduced on 1 July 1998 and one I pushed pretty hard myself about police being active on the street using the move-along provisions and the search for knives. Again, you will see that Cabramatta is relatively active, although not as high as some other locations, with 772. The last one is traffic offences which again, has a good piece of legislation for police to be active out and about. Again you will see that Cabramatta is very active in the use of traffic offences. I would take from that—and you can make your own judgments about what you take—that the police at Cabramatta are very active.

The Hon. R. D. DYER: That was for all traffic offences?

Mr JARRATT: To be clear, it does not include infringement notices at the present time. If you are hit by a speed camera or that sort of thing it would not be included in that. This is where someone has actually been arrested and charged with an offence.

The Hon. J. H. JOBLING: Would you not consider, in view of the small size of the Cabramatta local area command, that is a fairly high ratio of offences?

Mr JARRATT: It is a high ratio of offences, yes.

The Hon. J. H. JOBLING: Is there any particular reason you would offer for it being so high in Cabramatta as opposed to the other areas with greater numbers of people?

Mr JARRATT: Again probably because we pay a fair bit of attention and time—there is not strictly a highway patrol unit at Cabramatta but there are two for the Greater Hume region and those units and our central traffic area—around the Cabramatta local area command. It also has some major thoroughfares on its extremities as well as. I guess, we are concentrating a little bit on the central business district, but at one end the Hume Highway and at the other end the Cumberland Highway go through. It does carry a fair bit of traffic. If I might move on to the crime index. I am coming to numbers of people, Mr Dyer, if that is okay?

The Hon. R. D. DYER: Do I look particularly impatient?

9 Welland Close
Jamisontown NSW 2750

Mr Steve Kinmond
Office of the NSW Ombudsman

Dear Mr Kinmond,

As your agency is apparently responsible for reviewing the implementation of the Crimes Amendment (Police and Public Safety) Act by Police in the field, I wish to advise of conduct which could be considered to be unethical/corrupt or indeed criminal by officers within the Blacktown Local Area Command.

The conduct I refer to relates to methods employed by officers within the Blacktown Local Area Command in their implementation of the legislation.

The conduct involves either the artificial inflation of reporting statistics or indeed what could appear to be criminal conduct by the Police involved i.e. carrying out unlawful searches upon members of the community. Statistics obtained by myself from the C.O.P. system (copies attached) substantiate these allegations.

I have not previously raised this matter as I considered it secondary in priority to my complaint regarding the promotion system. However as the promotion system complaint is apparently stalled, I feel it is appropriate to utilise this time to raise this new matter.

My complaint is based upon a analysis of available statistics from the C.O.P. system and information I have been told surrounding the actions of personnel currently or formerly attached to both the Blacktown Area Response Team and the Blacktown Bicycle Squad.

From that information it is my belief that Police attached to those sections have routinely:

1. Created false knife search incidents without having carried out such searches
2. created additional incidents based on number of persons spoken to rather than the actual number of incidents
3. sought to have "knife search incidents" generated by custody staff of all persons entering police custody to increase statistical data.

Certainly the C.O.P.S. documents attached attest to a situation where over 90% of persons contacted during the course of the the implementation of the legislation and "moved on" were also subjected to a search. If true, this is alarming in that it presents as gross abuse of the powers conferred under the amendments to the Act, where Police are required to have "reasonable cause" to carry out a search for a knife or other weapon.

2.

The proposition that reasonable cause did exist in the minds of the officers concerned before carrying out a search in over 90% of contacts with members of the public in implementing the legislation is ludicrous in the extreme. Further the fact that a substantial number of persons searched were female is also cause for concern. Given that few female police were attached to either section during the time frame examined and the fact that hand held metal detectors are not generally employed by either unit in their day to day operation (despite the ready availability of the equipment) also lends significant credence to the following allegations I now make.

1. Police have knowingly created false and misleading C.O.P.S. records relating to the Crimes Amendment (Police and Public Safety) Act.
...and/or...
2. Police have, knowingly or otherwise, been abusing their powers under the Crimes Amendment (Police and Public Safety) Act.

I have not been prepared to raise this matter with Superintendent Wales as I am led to believe he has been aware of the situation for some time.

I am concerned that Superintendent Wales may indeed actually be advocating the methods being used by officers attached to those squads in order to "drive up" the Blacktown Local Area Command statistical data regarding the legislation.

As you would be aware there are constant references by the Police Minister, the Commissioner and indeed even the Region Commander, Greater Hume, regarding the effectiveness of the Crimes Amendment (Police and Public Safety) Act. Those parties relying upon statistical information from the C.O.P. system to quantify their public assertions that the legislation is effective. Clearly this situation places significant pressure upon Local Area Commanders to continue to provide high statistical returns relating to the implementation of the legislation.

In brief, it is my belief that Local Area Commanders are less concerned regarding the validity of the C.O.P.S. entries relating to the legislation or the means by which they are obtained by their staff, as long as they are obtained and entered on the C.O.P. system. Certainly the statistics as they relate to Blacktown Local Area Command substantiate this belief.

In relation to Mr Wales, no written direction exists regarding his position in relation to enforcement of the legislation. However I am advised that "his position has been made clear to staff" verbally. I have no doubt that a verbal direction to staff attached to both BART and the Bicycle Squad to increase the number of knife searches, has been issued by Mr Wales and is regularly re-enforced by supervisors within those units. Indeed the performance of officers (and continued performance of duties within those units) are judged in no small degree by the number of "knife searches" and "move ons" recorded by each officer. As both units are far more attractive than the alternative (a return to general duties), the officers within those units are both expected and indeed are prepared to "do what is necessary" and not "rock the boat".

Up to very recently one of those officers prepared to do what was necessary was the former officer in charge of B.A.R.T., Detective Senior Constable Gary Simms. It was in fact Detective Simms who approached custody police staff to create fictitious "knife search" incidents for persons entering police custody.

Of concern is that Superintendent Wales personally appointed Detective Simms to lead the BART and actively involved him in all Command Team management meetings. Further Mr Wales has demonstrated an unusual degree of loyalty and support to Detective Simms despite Detective Simms being charged with over 60 counts of unlawfully accessing computer records, a matter referred to as a case study in the recent annual report of the NSW Ombudsman.

3.

I am concerned that this loyalty to a staff member on the part of Mr Wales, might be driven by motives arising from a fear of discovery of involvement in falsification of crime statistics rather than genuine concern for Detective Simms' welfare.

In any event one would have expected that the anomalies within the statistical data should have been obvious to Superintendent Wales and some remedial action implemented by him.

One would also have expected that the occupants of the Crime Manager position (several persons have relieved in the position) would also have identified the anomalies and initiated some action.

The fact that no one has taken any action is suggestive that some complicity to the fraud by all parties, has taken place.

I believe that the conduct referred to appears to be confined to the operation of the Blacktown Area Response Team (B.A.R.T) and the Blacktown Bicycle Unit, both being the proactive "arms" of the Local Area Command and responsible for most of the C.O.P.S. data entry concerning the Crimes Amendment (Police and Public Safety) Act. However I would point out there are rumours of similar practices at other Local Area Commands and I suspect the problem might be far more wide spread across the Police Service.

