

# ATTACHMENTS TO SUBMISSION 127.1

(Date of Hearing: 26 February 2003)



Police Association of NSW

ATTN : Mark Burgess  
CC: Phil Tuncheon

SUBJECT: Duty Officer Selection Process and Appeal to GREAT

Dear Mark and Phil,

Could you please provide specific details regarding the process for the selection of successful applicants for the position of Duty Officer.

Phil, you might recall the concerns I expressed regarding the possibility that the interview process alone would be the determining factor in the selection of successful applicants for the Duty Officer positions. I maintain that a 45 - 50 minute interview, (which is in fact an oral exam, rather than an interview), in isolation, is not an appropriate method to select candidates for promotion.

The strategy apparently employed by the Service in utilising the assessment centre results as a culling method for applications, rather than as an integral tool for the actual selection of candidates, is seriously flawed and whilst some argue the validity of the assessment centre process it is still a process considerably more in depth (about 12 hours in duration) in the testing of candidates, over the 45 - 50 minute "interview" process. It is of concern to myself and others that the use of the assessment centre results as a culling mechanism, whilst expedient for the Service, was inappropriate.

A further matter is the grading of the assessment centre results (the matrix). If it was not intended as a tool for the actual selection process, why did candidates receive a specific grade within each of the core competencies. If it was intended only as a culling mechanism, then it should have been graded in terms of either a pass or fail.

It is obvious that the most valid selection process should incorporate all aspects of the process, including;

- 1.. quality of the original application,
- 2.. comments of the respective Commanders,
- 3.. assessment centre results...and..
- 4.. the oral examination/physical presentation (commonly referred to as the interview)

Each of these areas should have been weighted (with assessment centre results given the greater weight) and allocated a value or mark, the totals then added to ascertain the best candidates for the position who then subject to integrity issues, would be nominated. This is the only method of selection that I would fully endorse.

.../2



2.

In the event that the selection process is and has been based wholly on the "interview" I would appreciate advice regarding the likely appeal process.

I would also like to know, will the assessment centre results of successful candidates be available upon appeal?, if not why not, as the assessment centre results form part of the selection or eligibility process and should be open to the scrutiny of appellants. Further as the selection and appeal process is all about relative merit, assessment centre results which are comprehensive and graded for individual officers, are definitive evidence in determining relative merit.

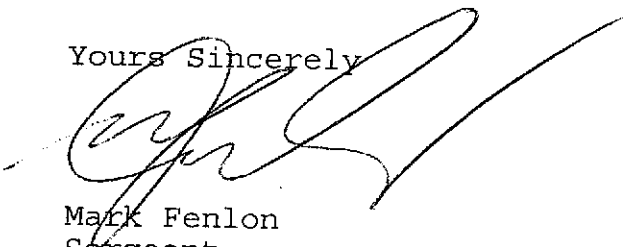
If the "interview" has been scored, will both the results of the appellant and the nominated person be made available for perusal and comparison? i.e. the notes taken by the selections committees, where responses by interviewed officers to the set questions were recorded by those selection committee members, again if not, why not? relative merit issues again.

I could raise further matters but will refrain from doing so at this time.

The results are yet to be posted and I have not heard whether I or others have been successful or unsuccessful at this time, however these are the very questions that are ultimately going to be raised by both nominees and appellants and the answers need to be provided now, they may very well determine the number and voracity of appeals.

I would appreciate advice regarding these issues as soon as possible and that the information be published in the Police Service Weekly at the earliest opportunity, preferably before the announcement of nominated persons.

Yours Sincerely



Mark Fenlon  
Sergeant  
Blacktown Police Station  
8 June, 1999

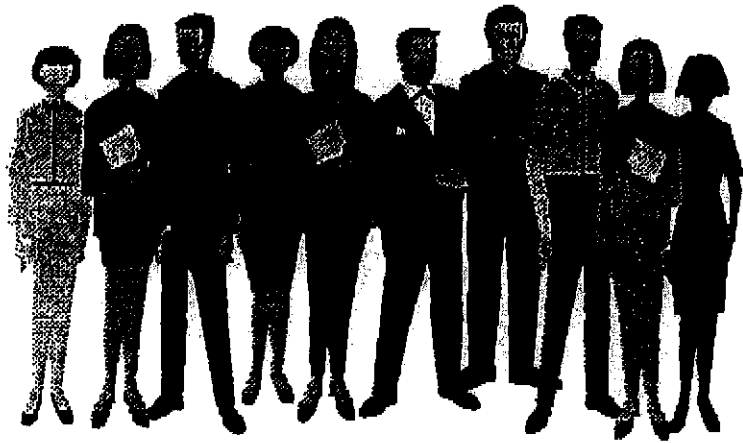
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TO: Mr. MARK BURGESS (PRESIDENT).  
 LOCATION: POLICE ASSOCIATION OF NSW.  
 FROM: MARK FENLON.

92656789:

~~92656789~~



# N.S.W. POLICE SERVICE BLACKTOWN POLICE PATROL FACSIMILE TRANSMISSION

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TO: MR. MARK BURGESS (PRESIDENT).

LOCATION: POLICE ASSOCIATION OF NSW.

FROM: MARK FENLON.

LOCATION: BLACKTOWN.

BLACKTOWN POLICE: \_\_\_\_\_

DATE: 8.6.99 TIME: 4.40 AM

NO OF PAGES: 3.

ADDITIONAL MESSAGE: PLEASE DISCUSS WITH

PAUL TUNCHON. SOMEONE MUST KNOW THE

ANSWERS TO THESE QUESTIONS AS THEY

WERE BOUND TO BE ASKED.

REGARDS - FEEL FREE TO CALL

ME AT HOME IF NECESSARY.

Mark Fenlon









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Memo title ..... =&gt; dutyoffjobs

Page 1( 15) Line

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Attention: Mark Burgess President Police Association NSW.

Dear Mark, you will recall a letter I sent you together with a memo, some weeks ago regarding my concerns relating to the selection criteria for persons to be nominated for Duty Officer positions. In brief I expressed my concern that the selection of successful candidates would be based solely upon structured interview (the oral examination) without integration of assessment centre results, or original application (expression of interest to undertake assessment).

You advised that the Association was not aware at the time what the

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Spoke to Phil by telephone Monday 19.7.99. Discussed this memo and was informed that eligibility lists would be legally challenged by Assoc.

Grade 1 & 3's still on hold. - Review process.

20.7.99 Message left on answering service for Mark Burgess.

- \* Should not be left to <sup>individual</sup> members to challenge the system through the appeal process →
- \* Post memo on Bulletin Board?
- \* Can the process used be appealed at Supreme Court.
- \* Can witnesses be called/subpoenaed for Great Hearings?
- \* Delays for 1's & 3's - Olympics.
- \* Would you object to myself making these enquiries with Angela Myers / Mick Tiltman?
- \* Would the Assoc. evidence media coverage of this matter?

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Page 2( 15) Line

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: process would be, however you asked Phil Tuncheon to make those enquiries  
: and get back to me. Phil, true to your undertaking called me at home on  
: 6 July, 99 and advised me that those fears were in fact to be realised.  
: Needless to say we had some discussion regarding the entire process and  
: thank Phil for his interest. I indicated to Phil regardless of my success  
: or failure, I intended to lodge a complaint regarding the stand taken  
: by the Service regarding the entire process of application, assessment  
: and selection of nominees for Duty Officer positions, with our  
: Association. It has been a debacle from start to finish and the position  
: taken by the Service merely re-inforced that nothing has changed  
: regarding the validity of the selection processes for promotion within  
: the Service, despite the introduction of Assessment Centres.

: .

: I also advise you that I had a conversation with my current and new  
: Commander Superintendent Wales regarding the same matter on the  
: morning of the 16 July, also informing him that I intended to prepare

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MEMO

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: and submit a complaint regarding the validity of the process, regardless  
: of my success or failure.  
: .

: On the afternoon of the 16/7/99 not having received any information  
: from Assessment Services regarding my success or failure, I called them  
: and was advised that I was unsuccessful. I was advised that a written  
: report would be provided to myself in due course and that I may be  
: placed on an eligibility list. After my obvious initial reaction I  
: recovered and considered the situation logically. I had been receiving  
: advice regarding the success of some persons within the Macquarie and  
: Greater Hume areas and the overwhelming failure of others within the  
: same Regions. I was advised that all applicants from Blacktown and  
: Mt Druitt LACS were unsuccessful, this in itself is very disturbing.  
: .

: Whilst at least I had documented my concerns regarding the process and  
: intimated my intention to complain about the system regardless of my  
: .

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: personal success or failure, prior to that result being made known to me  
: it could be and should be said that this complaint is not a matter of  
: "sour grapes" on my part. (Phil has some idea of my personal character  
: and will vouch for me in that regard). I was merely waiting the result.  
: .  
: My motivation for complaint is based upon information I have received  
: regarding the identity of two officers who have apparently been selected  
: .  
: One of them had a fairly serious integrity matter that appears to have  
: been overlooked during the selction process, the other apparently failed  
: two of the competencies at assessment, yet still passed the assessment  
: centre "at the standard".  
: .  
: I am prepared to be measured against any person on a fair and equitable  
: comparative basis in terms of merit, if unsuccessful on that basis then  
: that is all I could hope for, however when the quality of nominated  
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: persons is apparently wanting, then I and others must have serious  
: misgivings regarding the validity of the selection process adopted for t  
: nomination of Duty Officers at Grade 2 locations and express those  
: concerns.

:  
: I am considering corresponding with the Commissioner directly through  
: his office regarding the validity of the selection process and the  
: potential for service wide disaster regarding the appointment of senior  
: officers within the service based on their ability to answer 7 or 8  
: questions, having no apparent regard for actual operational experience,  
: qualifications, relieving, assessment centre performance, quality of  
: application and comments of commanders, peers and subordinates.

:  
: Should the Commissioner sign off on the appointment of nominated  
: persons for this round of positions, it will invite appeals many appeals  
: to GREAT. Myself, I would appeal only once, and that appeal would

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: be based on the inadequacy of the system to identify and differentiate  
: relative merit of applicants. Others will no doubt argue the point,  
: particularly those that have received nominations and why wouldn't they.  
:

: In anticipation of my appeal I would like you to seek responses to the  
: following questions, from the Director Human Resources and bring these  
: concerns to his attention and perhaps the Commissioner as a matter of  
: urgency.