Having regard to the significance of this complaint in so far as the integrity of the statistical information contained within the C.O.P. system and/or the unlawful infringement upon the civil liberties of members of the community, an immediate and independent investigation must be carried out. Certainly if the NSW Bureau of Crime Statistics and or the Council for Civil Liberties had knowledge of this matter one would expect both agencies to be most vocal in demanding that action.

Owing to the obvious potential for conflict of interest in that the Police Service would not welcome another investigation and further criticism of a second purported "corruption resistant system", by the same Police complainant, I would insist that this matter be investigated by staff from your office or that of the Police Integrity Commission. Should the matter be referred to the Police Service for investigation I have absolutely no doubt that the investigation will be compromised through collusion and this author will be placed at further risk.

I cannot sufficiently overstate this concern. It would be a simple matter for Superintendent Wales to utilise his position to unduly influence the relatively junior Police attached to both the B.A.R.T. and bicycle squads, prior to those officers being interviewed. Indeed I fear most of those junior officers would be willing to conform to any scenario proposed to them by a senior officer in order to avoid punitive action.

I would not presume to dictate to your agency the manner in which the investigation should be carried out, however I would recommend an analysis of C.O.P.S. statistics as they relate to the Crimes Amendment (Police and Public Safety) Act in the first instance. This action would provide sufficient evidence in "hard copy" form to be obtained to further substantiate this complaint. I would also recommend a similar analysis of statistics on a Command by Command basis across the State to adjudge the extent and degree of this conduct across the Police Service.

I am aware that this complaint constitutes a protected disclosure under the Protected Disclosures Act and as such I will seek the protection that Act confers upon internal informants.

I have referred a copy of this complaint to the Police Integrity Commission with whom I would prefer you conferred prior to making a decision as to the appropriate manner in which to handle this complaint.

Mark Fenlon
Sergeant
Blacktown Local Area Command
13 November, 2001

The Commissioner
Police Integrity Commission
C/- Mr Richard Kenna

Dear Sir,

Whilst I am awaiting a response from the Commission regarding my particular complaint regarding serious mal-administration and misconduct surrounding the introduction and continued use of the Police promotions system, I consider it appropriate at this time to bring another unrelated matter to notice for investigation.

I have attached a copy of a letter of complaint and supporting documentation, which I recently sent to the NSW Ombudsman concerning the matter.

I have expressed concerns in that letter regarding the potential for the investigation of the complaint to be compromised should the matter to be referred to the NSW Police Service. Given the manner with which the Police Service has dealt with my complaint concerning the promotion system, I consider those concerns as being well founded.

In view of the nature of this new complaint, that being

1. falsification of crime statistics and/or the abuse of authority by Police
2. the potential for discovery of this practice as being a service wide phenomenon
and
3. the potential reaction that such a complaint might solicit from interested agencies and individuals..

.. I consider the matter to be significantly important and unique to warrant an independent investigation by either the NSW Ombudsman or indeed the Police Integrity Commission.

I appreciate that resources within the Commission are being tested at the moment, however clearly this complaint is similar to that of the promotions system matter it that it identifies a corruptible system within the NSW Police Service with serious associated risks.

Yours Sincerely,

Mark Fenlon
13 November, 2001

9 Welland Close
Jamisontown NSW 2750

From: Mark Fenlon <markfenlon@bigpond.com>
To: ccosta@parliament.nsw.gov.au <ccosta@parliament.nsw.gov.au>
Date: Wednesday, 5 December 2001 11:15
Subject: Closure of PIC promotions inquiry

Dear Mr Costa, I have not yet received a response from your office regarding a reequest to meet with you to discuss two important issues.

One of those issues was raised this morning by Alan Jones - the closure of the PIC inquiry into police promotions.

The object of my request for a meeting with you was to appeal to you to direct the PIC to either broaden the terms of reference of the JETZ inquiry (now just finished) or direct an entirely new inquiry examining all other allegations that have been made by Police concerning the promotions system.

Let me be perfectly candid about this. The decision to conclude the JETZ inquiry at this pre-mature stage has been motivated by corrupt influences. Whether that influence has originated from Police headquarters or from other areas, is not yet clear.

However it came as no surprise. Whilst the Commissioner can now publicly state that an inquiry has been held and that he is taking action to remedy the problems (such as a new promotion system in January of next year), nothing has been done to effectively address the corrupt networks which will still exist within the Police Service as a result of the promotion system we have had to suffer for the past three years.

Both Alan Jones and Richard Basham have encouraged me to give my new Minister of Police an opportunity to "do the right thing". Both were impressed by your candid and energetic responses to the concerns they raised with you recently and not having had the opportunity to speak with you at that stage, I have been prepared to accept their assessment of your sincerity and desire to get the Police Service back on track. However as they say, seeing is believing. Therefore I am requesting that you personally intervene to ensure that the PIC re-opens the inquiry into promotions.

There have been over a hundred complaints regarding the promotion system and some involve very senior commissioned officers (I know because I have been provided with some copies of the complaints - as have others). I do not intend to see those complaints ignored in an effort by the Police Service to conceal it's dirty laundry from public scrutiny. In fact I will guarantee that I will continue to pursue the exposure of the truth of this matter for as long as it takes. It is simply too important to ignore, it goes to the heart of corruption within the Police Service and is in no small way responsible for many of the other ills within the Police Service. It cannot be ignored, deferred or covered up indefinitely, certainly you must appreciate that.

Whereas your predecessor would never have entertained (I believe) direct communication from a serving police officer in this manner, I am led to believe you are receptive to concerns of Police in the field. Well I am a concerned officer. An officer who has reported corruption and has seen nothing done. An officer who trusted his Commissioner and the Police Service only to see that trust betrayed. An officer who has seen our watchdog authorities bend to the will of Police HQ. Why? because the real corruption is not what's going on at Manly/Davidson or elsewhere ... it is located in College St.

You have effectively been given 15 months to fix up the albatross around your Governments neck, policing. Your re-location from HQ was a step in the right direction and you have adopted a high profile approach, visiting police stations and trouble spots, but that wont be enough. If you leave or push internal corruption issues to one side, you should and can, expect them to come back to bite your administration and Government.

Like those you dined with, I have no political affiliations or aspirations we are simply concerned about what has been allowed to happen as a consequence of the promotion system corruption. We dont care who does the right thing - as long as the right thing is done. Again I ask to meet with you, but if you're reluctant to do so, then obtain the files from Special Crime and Internal Affairs, speak with those who have been involved..

Get to the bottom of it yourself. Then let your conscience dictate your actions, if the impression I have been given of you is in any way accurate, then you wont allow this attempted cover-up to succeed.

I look forward to your response.

Yours Sincerely

Mark Fenlon
(Sergeant NSW Police)
Hm.47 312684

The Hon. Michael Costa
Minister of Police

Dear Sir,

I am a serving police officer who in 1999 applied for a promotion to Inspector under the current promotional system.