: At the end of the day, perhaps nothing will change but then perhaps  
: common sense will prevail and these questions will be answered openly,  
: honestly and responsibly, ensuring clarity and accountability of the  
: promotional system.  
:

: 1.  
: Was the selection process for nomination based wholly on the structured  
: interview? **YES.**

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: 2.  
: Who made the decision and when was it made?  
: 3.  
: Why was this decision withheld from candidates?  
: 4.  
: Does the Exec.Dir.HR agree that the integrity of the structured interview  
: process could and quite possibly has been compromised through lack of  
: confidentiality attached to the interview questions? *Yes.*  
: 5.  
: Does the Exec.Dir.HR agree that the structured interview was in fact an  
: oral examination which if a candidate had access to those questions in  
: advance, would have little difficulty in succeeding in that type of  
: interview? *Yes.*  
: 6.  
: Does the Exec.Dir.HR agree that the structured interview questions  
: were to be competency and behaviourally based? *Yes. But only half were.*  
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: What exactly was "the standard" referred to in Assessment centre  
: results. How was it arrived at?. *IT WAS SUBJECTIVE - CALCULATED - NO ONE NEED*  
: 12. *TO KNOW HOW OR WHAT THE STANDARD IS - JUST THAT THEY WERE OR NOT AT THE ST*  
: Can the Exec.Dir. indicate why assessment centre results alone were  
: deemed sufficient to nominate persons for Local Area Commander  
: positions in the past?  
: 13.  
: Does the Exec.Dir. agree that assessment centre (8hrs of simulated  
: performance assessment), psychometric testing (a further 2 hrs) is a  
: more intensive examination of the competencies required for the  
: position of Duty Officer than the 45 minute - 1 hr structured interview?  
: 14.  
: Does the Exec.Dir. agree that assessment centres are generally accepted  
: within the human resource field, as a more accurate reflection of  
: individuals ability and potential for advancement than any other  
: present system, if not, why not?

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: 15.

: Does the Exec.Dir. agree that assessment centre testing has a greater  
: integrity rating in terms of security of content than the structured  
: interview and would present as a far more difficult proposition for  
: ethically challenged candidates to invalidate (by cheating).

: 16.

: If the Exec.Dir. could only make one choice as an employer to select  
: candidates for promotion utilising an assessment centre process OR  
: a 45 minute structured interview, cost of same aside, which would he  
: utilise and why?

: 17.

: Was it possible to fail in one or two competencies at assessment and  
: still progress to interview?

: 18.

: Given that not all the questions at the structured interview were  
: experientially based e.g. "Outline the actions you would take as a Duty

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: officer at a seige?" instead of "Give me an  
: example of a seige you have attended as the senior supervisor or acting  
: Duty Officer and how you managed the situation." ...Would the Exec.Dir.  
: HR agree that personnel who have never had to deal with a real seige or  
: indeed a serious crime scene, could successfully answer the originally  
: framed question?  
: 19.  
: If the answer to 18 is yes, is it appropriate that persons with no command  
: and control experience at serious incidents be appointed to field  
: command positions?  
: 20.  
: Will the assessment centre results of nominated persons be made available  
: to appellants for the purpose of appeal, if not why not as the results  
: were obviously a factor in determining merit of some description for the  
: nominated persons to progress.  
: 21.  
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: Given that the "expression of interest" to undertake the assessment  
: centre contains the only material regarding the nominated persons  
: credentials in the core competencies required for the position of Duty  
: Officer and the "application" does not, will the "expression of interest"  
: be made available to appellants? If not why not?  
: 22.  
: If the assessment centre results and "expression of interest" information  
: is not to be made available to appellants, how can appellants or indeed  
: the Government and Related Employees Appeals Tribunal, adequately  
: assess comparative merit and if necessary test the content of the  
: information provided by the nominated persons?  
: 23.  
: If a decision is made to suppress the information required in 22 above,  
: does the Exec.Dir.HR agree that the appeals system would be unfairly  
: weighted in favour of the nominated person?  
: 24.

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: Does the Exec.Dir.HR take responsibility for the management of the  
: entire selection process for Duty Officers.  
: 25.  
: Does the Exec.Dir.HR agree that it could have been dealt with far  
: more professionally and equitably?  
: .  
: That concludes some of the issues of concern to myself and others at  
: this LAC, the list is not exhaustive and I could go on further, they  
: are however the salient points.  
: .  
: As previously indicted this complaint may be of little use in bringing  
: about change on this occasion, that would be regrettable as I do not  
: enjoy the prospect of attending GREAT to make my point at the expense  
: of a fellow member, however that action will be dictated by conscience  
: not malice.  
: .

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17/07/1999 11:5

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: I am confident that similar complaints, though probably not as lengthy,  
: will be forthcoming from other members and on the ground that this is  
: a critical issue for the Service as a whole, that it be addressed  
: urgently.  
: .

: Should you raise this matter with Mr Ryan, I have no objections to my  
: identity or the entire content of this complaint being made available  
: to him. So strongly do I feel about this matter, that I am prepared  
: to stand, in isolation if necessary, on these issues.  
: .

: I look to you for assistance and extend to you my regards and  
: thanks,  
: .

: Mark Fenlon.  
:  
:

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Local Area Commander  
BLACKTOWN

Complaint by Sergeant M.Fenlon regarding the probity of the selection process for Duty Officer (Grade 2) positions.

After a period of some eighteen months, the selection of successful candidates for Duty Officer, Grade 2 positions has almost been completed, in any event I am advised that publication of nominations will occur shortly.

As you are aware I made representations through the Police Association regarding my specific concern regarding the selection of candidates being based solely upon the structured interview process. Those representations, I have been assured, were raised by Police Association representatives with senior human resource personnel during a series of meetings held recently.

I have been advised that the concerns had little impact upon those human resource managers and that the system in place would remain in place for Duty Officer Grade 1, 3 and 3A positions if and when advertised.

In my view, this is a totally unacceptable situation given the obvious fallability in the selection process, a process that does not withstand even cursory scrutiny regarding its integrity and resistance to probable if not already existent, corrupt or unethical practices.

My specific concern is the validity of the structured interview process as the determining factor in selecting successful candidates.

Given that the questions asked by each selection panel were identical for all candidates appearing before that specific committee and the interview process taking almost three months to complete, security of content of interview cannot and could not be guaranteed. At present rumours have emerged regarding the pooling of questions and whiteboard conferencing in certain areas.

This concern was raised by myself with the Police Association in early June, a month before the nominations were known when I became aware of rumours regarding the use of the structured interview process alone in determining successful candidates. I later forwarded a memo of fourteen pages to the President of the Police Association, Mark Burgess regarding the matter.

I have since been in contact with Mr Michael Lazarus of Assessment Services. He agreed that the structured interview process could be corrupted, however he insisted that this was countered to some degree as each candidate was directed not to disclose interview content at the time of interview.

2.

The corruption prevention strategy referred to by Mr Lazarus relies wholly on an individuals integrity without any other means of effectively ensuring accountability. IF A SYSTEM HAS NO ACCOUNTABILITY, IT HAS NO INTEGRITY.

Having heard other rumours regarding the current location of a number of successful candidates and the apparent failure of all applicants from Commands within the western suburbs (in particular grade 1 Commands), I enquired of Mr Lazarus if he would be prepared to nominate the locations of all successful candidates so that I might perform an analysis of the results based on location and ascertain if there were any specific trends that would support or refute the rumour. Mr Lazarus refused that information.

I enquired of Mr Lazarus if information regarding structured interview results could be made available. He advised me that they are not available for scrutiny.

I enquired if assessment centre results of successful candidates would be made available to appellant officers at GREAT. He advised me that they would not.

I enquired if original "expressions of interest" would be made available to appellant officers at GREAT. He indicated they would not.

I enquired why Assessment Centre results were utilised only as a culling mechanism rather than their express function of identifying the best people for promotion. I was advised that the decision was not his.

I have discussed the issue of the integrity of the system with Acting Inspector Wayne KELLY, formerly, the Region Internal Affairs Consultant and he also expressed his concern regarding the validity of a promotional system which utilises a structured interview to determine successful candidates. I proposed a specific scenario and he agreed that it was a viable and likely means of circumventing the integrity of the structured interview process. He also agreed that the probity of the applicants who utilised the scenario could not be challenged or detected.

There is little doubt in my mind that the existing system has been corrupted to a degree as yet to be determined, by either unscrupulous officers or well meaning fools.

We are advised that anti-corruption strategies are in place within the organisation which are effectively preventing the re-emergence of systemic corruption and corrupt practice. Promotion systems are apparently the exception.

As my efforts thus far have not resulted in the matter being appropriately addressed. I request that this report be brought to the attention of Mr Brammer, Commander, Internal Affairs for information and referral to the Commissioner as a matter of urgency.

3.

In conclusion, as my superiors demand that I conform to certain ethical standards, similarly do I have expectations of the standard of ethical conduct of my superiors, particularly in dealing with such a sensitive and important issue. Historically such issues have been avoided through either constant referral, neglect, incompetence, dishonesty or any combination thereof. In 1999 I would hope that the expectations I have of my officers in dealing with this complaint will be maintained. Those expectations are not unrealistic and I will not suffer them to be compromised regardless of circumstance.

The situation calls for investigation and immediate remedial action, indeed in todays reformed Police Service, I am expected to demand that action.

For information, referral and action.

M.A.Fenlon  
Sergeant  
Blacktown Local Area Command  
14 August, 1999









COPIES OF COMPUTER EMAILS WITH SUPERINTENDENT  
MAL BRAMMER

My original complaint was forwarded (quite correctly) to Special Crime and Internal Affairs for investigation.

Someone in SCIA later decided to refer my complaint to Human Resource Command for investigation.

These emails prove beyond doubt that Brammer was personally aware of the complaint and the circumstances.

The first email in the list was returned to me inadvertently. It was obviously intended for Michael O'Brien and is a request by Brammer for a briefing on my complaint so that he may respond to me personally regarding my concerns ( Dated 14/10/1999).

While I fully expected to be, I was never interviewed by SCIA regarding my complaint. The complaint was deferred and deferred and I was never advised of its progress. Until I received a response under the hand of the Director, Human Resources, Mick Tiltman (but written by Angela Myers) in March 2000, I was not made aware that Human Resources had been given carriage of the matter.

Brammer either failed in his responsibility and did not inform the Commissioner of my concerns (as requested in my original complaint), or he did advise the Commissioner and the Commissioner chose to disregard it.