As a consequence of taking part in the process I became aware of significant integrity shortcomings within the process which, if left un-addressed, would allow the process to be corrupted by officers to personal advantage.

Conscious of the serious adverse implications for the Police Service by the adoption of such a promotion system, I took appropriate and repeated action, in bringing those concerns to the notice of Superintendent Mal Brammer, Commissioner Peter Ryan and both Deputy Commissioners Jarratt and Moroney. Given that the failings of the process were patently obvious, the risk to the Service real and having, at that stage, no reason to doubt the integrity of the Commissioner and his senior executive, I expected that my concerns would be recognised, adopted and immediate effective remedial action taken.

My expectations however proved to be rather naive given the chain of events which have since taken place.

I will not relate the specific details here, other papers on hand with the Police Service, the Police Integrity Commission and the NSW Ombudsman, are available for your perusal in your capacity as Minister of Police, which clearly demonstrate the degree of corruption of the promotion system and consequently the gross negligence, incompetence and more recently, the extent of the conspiracy in attempting to conceal same on the part of senior members of the Police Service.

Efforts on my part through the Police Association have met a similar fate. Recent revelations at the limited hearings of promotions corruption at the Police Integrity Commission, leave little doubt regarding the motivation for inaction by the Police Association in this matter. Needless to say my public pursuit and position on the matter has subsequently led to alienation of myself by the Police Association. This however does not concern me to any great degree. Membership confidence in the Police Association as an employee representative body continues to plummet and significant changes are already being heralded by more vocal members.

Necessity and indeed good fortune have since provided me with the support of persons well placed and equally committed to ensuring that the corruption of the Police promotions system and all that it entails, will not be allowed to go uninvestigated and un-addressed. Those responsible for the debacle must be held publicly accountable and the damage done to the Police Service under this present administration, undone. These are non-negotiable objectives.

Clearly this is not a matter which will entertain further diversion or inaction. It will continue to make its presence felt regardless of what initiatives are adopted by the Commissioner in his efforts to detract attention.

Proposed changes to the promotion system will not address concerns surrounding the integrity of appointments.

2.

Failure to examine all appointments made in the preceding three years, ensures that incompetence and networks of pseudo-politically based resistance will continue to exist within the Service, compromising the implementation of Ministerial initiatives, regardless of their merit. Simply put, whatever remedial initiatives you propose, will fail.

There are those within and outside the Police Service who would deride such a degree of skepticism, however I would indicate to those detractors that the degree of incompetence and corruption exercised by those in authority within the service has amply been demonstrated in the manifestation of today's problem ridden NSW Police Service.

By now you should be familiar with many of those problems, however I restate the more significant here.

High attrition rates, lack of experienced officers, lack of commitment to the profession, poor performance, high rates of sick leave, lack of human and physical resources, poor transfer policies, lack of developmental opportunity and inadequate in-service training, ineffective command performance indicators, corrupt, unethical and incompetent management practices, corrupt promotion system, ineffective or non-existent supervision, fear of arduous and inconsistent complaints processes, ineffective and constraining legislation, ineffective organisational structures, ineffective selection and academy training, ineffective or non-existent incentives, lack of employee consultation and representation.

All of these issues are inter-related and translate to:- low morale = ineffective policing = lack of community confidence in the NSW Police Service and Government.

Clearly however the most significant common denominator has been the adoption of a corrupt promotion system. No other issue has had such a significant impact upon morale and operational effectiveness.

As an example, consider what has been the affect upon operational effectiveness as experienced Police continue to leave the Service in plague proportions through disillusionment and disappointment.

Imagine having been at the "sharp end" of policing for many many years and seeing those whom have made a career from "warming seats" gain appointments in your stead.

Consider the affect upon those that still remain as they witness appointments up to the rank of Superintendent, of persons who shortly before were Senior Constables. Well connected officers who either just happened to have been involved in the development of the promotion system or are part of an internal hierarchical and intrinsically corrupt network.

What has been the Police Service response to this singular issue of attrition of experienced police. Well the usual modus operandi for any problem is adopted. First, deny there is a problem. Second, try a band aid approach. In this case an attempt to arrest attrition was made through the creation of the position of "leading senior constable." Experienced officers are still leaving and many whom are eligible to apply for the position are refusing to do so on principle. Just one example of the many.

Clearly it is not enough to draw a line in the sand in January 2002 with the introduction of a new promotion system. The damage has been done. The Commissioner appears quite comfortable with the prospect of having those (yet unidentified) incompetent and corrupt officers remain in the positions they now occupy courtesy of the corrupt system that put them there. Are you, as Minister, equally comfortable with that prospect? More importantly do you think the community will feel comfortable about it?

Obviously I and others will never entertain the idea of maintaining the status quo. It is neither morally or ethically acceptable and does not address the real and future risk to the integrity of the Police Service.

As Minister you are the only person who can direct effective remedial action. To do so will of course draw imminent criticism and resistance from those most likely to be adversely affected. However to fail to do so, risks consequences which should need no further elaboration.

You are facing a myriad of challenges of varying priority, the promotions system debacle should be occupying the primary position if it does not already. You have an opportunity to restore faith and trust amongst honest Police and the community. This opportunity, if squandered will never return.

From a personal perspective I seek nothing more than a decision from the Police Minister based upon his conscience, my faith and trust is dependant upon that decision.

I therefore request that you immediately direct the Police Integrity Commission to conduct a broad and thorough inquiry into the promotion system with open terms of reference. I request that you direct a suspension of all Police appointments for the duration of that inquiry. I request that if evidence of widespread corruption is revealed that you take action to rescind all appointments made under this promotion system. I request that where revealed, and not voluntarily disclosed, criminal action be initiated against offending officers for fraud (obtain benefit by deception). I request that where voluntarily disclosed, offending officers be summarily dismissed without prosecution. I request that should managerial incompetence or mal-administration be identified, that those responsible be publicly identified and summarily dismissed.

I thank you for extending the opportunity to meet with you and trust you will seriously consider these requests as a matter of utmost urgency.

Mark Fenlon

7 December, 2001

NO SURETIONS IN
CROSET
BACKGROUND — NO ONE IS LYASING
WITH ME.
RADIUM —

FORE KNOWLEDGE —

IN ACTION —

LIES —

ACCOUNTABILITY — RYAN SACKED?

CANT DO —

JETZ STILL GOING — CLOSED (IN SCHEDULE)
HEARINGS HEARINGS
— ^{ME} DISSATISFIED! SHOULD BE OPEN.
— HE CANT DO ANYTHING ABOUT THAT.

— WHAT DO I WANT: APPOINTMENTS REPR.
ACCOUNTABILITY
FOR THE MEX.
— MATTER ADDRESSED: —

— CORRUPTION LIFE

— NEW LEGISLATION — COPY TO BE
PROVIDED.

— ASK FOR NEW PROCESS GUIDELINES

— NOT AVAILABLE —

— WHO DESIGNED NEW PROCESS?

— DONT KNOW. — COPY TO BE
PROVIDED.

NOT SET IN STONE — ONLY TO

SLEED UP APPOINTMENTS

STATUTORY DEC. TO BE SIGNED BY
ALL IN FUTURE TO PROVIDE FOR
PROSECUTION IF CAUGHT.

- IF CAUGHT NOW - CRIMINAL
PROCEEDINGS FOR FRAUD CAN
BE INITIATED.

- TOO COMPLICATED - NEED FOR
SWIFTER ACTION.

- INTEGRITY OF PROCESS WILL
BE QUESTIONED IF SERVICE RUN AT

- SUGGESTED ALTERNATIVE

- RETURN TO EXAMS - AT LEAST
SUCC. PETS ^{WILL} HAVE SUFFICIENT
KNOWLEDGE TO PERFORM FUNCTION
NOT PRESENT IN THIS SYSTEM

- EXAMPLES QUOTED

- SENIOR POLICE NEVER HOLD
ACCOUNTABLE - ALLOWED TO
RESIGN AFTER COACH OPS

- MESSAGE MUST BE SENT TO
EVERYONE THAT REGARDLESS OF
RANK - INCOMPETENCE &

CORRUPTION LEADS TO DISTRACTION
FOR EVERYONE

(NOT SURE OF THAT - YES
BUT STARRATT'S GONE!

YES - BUT NO ONE KNOWS
WHY - REASON MUST BE
GIVEN & EXAMPLE MADE.

BRING HIM BACK - PUT
HIM IN THE BOX! HOLD
HIM ACCOUNTABLE.

- SYSTEMS NOT CORRUPTION
RESISTANT - PROVEN.

CRIME STATS COMPLAINT
PROVIDED.

- ANOTHER EXAMPLE OF THE
LIES BEING TOLD

- SENIOR POLICE IMPLICATED
IN PROM. CORRUPTION.

SHOULD BE MADE PUBLIC.
NOT BEHIND CLOSED DOORS.

- MENTIONED CRIME AGENCIES
UNDER COV. OF SMALL.

- GREAT INCIDENT

- First round of D.O. Appointments in 99 - 1/2 from Riverview - Georges Riv. Panel Members from there !!
- BAR CODES FOR NEW SYSTEM.
- ~~Full~~ Force Services with some abuse process in some way share or form process will be corrected if force services or Assoc. involved in the selection process.
- Undertaking that the wound seek advice from Com. PIC. to.
- Provide date for interim report
- seek recommendations for new promotion system
- provide an assessment regarding the extent of the corruption of the process.

- IF REGRETMENT IS THAT PROTECTION CORRUPTION HAS BEEN WIDE SPREAD - HE WOULD TAKE ACTION ->
- WHAT ACTION?
- CAN'T SAY AT THIS TIME.
- WOULD HE RESIGN THAT?
- NOT PREPARED TO SAY THAT WITHOUT FURTHER INFORMATION. - CROSS THAT BRIDGE WHEN HE GETS TO IT.
- I SUGGESTED THAT HE START TO THINK ABOUT WHAT HE WOULD HAVE TO DO NOW RATHER THAN UPON RECEIVING THE REPORT.
- I KNOW HIS LIFE & THE PROBLEM & I WILL NOT BE GOING AWAY.
- (EARLIER) ASKED IF I WOULD LIKE TO MEET WITH HIM & RYAN - I SAID NO.

To former West City The
Comm. of THE P.I.C.

I HAVE NO FAITH IN RYAN.

- RYAN LIED TO BY OTHERS
- HE (RYAN) KNEW & SAID
NOTHING - EQUALLY
CULPABLE AS FAR AS I AM
CONCERNED. (CEO'S SHOULD
SEEK FEEDBACK FOLLOW UP.
HE HAS CONTENT TO LET
OTHERS DO HIS JOB -
- ~~CEO~~ DON'T BELIEVE
HE COULD ORG. & MOTIVATE
WITH COM. P.I.C. -
- TOLD HIM I HAD MEETING
ARRANGED WITH D/C P.I.C.
THURSDAY. - TO WHAT SAID
UNKNOWN - TRYING TO GET
INFO FROM THEM LIKE
BLOOD NOT A STONE.
- HE SAID - FOR UPST
ABOUT YOUR GTP NOT
BEING TAKEN SERIOUSLY -

- Me. In other words
NO ONE MENTIONS THE
RISK OF GETTING THEM
WHEN IT WAS IDEED IT
WAS KNOWN FOR OVER 2 YRS.
DESPITE OTHER ADVICE FROM
IA TO THAT EFFECT ALSO.

- CROSS / AN-ADMINISTRATION
OR CORRUPTION OR
BOTH - WHATEVER IT
WAS THEY SHOULD BE
SHOWN THE DOOR (POINTING)

- C. MANAGERIAL DEMENT
LIVITY ?? - NO STAFF!
ME!

- Folder Meeting - Routes
AFTER THURS.

- TALKS OF HER TAKING
IT SERIOUSLY.

- CITY OF MINNESOTA TO
BE PROVIDED.

- DON'T KNOW!!

— You receive comment
to media as this state

— P.A. has no credibility
any membership, P - KBRJ
of problems - did
nothing!!

— Look to motives -

— ME - I don't want
anything more than
Y.S. Moss solved & the
corruption out!

Michael Costa, MLC

MINISTER FOR POLICE

LEVEL 20, POLICE HEADQUARTERS, AVERY BUILDING,

14-24 COLLEGE ST, DARLINGHURST, N.S.W. 2010

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M E D I A R E L E A S E

MAJOR CHANGES TO POLICE PROMOTIONS SYSTEM

4 December 2001

Police promotions will be fast tracked under an overhauled, fairer system designed to better guard against corruption, Police Minister Michael Costa announced today.

Under legislation to be introduced into the NSW Parliament tomorrow police can take up new positions within 21 days of a successful application. Under the current process it can take up to eight months to fill vacancies.

The new laws will be coupled with internal police administrative changes from 1 January 2002 to streamline and improve the integrity of the selection process.

“I want to see police who fairly and successfully win promotions take up their jobs as fast as possible,” Mr Costa said.

“I want to see police back on the frontline quickly in the positions they have won and freed from lengthy, complex appeals by other applicants.

These changes will do away with the delays of the past, provide better protection against corruption, prevent time consuming, vexatious appeals and reduce officer stress.

This significant step will boost the morale of police and the communities they serve, and restore confidence in the police promotions system.”

Mr Costa said the police promotions system was the most pressing Human Resource issue affecting NSW police as identified by the Qualitative and Strategic Audit of the Reform Process (QSARP)

“The priority will be to permanently fill 608 vacancies that have been frozen as a result of the Police Integrity Commission’s Operation Jetz inquiry,” Mr Costa said.