Note:

There is little doubt in my mind that Jarratt had been made aware of my complaint around this time by Angela Myers (who was part of Jarratts network).

Jarratt in evidence before the Parliamentary Committee hearing into Cabramatta on 14 May, 2001 (page 15 of the report) confirms that to a great degree by his response. Chair ... *"What do you think of the comment that was put to the Committee that promotion is not by merit but it is a boy's club?"*

Jarratt ... *"I guess I would ask them for some evidence of that. It is easy to make that sort of claim. Forgive my observation but we have people in our organisation who are only too happy to make that claim but when you say "Could you produce one shred of evidence to support that?" the argument dries up very quickly... .."*

Jarratts response to the Committee mirrors that which I received in the correspondence from Angela Myers in March 2000.

-----  
MEMO TITLE: SGT FENLON

PRINTED BY: FENL1MAR -> FENLON, MARK

PRINTED AT: 13:54 ON 17/11/1999  
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--- Received from NSWP.BRAM1MAL 0293395090

14/10/99 14:30

Michael

Tellme what is happening with this matter if you can so I can respond personally.

Mal.

--- Received from NFO.20832 0296220000

14/10/99 14:23

NSWP.BRAM1MAL BRAMMER, MALCOLM INTERNAF

Dear Sir, I have been liaising with Michael O'Brien in relation to my complaints, and he advised me that he was to discuss the matters with you on Monday 4 October to "work out the best way to deal with them".

Just to advise you that appeals against Sgt Bourke have been set down at GREAT for 15 November, 1999. It would not be unreasonable to expect a result to enquiries concerning Sgt Bourke before that date.

In relation to the organisational issue (i.e the promotion system), I am advised that nothing is going to be changed for Grade 1s, 3's and 3A's, in fact I have been informed that the proposed integration of results is too costly an exercise for implementation. This is not satisfactory. I insist that the system requires a major overhaul.

I have been patiently waiting for some positive action to be taken by the Service (through my complaint) for nearly two months, I appreciate that there are other pressing matters which your Command must also deal with and similar to LAC's you have limited resources, however I am starting to lose faith in our reporting processes...

Could you please advise me personally what has been done and what is proposed to be done regarding my complaints. I am beginning to feel as though it has all been for naught. I know my complaints are justifiable and proper..

Thankyou.

-----  
---- 14/10/99 14:30 ---- Sent to

-> NFO.FENL1MAR

FENLON, MARK

BLACKTO

-> NHR.JERIBTMO

O'BRIEN, THOMAS

ROYALCO

MEMO TITLE: SGT FENLON

PRINTED BY: F3NL1MAR -> FENLON, MARK

PRINTED AT: 12:55 ON 17/11/1999

--- Received from NFO.20832 0296220000 14/10/99 14:23  
-> NSWPEBAM1MAL BRAMMER, MALCOLM INTERNAF

Dear Sir, I have been liaising with Michael O'Brien in relation to my complaints, and he advised me that he was to discuss the matters with you on Monday 4 October to "work out the best way to deal with them".

Just to advise you that appeals against Sgt Bourke have been set down at GREAT for 15 November, 1999. It would not be unreasonable to expect a result to enquiries concerning Sgt Bourke before that date.

In relation to the organisational issue (i.e the promotion system), I am advised that nothing is going to be changed for Grade 1s, 3's and 3A's, in fact I have been informed that the proposed integration of results is too costly an exercise for implementation. This is not satisfactory. I insist that the system requires a major overhaul.

I have been patiently waiting for some positive action to be taken by the Service (through my complaint) for nearly two months, I appreciate that there are other pressing matters which your Command must also deal with and similar to LAC's you have limited resources, however I am starting to lose faith in our reporting processes...

Could you please advise me personally what has been done and what is proposed to be done regarding my complaints. I am beginning to feel as though it has all been for naught. I know my complaints are justifiable and proper..

Thankyou.

-----  
MEMO TITLE: pls contact

PRINTED BY: FENL1MAR -> FENLON, MARK

PRINTED AT: 12:56 ON 17/11/1999  
-----

--- Received from NHR.163 0292656567

11/10/99 11:50

-> NFO.20832

FENLON, MARK

BLACKTOW

Mark, I am following up some papers that Steve Graham of this Unit left me when he went onto leave. I thought that you were going to ring me and let me know the result of a call that you were expecting to get from Michael O'Brien of IA. Perhaps I have this mixed up, but I rang for you today and you were at court, so I thought I'd send you this memo to let you know that you haven't been forgotten. Ring me when you back to work on Friday or before then if you like from home.