Key changes under the Police Service Amendment (Promotions and Integrity) Bill 2001 include:

- Immediate temporary appointment of successful applicants with confirmation following detailed integrity checks;
- All applicants to sign a statutory declaration that they have not engaged in misconduct;
- Initial integrity checks of all successful applicants by the Police Integrity Commission and the Special Crime and Internal Affairs Command;

- Giving the Commissioner the power to revoke a promotion of an officer found to have engaged in misconduct in respect of the promotions process;
- Improving the integrity and efficiency of the appeals system by having all police appeals heard by a single independent Government and Related Appeals Tribunal (GREAT) Chairperson; and
- Requiring all evidence at GREAT to be given under oath;
- Giving GREAT the power to reject vexatious and frivolous appeals.

Mr Costa said that administrative changes would see a fairer, more efficient and corruption-resistant selection process.

Assessment centres would be overhauled with changes to procedures, methods and information management, he said.

The promotions package was developed by the NSW Police Service, the Police Ministry and the NSW Police Association.

Mr Costa said other agencies including the Police Integrity Commission, the Department of Industrial Relations and GREAT had been consulted on the changes.

.....

Media contact: Eammon Fitzpatrick 0401 719488

ATTACHMENT A

POLICE SERVICE AMENDMENT (PROMOTIONS AND INTEGRITY) BILL 2001

The Bill, coupled with significant administrative reforms scheduled to commence on 1 January 2002 (see Attachment B), will ensure the police promotions system is the most objective and corruption resistant system in the NSW public sector.

Under the current system, it may take up to 8 months from identifying the preferred applicant for a position (pending integrity checks) to placing an officer in that position. The Service is aiming to bring this down to 21 days under the new system.

The Service's plan to advertise future vacancies in advance, coupled with more flexible eligibility list arrangements, will allow some positions to be filled on the day they become vacant.

The Bill amends the *Police Service Act 1990* to:

- Enable all applicants for police promotional positions (from sergeants to the Commissioner) to be asked to sign statutory declarations that they have not engaged in misconduct. Any officer who does not sign is ineligible for promotional appointment.
- Require the Police Integrity Commission and Special Crime and Internal Affairs (SCIA) integrity reports to be provided before a person is permanently appointed to a police or PSES promotional position (PIC reports will be provided within 2 weeks, rather than the current 2 months).
- Enable the Commissioner to temporarily appoint a preferred applicant to a promotional position, pending finalisation of integrity checks and the appeal process, with the Commissioner able to permanently backfill their vacated position. The preferred applicant and Commissioner must agree to where the officer will be located if the appointment falls through, with the Commissioner meeting the costs of any further relocation and being prevented from involuntarily transferring such an officer for three years. This gets officers into their new jobs much quicker than ever before.
- Enable the Commissioner to withdraw a selection, on the grounds of new integrity information, prior to the hearing of a promotional appeal or final appointment.
- Enable the Commissioner to immediately revoke the promotional appointment of a person found to have engaged in misconduct in respect to the promotions system, such a decision to be appealable to the Industrial Relations Commission. The Bill also amends the *Police Integrity Act 1996* to ensure that evidence given to PIC can be considered in a decision to immediately revoke an appointment.
- Improve the integrity and efficiency of the police promotions appeal system by:
 - having all promotions appeals heard by a single independent GREAT chairperson;
 - requiring all evidence to be given under oath;
 - enabling GREAT to refuse to hear frivolous and vexatious appeals;
 - requiring appellants to provide written particulars as to the basis of their appeal at the time it is lodged (and enable GREAT to seek further written particulars);

- enabling the Commissioner to recommence the selection process if he does not believe it appropriate to appoint a person whose appeal has been upheld by GREAT (in recognition of the fact that the Commissioner cannot always provide all integrity information to GREAT, as to do so could compromise PIC and SCIA investigations into police corruption and misconduct).
- Enable police officer eligibility lists to be used for one year, rather than the current six months.

The Bill also amends the *Government and Related Employees Appeal Tribunal Act 1980* to allow for the part-time employment of GREAT chairpersons. These provisions ensure maximum efficiency and flexibility in GREAT appointments and will allow a part-time chairperson to be appointed to assist clear the backlog of police appeals currently in the system.

ANNEXURE B

Summary of additional administrative reforms to improve the operation and integrity of the police promotions selection process

Brief outline of current police selection processes

1. Current police promotions selection processes vary depending on the nature of the promotional position. All promotional selections involve a formal application and structured interview by a selection panel. Commissioned officer positions (rank of inspector and superintendent), and specialist sergeant positions in the Child Protection Enforcement Agency (CPEA)¹ and Education Services, are subject to assessment centre processes.
2. Officers who do not perform at the required level may be culled at each stage of the selection process – application, assessment centre and interview.
3. Officers who wish to be considered for duty officer and crime manager positions (inspector rank) must satisfactorily complete the assessment centre process before they may successfully apply for such a position. This involves submitting an expression of interest to attend an assessment centre, with sergeants automatically eligible and senior constables accepted or culled on the basis of the content of their expressions of interest. Assessment centre processes for other positions are generally conducted between application and interview.
4. The assessment centre process requires officers to complete policing scenarios involving written exercises, role-playing exercises and group exercises with other officers seeking promotion. Performance in these scenarios is used to assess a range of competencies relevant to promotional positions (eg: communication, decision making, individual leadership, work management, teamwork, professional knowledge and maximising performance).
5. The current selection process emphasises performance in the interview, in which a mixture of technical and behavioural questions are asked. In most cases performance in the interview is the only factor considered by the Commissioner in selecting the officer with the greatest merit, with other stages of the process serving as gateways to the interview rather than forming part of the overall assessment of merit.
6. The manner in which final selection takes place is prescribed by the *Police Service Act 1990*. The Commissioner selects the officer with the greatest merit, unless that officer has already been selected for another Police Service position of equal or greater salary to the vacant position. Other officers assessed as appropriate for promotional appointment may be placed on an eligibility list.

¹ CPEA officers also undergo psychological testing to determine suitability for investigating child abuse matters.

Proposed administrative police promotions selection processes

7. The Police Service and Police Association have endorsed a range of new selection processes to improve the manner in which merit is determined and to make the selection process more corruption resistant.

(i) Pre-Qualifying Assessment (PQA)

8. The Service will require all officers who wish to be considered eligible for promotional positions to satisfactorily complete a PQA, which will be held every six months (or as required). The PQA will assess common selection criteria and an officer's generic technical knowledge relevant to the position applied for by asking them a random selection of 50 multiple choice questions from a pool of 250 questions of similar difficulty. PQAs will be held at the same time and will be overseen by civilian managers (Local Area Manager or equivalent). All PQA participants must provide proof of identity so a better performed police officer cannot answer questions on behalf of a colleague.
9. Holding all PQAs at the same time will reduce the scope for officers sharing information, as will the random nature of the questions and the changes to the pool of questions over time. As an added precaution, all persons involved in PQAs will be required to sign a confidentiality agreement that they will not discuss the questions with fellow officers. Civilian, rather than police, supervision of PQAs also promotes the integrity of the new system – there is less likelihood of bias against competitors for promotion and less likelihood of assistance being given to favoured colleagues.

(ii) Improvements to application processes

10. The application form will continue to remain competency based, with officers asked to address each of the competencies required for the relevant job stream. The application form will also continue to require officers to provide information on relevant internal and external qualifications.
11. The application process currently involves the relevant Commander providing comments about the officer's suitability for the promotional position. In order to rebut concerns that an individual commander may provide biased comments in support or opposition to a particular applicant, three members of the relevant Command Management Team will now provide comments.
12. Members of the selection panel who conduct the application cull are currently aware of the identity of each of the applicants. This may conceivably lead to bias where a member of the panel knows the applicant. The Service intends to remedy this by removing the names of applicants from application forms and command comments, replacing them with barcodes.

13. Each part of the application process will be given a weighting, with the addressing of competencies forming 70% of the final assessment of the application, Command Management Team Comments at 20%, and relevant qualifications at 10%.
14. Currently, an officer must submit a new application form each time they apply for a position or a group of positions advertised at the same time. Under the new system, an officer will be able to elect to rely on any relevant application form (for the same rank and duty type) submitted in the last 12 months. Command Management Team comments will remain valid for any applications submitted within 6 months of those comments being made.

(iii) Improvements to assessment centre processes

15. The written component of the assessment centre process will be barcoded for anonymity purposes, in the same manner as is proposed for application forms. This will address any possible bias on the part of the assessor.
16. Persons associated with the assessment centre process have been required to sign confidentiality undertakings since earlier this year.
17. Assessment centre material will be colour coded and numbered to enable the better detection of officers responsible for circulating assessment centre material to assist their colleagues. The leaking of confidential assessment centre information is less likely if there are effective ways of identifying officers who breach their confidentiality requirements.
18. The Service currently uses both internal and external assessors, with there being approximately two internal assessors for every external assessor. The Service intends to reverse this ratio, which should provide for greater professional experience and consistency in assessments and reduce the opportunity for misconduct in respect to the promotions system.
19. Constables currently participate in assessment centre role-playing exercises on an 'expression of interest' basis. There is a concern that participation in such exercises is not a core policing responsibility and that the community would be better served if those constables were on the streets, attending to their policing duties. There is also a concern that some constables may leak role-play information to their colleagues or gain an advantage in future assessment centre processes that they may be involved in. It is therefore proposed that constables cease to be involved in role-playing exercises, being replaced by externally recruited role players. This will provide for greater consistency in role-playing and will improve the integrity of the assessment centre process.
20. It is proposed that a Senior Assessor/Interviewer be recruited to develop and deliver training to assessors and to monitor assessor and interviewer performance. Assessors will be accredited following training and will be required to undertake periodic refresher training. Assessors who do not meet accreditation standards or refresher requirements will not be used.

21. A purpose built Assessment Centre will be constructed in 2002 on Level 13 of the Ferguson Centre, Parramatta. This will provide for greater security of assessment centre material and will provide a less stressful and improved environment for applicants, assessors, role players and Centre staff.

(iv) Improvements to interview processes

22. Improvements to the structured interview process have already been introduced this year, with improved security arrangements for questions and the rotation of interview questions. Interviewers and interviewees are now required to sign confidentiality undertakings.

23. The Service does not currently distribute to all applicants the "Key Actions" used by interviewers to rate candidates against the competencies. However, this material is accessible to applicants who try to obtain it. The Service will publish the "Key Actions" and explain what they mean and how they will be used in order to promote a level playing field. Similar arrangements will be put in place for "Key Actions" used in the assessment centre process.

(v) All components of the selection process to be used in determining merit

24. There is a concern that the current selection system, with its focus on interview performance, does not sufficiently account for the skills demonstrated at other stages of the selection process.
25. It is therefore proposed that those earlier stages, rather than serving merely as gateways to interview, should be considered in determining an officer's merit. The Service and Association, having regard to a range of Australian and international selection models, have determined that each stage of the selection process (PQA, assessment centre, application and interview) should receive a weighting in the overall selection process.
26. The move towards a more holistic assessment of merit is consistent with the approach advocated in the first report of the Qualitative and Strategic Audit of the Reform Process of the NSW Police Service (QSARP), which found heavy reliance on the interview will not lead to defensible or reliable selection decisions being made. QSARP recommended consideration be given to using application and assessment centre data in selection.
27. This examination of officer performance in a range of different situations is expected to present a more balanced and rounded view of competence. It should also be noted that the structured interview, out of all stages of the selection process, is most open to subjectivity. The weighting of more objective elements is appropriate.
28. The selection panel will not be made aware of officer scores at other stages of the selection process, preventing earlier performance from influencing their assessments. The Workforce & Careers Directorate will integrate the scores from the various stages of the selection process.

29. This integrated approach to selection also has obvious integrity benefits – it is more difficult to influence three or four stages of the selection process (particularly given the safeguards being introduced) than one.

(vi) *Customer satisfaction survey*

30. The Service will be introducing an annual customer satisfaction survey to monitor officer confidence in the fairness of the selection/promotion system. This survey can inform continuous improvement to the system.

From: Mark Fenlon <markfenlon@bigpond.com>
To: ccosta@parliament.nsw.gov.au <ccosta@parliament.nsw.gov.au>
Date: Friday, 14 December 2001 1:48
Subject: Sgt Fenlon - Update

Dear Mr Costa,

Since meeting with you on Monday, I have since had the opportunity to review the promotions bill and the revised administrative process for promotions to be adopted by the Police Service in January 2002.

The subject was raised and discussed at length in my meeting with Deputy Commissioner P.I.C. Brian Donovan yesterday afternoon.

I have expressed concerns to Mr Donovan regarding the revised process proposed which, I regret to say, does not ensure against further process corruption in the future. Unfortunately the impression I get is that you entrusted the Police Service and the Police Association to develop a solution which was agreeable to both parties which might be quickly implemented, resolving the problem.

If you have read the documents I provided you during our meeting, you will have recognised that in relation to the promotions systems, the Commissioner and members of the executive of the Police Association serve their own interests, not those of Service generally or police in the field. That is quite apparent as neither party did anything over the preceding two and a half years to prevent the current situation we find ourselves in.

You extended a further invitation to meet with you to discuss both my meeting with Mr Donovan and any further concerns I had on the matter, I should like to accept that invitation if it is still open.

Yours Sincerely

Mark Fenlon.



Legislative Council

Police Service Amendment (Promotions And Integrity) Bill

12/12/2001

Hansard Extract

The Hon. HELEN SHAM-HO [10.47 p.m.]: I support the Police Service Amendment (Promotions and Integrity) Bill, which seeks to amend the Police Service Act 1990 to improve the integrity and efficiency of the Police Service promotions system. The objective of the bill, as I understand it, is to enable promoted police officers to take up their new positions as soon as possible after their appointment, as well as to introduce new anti-corruption selection procedures. I am aware that the reforms are to commence on 1 January 2002.

The first set of reforms represent administrative changes to the police promotions system. This includes the introduction of a prequalifying assessment test that will assess common selection criteria and technical knowledge; replacing names on application forms with barcodes, to maintain the anonymity of applicants; colour coded and numbered assessment centre material to detect any leaks; and the increased use of non-police assessors. Perhaps more importantly, the bill requires the Commissioner of Police to obtain an integrity report from the Police Integrity Commission and Special Crime and Internal Affairs before promoting an officer.