I tag for Michael O'Brien this morning to see where your complaint is up to as I checked the CIS and he has the file. But unfortunately he is off sick today and I will check with him tomorrow. If you have more detail than this, let me know and then I can tell Steve when he returns on 25.20. Bye for now Elynnis Lapham x56567

MEMO

Message panel

13/09/1999 19:25:06

Command =>

Destination	.... => NHR.BRAM1MAL	BRAMMER, MALCOLM	Received/read
Memo title	..... => complaint	Page 1( 6) Line	1 Col 1( 75)

```

: --- Received from NHR.BRAM1MAL 0293395090          10/09/99 17:02  :
:
: Mark,
:
: The rigours have been somewhat heavy in the last week or so, I have sent
: your concerns to another area in my command to find out what has happened
: regarding your complaint. I will follow it up on Monday and get back to
: you, I have not forgotten it. Sorry about the delay.
:
: Mal Brammer
:
:
:
: --- Received from NFO.20832 0296220000          10/09/99 10:51  :
: -> NHR.BRAM1MAL          BRAMMER, MALCOLM          INTERNAF      :

```

④  
 Reply from  
 BRAMMER  
 TO ③

F1=Help F2=Directory F3=Send F4=Print F5=Save F6=Delete F7=Bkwd F8=Fwd  
 F9=Commands F10=Actions F11=Keys F12=Close F17=Edit F19=Left F20=Right

I request an update in relation to my complaint. I would like to know who from your department has been assigned to the investigation. I would also like to know why that investigator has not been in contact with myself. I would also like to know why the Internal Witness Support unit has not been in contact with myself.

1

I would appreciate a response from your office regarding my above questions.

M.A.Fenlon  
Sergeant

----- 27/08/99 08:25 ----- Sent to -----  
-> NFO.FENL1MAR FENLON, MARK BLACKTOW

MEMO TITLE: Integ.Matter

PRINTED BY: FENL1MAR -> FENLON, MARK

PRINTED AT: 16:56 ON 9/18/1999

--- Received from NHR.BRAM1MAL 0293395090

13/09/99 20:24

Mark,

I spoke to my people. Your matters are being considered, they are chasing up the original matter. However, because you raised it as an Internal Police Complaint, the system does not allow us to specifically identify you as the complainant, so the process takes a bit longer. Once we have drawn it all together I will get back to you.

Given the circumstances and your intent I feel that we should notify IWPU, which of course is confidential.

Mal brammer.

MEMO TITLE: complaint

PRINTED BY: FENL1MAR -> FENLON, MARK

PRINTED AT: 17: 2 ON 9/18/1999

--- Received from NFO.20832 0296220000 10/09/99 10:51

-> NHR.BRAM1MAL BRAMMER, MALCOLM INTERNAF

Sir, I have been in contact with your personal secretary and was advised that you have been engaged for a week on a conference so I appreciate the fact that you have not been in contact with myself since 27/8/99 regarding this matter, however I would appreciate an update regarding the matter.

Thank you for your assistance.

3

-- Received from NHR.BRAM1MAL 0293395090

27/08/99 08:25

Mark

I am not aware of your complaint, however will chase it up. I would like to know the name of the investigators to whom you spoke here. I must say that the investigators do not have the decision making authority to take on investigations here, that is made a my level. So you might now understand their appearance of not being interested.

I might also say I have no problem with you communicating with me at all, I welcome it. Quite a few others from the field have contacted me direct regarding issues concerning them.

2  
REPLY FROM BRAMMER TO 1

I will refer your concerns to the Internal Witness Support Unit and get back to you as soon as I can find what is happening.

Mal Brammer

- Received from NFO.20832 0296220000 26/08/99 23:06

NHR.BRAM1MAL BRAMMER, MALCOLM INTERNAF

Sir,

On the 14 August, 1999 I submitted a complaint through my Commander, Superintendent Wales regarding the Police promotional system utilised to select Duty Officers.

I was advised by Mr Wales that he forwarded the file directly to your office for your personal attention immediately upon his receiving and reading same. I was also advised by Mr Wales that he sent another copy to the Acting Executive Director Human Resources, Mick Tiltman.

1

I was further advised that representatives from Internal Witness Support would be in contact with myself and that I would be advised of the outcome of my complaint.

I have now read that Grade 1 and Grade 3 Duty Officer positions are likely to be advertised in October/November (expressions of interest are being called to undertake the Assessment process). Is nothing being done to investigate and remedy the selection process currently in use as requested in my complaint?

Sir I appreciate your position in the Service and would not normally correspond directly with you, however I cannot get past your switch



board operator (your investigators are apparently not interested).

①







ASSERTIONS MADE ON POLICE TV TO COMMISSIONER AND DEPUTIES  
JARRATT AND MORONEY 10 NOVEMBER, 1999

On 10 November, 1999 I raised the issues of lack of integrity and nepotism within the promotion system with the Commissioner and Deputies Jarratt and Moroney.

Following is a transcript from the Police memo system of my assertions and the responses of both the Commissioner and Deputy Jarratt.

It should be quite apparent from the transcript that neither responded to my concerns.

The Commissioner was only interested in speeding up promotions by getting rid of GREAT appeals.

Jarratt was only interested in telling how many vacancies were to be advertised.

The video tape of the episode is quite interesting in terms of the body language of both the Commissioner and Jarratt.

In any event the responses from both were not acceptable.

DUTY OFFICER PROMOTIONAL SYSTEM

REQUIRES COMPLETE OVERHAUL.

CURRENT SYSTEM LACKS INTEGRITY.

OVER 570 APPEALS LODGED WITH GREAT  
INDICATING THE DEGREE OF DISSATISFACTION IN THE FIELD.

NO INTEGRATION OF ASSESSMENT CENTRE RESULTS AS WAS THE CASE FOR  
LOCAL AREA COMMANDERS.

NO TESTING OF CONTENT OF APPLICATIONS OR INFORMATION PROVIDED AT  
STRUCTURED INTERVIEW.