I understand that police applying for promotions will also be asked to sign a statutory declaration stating that they have not knowingly engaged in misconduct. Officers who are later found to have gained promotion through misconduct will be stripped of that promotion immediately, regardless of whether an Industrial Relations Commission appeal on the matter will be heard. I understand that the second set of reforms is designed to ensure that police officers take up their promoted positions more quickly than is currently the case. I have recently been told that it is not unusual for a police officer to have to wait eight months before commencing in a new position, due to the lengthy process of integrity checks and the appeals system.

I am pleased that the bill will ensure that police officers take up their new jobs within 21 days of being appointed, even if an integrity check or appeal is still pending. I have been assured that, in practice, police officers will not usually take up their new position prior to the receipt of an integrity report. The reason is that the Police Integrity Commission and Special Crime and Internal Affairs have given an undertaking to provide integrity reports within two weeks of an officer being selected for a promotion. That is a good move.

Delays in the progression of police promotions at present are due in part to the high rate of police appeals. Appeals by police officers to the Government and Related Employees Appeal Tribunal is certainly cause for concern: police frequently lodge more appeals than the rest of the entire public service combined. To illustrate that, in the 18 months between 1 July 1998 and 30 June 2000, 927 appeals were lodged by members of the Public Service Association compared with 1,396 appeals by police officers in 2000 alone.

Reverend the Hon. Fred Nile: That is because they are not happy about who gets promoted.

The Hon. HELEN SHAM-HO: I know, and all their appeals clog up the system. In response to these problems, the bill provides that police promotion appeals will now be heard by a single independent chairperson, with Police Service and Police Association representatives being removed from the appeal panel. The bill also allows the Government and Related Employees Appeal Tribunal to dispose of any police appeals that it considers frivolous or vexatious. The fact that 46 per cent of police promotion appeals were withdrawn last year suggests to me that many appeals lodged by police officers may in fact be opportunistic, frivolous or vexatious.

At this point it is appropriate for me to congratulate the new police Minister, the Hon. Michael Costa, on this legislative initiative. The Leader of the Opposition also said he has done well. I understand that the bill is the result of consultation with serving police officers, with the Minister having visited a number of local area commands since his appointment last month. I commend the Minister's proactive approach to facing challenges and solving policing problems.

I am particularly pleased that the Minister has had the opportunity to visit the Cabramatta local area command. As the chair of General Purpose Standing Committee No. 3, which conducted the inquiry into policing in Cabramatta, I am well aware of the problems and challenges that have arisen in that local area command during the past few years. As honourable members may recall, one major problem identified by the Cabramatta policing report was that no-one had listened to the front-line police officers at Cabramatta when they were saying that drug crime was out of control in the area and needed to be a priority for the local area command. It is a step in the right direction that the new Police Minister has taken the time to listen to the concerns of serving police officers.

This bill follows the Police Service Amendment (Selection and Appointment) Bill 2000, which was debated in this House in December last year. As I recall, that bill was intended to reform the system of police promotions by improving the speed and flexibility of appointments within the Police Service. It is pleasing to note that, as a result of that Bill, there has been a 21 per cent reduction in the number of appeals lodged against the commissioner's promotion selections. Nevertheless, it is clear that further reform in police promotions is necessary.

As the recent Special Crime and Internal Affairs Orwell investigation and the Police Integrity Commission Jets inquiry show, police misconduct in relation to the promotions system is rife in this State. During the course of the Cabramatta policing inquiry, General Purpose Standing Committee No. 3 was made aware of a number of potentially corrupt practices that were occurring in relation to the police promotions system. This issue was raised in two submissions to the inquiry, by Detective Senior Constable Frank Reitano from Green Valley local area command, and also by Sergeant Mark Fenlon from Bankstown local area command.

Unfortunately however, the problems raised by those two officers could not be included in the Cabramatta policing report because the police promotions system was outside the terms of reference of that inquiry. Nevertheless, as I was aware at that stage that the Police Integrity Commission inquiry was coming up, I encouraged those two officers to make a submission to that inquiry. I do hope they took my advice. I take this opportunity to commend Senior Constable Reitano and Sergeant Fenlon for their honesty, integrity and courage in speaking out about corrupt practices in the police promotions system. In fact, the Minister wanted those submissions.

The Hon. Michael Costa: I have met with them.

The Hon. HELEN SHAM-HO: Good. At this point, I think it is appropriate that I also commend the other police officers who came forward to give evidence to the Cabramatta policing inquiry: Detective Sergeant Tim Priest, Sergeant Bob Francis, Detective Sergeant Vince Fusca, Sergeant Greg Byrne and Constable Chris Laird. As honourable members will know, Sergeant Priest, who had left the Police Service, was appointed last week as an adviser to the Police Minister's recently announced Community Advisory Council. I am pleased that the Police Service has finally recognised the talent they have in Sergeant Tim Priest. His knowledge and expertise in policing should not be wasted.

Honourable members may not know that Sergeant Greg Byrne has recently been promoted to inspector, and I congratulate him on his promotion. I am pleased that Greg Byrne has not been denied career advancement or promotional opportunities because of the evidence he gave to the Cabramatta policing inquiry, which was something he told me he was quite worried about. I hope that the other three officers will be afforded the same opportunities and fair treatment.

Poor police morale is another reason for reforming the police promotions system. In his second reading speech the Minister emphasised the importance of having stable police staffing arrangements and how that impacts upon police morale. This was certainly something that General Purpose Standing Committee No. 3 found during the course of its Cabramatta policing inquiry. The committee found that the rapid turnover of staff and management at Cabramatta in 1999 and 2000 significantly contributed to the

station's low morale. It also played a role in the breakdown of police and community relations in the area, preventing the establishment of a good relationship, which is essential for communication and trust.

That brings me to my second point. It is my contention that police staffing arrangements impact not only on police morale but on community based policing as well. As honourable members may know, early in the year I conducted a Commonwealth Parliamentary Association research tour into police and community relations in Los Angeles, Toronto, London and Seoul. I found that police officers in those cities are assigned to a particular area on a long-term or permanent basis, which allows them to form meaningful, lasting relationships with their local community. That contrasts quite markedly with New South Wales, where police remain in a local area command for a maximum of five years.

Honourable members will recall that this five-year rotation policy was a recommendation by the Wood Royal Commission into the New South Wales Police Service in 1996 with a view to preventing police corruption. The problem with this five-year rule is, in my mind at least, that it prevents police officers from creating effective links with local residents. I firmly believe that this five-year rotation system should be reviewed and made more flexible. While I appreciate that it is thought to be an anti-corruption mechanism, I believe that alternative and equally effective methods lie in the use of integrity checks, audits and reviews. I hope that the police Minister will look into this very important issue. When General Purpose Standing Committee No. 3 members were reviewing our draft report they refused my recommendation in that regard.

In conclusion, I am pleased to support the Police Service Amendment (Promotions and Integrity) Bill 2001. The bill will continue the reform of the police promotions system in this State by improving the integrity and efficiency of the selection process. The bill will benefit both police officers and the community by creating stability and certainty for all concerned. I commend the bill to the House.

From: Mark Fenlon <markfenlon@bigpond.com>
To: ccosta@parliament.nsw.gov.au <ccosta@parliament.nsw.gov.au>
Date: Saturday, 15 December 2001 2:36
Subject: Breach of trust

Dear Mr Costa,

I understood that our meeting on Monday was to be kept confidential. Reading the Hansard for the upper house on the 12/12/01 I discovered that you confirmed to the house (in response to comment by Helen Sham Ho) that you had met with myself.

Earlier today I had sent you an update regarding my meeting with Mr Donovan and requested a further meeting with you to discuss that meeting, the bill and the amendments to the administrative process for promotions, having since read both the bill and the process proposed for implementation in January, 2002.

I would have thought, particularly after our meeting, that you would have appreciated the position I had placed myself in, meeting with the Minister rather than the Commissioner, and the need for that meeting to be kept confidential. I understood the reason you moved your office from HQ was to encourage Police such as myself with an avenue to express genuine concerns without exposure to fear of repercussions from HQ. Two days after that meeting you announce it for the benefit of all and sundry and within the context that our meeting satisfied myself with both the actions of this Government and my Minister regarding the bill and the amendment to administrative procedure for police promotions, when that was not the case.

At our meeting you gave me certain undertakings and asked me to await the result of those undertakings offering an invitation to meet with you when the information you sought from the PIC was made available to you. Further you invited me to discuss my meeting with Mr Donovan with you and discuss any concerns I may subsequently have entertained regarding the bill and procedural amendments to the promotion system, I agreed to that and that was all. I did not endorse the bill or the proposed amendments, in fact I was critical of the aspects we discussed.

I am now in a position where my efforts to contribute towards the resolution of the matter in a positive and low key manner (being mindful of your position and the advice of others I hold in esteem), has been compromised for personal political advantage. You have breached a trust.

I came to you in good faith, with real and serious concerns and more importantly with the truth. I am extremely upset and disappointed that those efforts on my part should have amounted to nothing more than this on yours.

Yours Sincerely

Mark Fenlon

Corruption 'won't stop'

by MATT GRANFIELD

BLACKTOWN police whistleblower Sergeant Mark Fenlon met with NSW Police Minister Michael Costa last week.

The meeting, which was a secret until Mr Costa mentioned it in Parliament last Wednesday, follows the new minister's efforts to talk to critics of the police force.

For nearly two hours on December 10, Sgt Fenlon who is on stress leave, voiced his concerns to the minister about widespread corruption in the police promotions system — corruption he believes would continue despite recent changes to the promotions process by the Minister.

Passed in Parliament last Wednesday, the bill aims to fast-track police promotions with changes planned for integrity checks and appeal processes.

But Sgt Fenlon, who has been fighting police promotions corruption since 1999, told the minister the changes would not solve the problem.

“Recent events at the Police Integrity Commission have demonstrated police can and will corrupt any administrative process where the capacity to do so exists — I have no doubt it will happen again with this new system,” Sgt Fenlon told the *Advocate*.

“The minor changes will

Changes to the police promotion system passed by Parliament last week include:

- Successful applicants being immediately and temporarily appointed to the new position with confirmation following detailed integrity checks

- Applicants having to sign a statutory declaration saying they had not engaged in misconduct

- Initial integrity checks of all successful applicants by the Police Integrity Commission and Special Crime and Internal Affairs Command

- The ability to revoke promotion of an officer found to have cheated the promotions process

Police Minister Michael Costa said: “These changes will do away with the delays of the past, provide better protection against corruption, prevent time-consuming vexatious appeals, and reduce officer stress.”

prove to be ineffectual anti-corruption strategies.”

While he didn't want to comment on Mr Costa's response, Sgt Fenlon said he was happy Mr Costa had taken the time to listen to him, but angry the Minister had mentioned their meeting in State Parliament last week as the new bill was being passed.

“I don't endorse that bill,” he said. “But I want to give Costa a chance.”

He said in order to make the system transparent, promotions should be conducted with objective tests run by an outside organisation, such as a university. He reiterated a call for the demotion of all officers promoted under the old legislation.

“It's a big call,” he said. “But I've thought about it long and hard.” He also said



Corruption will continue... Sergeant Mark Fenlon does not think the changes in the police promotion system will work

honour for Anita Cobby

ANITA Cobby will be remembered when a reserve in Blacktown bears her name.

The nurse, brutally murdered in 1986, grew up in Blacktown.

Ms Cobby's parents Grace and Garry Lynch were positive but cautious about the honour.

“I think we would like that,” Mrs Lynch said.

“They'd have to approach us, it would depend on where it was and the reason for it and the name of the park.”

Currently known as reserve 35, the land proposed to be called Anita Cobby Reserve is close to the Lynch's home on Sullivan St, Leslie St and Douglas Rd in Blacktown.

Ms Cobby lived in Sullivan St until she was married in 1982, according to a council report.

“As a child she attended Walkers Rd Public School and Evans High School. Ms Cobby crossed and recrossed the reserve for more than 10 years on her way to and from these schools which were close to her home,” the report said.

Personal Injury?

Heartland

HOLDEN

Mark Fenlon

From: Mark Fenlon <markfenlon@bigpond.com>
To: <rich1gar@police.nsw.gov.au>
Sent: Thursday, 31 January 2002 9:12
Subject: Any news?

Dear Gary, I was just wondering if there was any news regarding the progress of Orwell etc. I've been in contact with the Ministers office and they are apparently still chasing up the Commission for an interim report from Donovan. Any news would be appreciated. Regards Mark.

PHONE CALL RECEIVED FROM GARY RICHMOND @ 9.30AM
 31/1 IN RESPONSE.

1. POLICE SERVICE HAS NOT CARRIED OUT ANY FURTHER INVESTIGATION OF MY COMPLAINT.
2. S.C.I.A. HAVE NOT YET SEEN ANY INTERIM REPORT FROM P.I.C.
3. MEETINGS HAVE TAKEN PLACE BETWEEN HR + COURT + LEGAL SERVICES TO REVIEW APPOINTEES WHO ARE SUBJECT OF A PROMOTION COMPLAINT. MEETINGS DESIGNED TO RESOLVE PROBLEM QUICKLY.
4. RICHMOND'S POSITION DISESTABLISHED - GOING TO FIREARMS REG
5. HE EXPRESSED HIS INTENTION TO TELL THE MINISTER THAT THE POLICE SERVICE COULD NOT POLICE ITSELF. SICK OF HIS STAFF ARRIVING AT ADVERSE FINDINGS REGARDING COMPLAINTS AGAINST SENIOR OFFICERS ONLY TO SEE NO ACTION TAKEN.
6. GLAD TO BE GOING \$120,000 P/A + MOVING TO A NICE PLACE WITH HIS FAMILY. - LAST DAY 19/2/02. WOULD ADVISE ME WHO WILL TAKE OVER THE MATTER.