USE OF SECT 66 APPOINTMENTS FOR DUTY OFFICER POSITIONS HAS  
ASSISTED IN UNDERMINING THE PROCESS, AS IT IS GENERALLY BELIEVED  
TO BE A FORM LEGITIMISING NEPOTISM.

WHAT IS PROPOSED TO ADDRESS THIS MAJOR ORGANISATIONAL ISSUE AND  
ARE POLICE IN THE FIELD GOING TO BE CONSULTED IN THE REVIEW  
PROCESS.

# The Commissioner & His

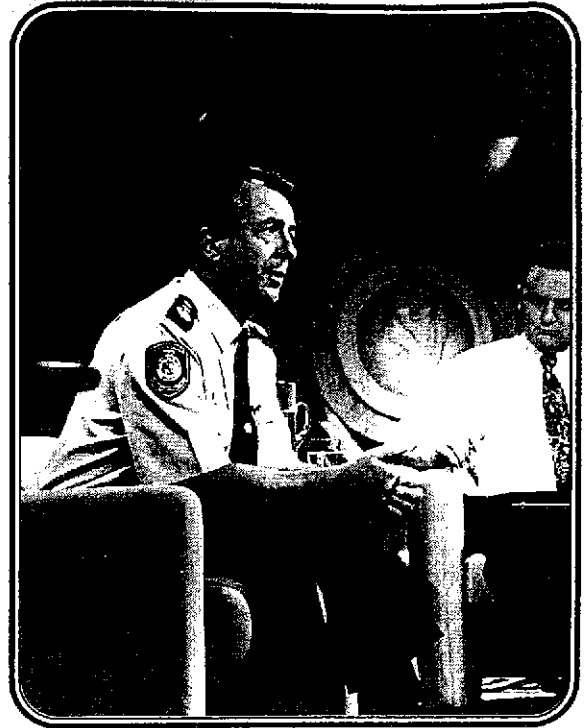
**POLICE**

**TV NEWS**

## Update

*Police TV* has received many e-mails and faxes from all around the state in response to the special Question & Answer program to be broadcast on Wednesday, 10 November.

But we still need more questions to complete the one hour special program. If you'd like to ask a question, MEMO us with your contact details only. Please include your name and the phone number where you'll be on the day of the broadcast. *No question is needed, just your contact details.* E-mail Paul Jackson on [JACKIPAU] or Fx: 55128 / 9339 5128.



## The Details

### What

*Police TV* is producing a one hour special on 10 November. It's all part of a follow up to a series of stories on *Police TV* and in *Police Service Weekly* about crime reduction, smarter systems, employee and customer satisfaction.

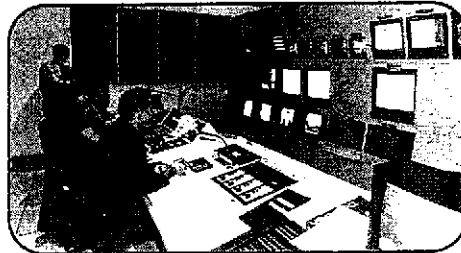
### Who

Commissioner Ryan and his two deputy commissioners will answer questions from the frontline during a live *Police TV* broadcast.

All staff will have the opportunity to ask questions live on air and have them answered personally by Commissioner Ryan, Deputy Commissioner Ken Moroney or Deputy Commissioner Jeff Jarratt.

### Why

This is the second Q&A special broadcast presented by *Police TV* in the last 10 months, and the third in the last three years. It will provide both the Executive and the field with an equal opportunity for discussion, particularly about the reform process and the changes which have been made.



# Q&A

### How

Questions will be asked directly by callers and they will be 'uncensored'. By this we mean that the first time the questions will be heard, will be when you ask them over the phone to the Commissioner or his deputies.

### When

Broadcast live at 8am on Wednesday, 10 November and the show will be repeated at 3pm the same day.



# Deputies in the Hot Seat

...the questions will be uncensored. The first time the questions will be heard, will be when you ask them over the phone to the Commissioner...

Reform  
Coordination  
Unit

## Reform Update

### Why Another Q&A Broadcast?

For the past three years the Police Service has achieved significant reform. This has resulted in major changes to the way we carry out our core function of *'ethical, cost effective crime reduction'*. Recent statistics published by the NSW Bureau of Crime Statistics reflect the tremendous results achieved in such a short time.

The Police Service Executive wish to provide you with up to date, concise information on critical issues, and the Commissioner believes a live question and answer session on *Police TV* will provide the clearest form of communication between the Executive and the field.

The broadcast is scheduled for 8am on Wednesday, 10 November. It will provide both the field and the Executive with equal opportunity for discussion. It is also an excellent chance for every member of the Service to speak directly with our most senior commanders. *You will get up to date, first hand information on critical issues.*

Please take advantage of this opportunity to ask questions and contribute your views on present and proposed reforms.

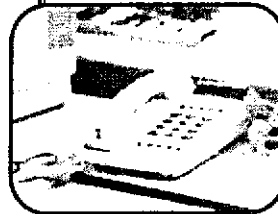
Steve Ireland  
Commander  
Reform Coordination Unit



### The Process

In a live to air program, members of the Executive will answer your questions, which you can ask by phone, or send in via fax.

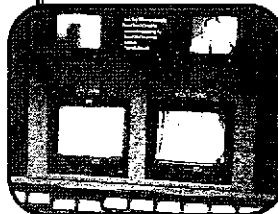
Questions asked directly to the Commissioner and his two Deputy Commissioners will be uncensored (ie. the first time the questions will be heard will be when they are asked over the phone by the caller). The process is simple:



1. Questions asked directly to the Executive will be unedited. They will be asked and answered 'live'.



2. Callers will be placed on hold where you can listen to the program as it goes to air.



3. Only your name and topic will be identified and then switched through to the studio, where you will ask your question live to air and it will be answered. Send your contact details to Paul Jackson on [JACK1PAU].





# Police TV Appearance



*During Police TV's special broadcast, callers from across the Service were put through to the panel and were able to ask any question they wished, as the cameras rolled.*

Commissioner Peter Ryan has appealed to all members of the Service to help find a solution to the current problem of duty officer appointments.

The appeal has come as the Commissioner and his deputies, Jeff Jarratt and Ken Moroney, answered questions from members of the Service, live on *Police TV*.

But it was the question of duty officer appointments that drew most interest.

### Duty Officer Appointments

Responding to the first of three questions on the subject, the Commissioner described the current system as awkward, difficult, time consuming and very unsatisfactory.



*During a rehearsal the previous afternoon, the Executive Team fielded 'dummy questions' to get a feel for the program format and camera positioning. The rehearsal also gave producers a chance to run the cameras through their paces and iron out any technical problems.*

During the special hour long broadcast, the Commissioner and deputies answered more than 20 questions sent in by fax or asked directly on the phone. The issues canvassed included redundancy or early retirement payments, crime rankings, staffing levels and the current review of the Human Resources command.

Commissioner Ryan explained that the problem was not with the principle of the assessment process: "which involves a world proven system of how to assess people against given competencies and skills to see whether they are suitable for the job.

"It is the way the process operates with assessment interviews, applications for jobs, job offers and then appeals, combined with the sheer number of people involved, which is causing the system to freeze up," the Commissioner said.

"If the work force is so upset and feels so strongly about the current system, we need to find an alternative and I am determined to find one," he said.

"But it needs to be one which is going to work. We can't enshrine the appeals system which takes so long and upsets so many. We have to have a quick application, a quick assessment and a fast appointment. We don't want jobs vacant for months on end, with people acting up or on section 66 appointments. It is no good for the Service, it just doesn't work effectively."

The Commissioner is genuinely interested in ideas from members of the Service, to help find a solution to the duty officer problem and promised to work with the associations to do something positive towards that end.

The Commissioner also stressed that the creation of duty officer, team leader and other supervisory positions had produced more than 300 additional promotional opportunities.

"If we had not gone down this road of reform, if we hadn't taken the path we have to try to get promotions through, 300 jobs would not be available for people to be promoted into," he said.



*Police TV presenter Margaret Bates*



Commissioner Ryan was prepared to have questions asked without any time to research and prepare his answers. The Commissioner wanted spontaneous answers to unrehearsed questions

Deputy Commissioner Jeff Jarratt said he expects duty officer and crime manager positions to be advertised from this week, with applications to close and interviews to begin by the middle of next month.

Deputy Commissioner Jarratt said he is confident the Commissioner will be able to determine, by about the middle of February, those people who are suitable for appointment to the positions.

#### Looking at Industrial Agreements

Also during the broadcast the Commissioner signalled the need to reevaluate many of the industrial agreements and regulations which govern the Service.

"Some agreements go back many, many years and are not as good as they could be," he said. "Often they were entered into to address a specific problem back then, and do not help the current structure of the Service or its proposed future."

#### Look for the Answers

The Commissioner also appealed to staff to ensure they are properly informed of developments in the Service, rather than complain that no one tells them anything.

"We have *Police Service Weekly*, *Police TV*, the intranet, memo system and many documents which come out," he said. "I urge you to find out, ask questions and use these services because the answers are there."

The Commissioner also asked commanders to ensure, as far as possible, that the information they get at regular meetings with the Executive is passed on to staff.

Commissioner Ryan said he is looking forward to repeating the 'Question & Answer' session in the New Year and urged officers to participate either by asking questions or by watching.



If you missed this one hour special broadcast, ask your EDO for a video copy. Or call Paul Jackson at Police TV on 55626 / 9339 5626.



## Reform Coordination Unit

# Reform Update

### A1 Reform Priorities

- Success Indicators.
- Review of Core Functions.
- Crime Management Model.
- Local Area Command Business Units.
- Information Management.
- Police Assistance Line (PAL).
- CRIME Code of Practice.
- Employee Management (EM) System.
- Human Resource Management.

'Ethical, cost effective crime reduction', is the core mission of the NSW Police Service.

In the Commissioner's November 1996 Reform Blueprint, nine *A1 Reform Priorities* were outlined addressing many of the critical recommendations of the Royal Commission Final Report. These *A1 Reform Priorities* set within a strategic framework the specific reform activity the Service would concentrate on.

### Part 5

#### Police Assistance Line (PAL)

PAL is an important reform initiative, developed to maximise front line police performance and improve response times. As well as improving police/customer relations, the productivity gains will mean operational police will be better able to concentrate on crime reduction.

##### The Objective

Using a telephone call centre, provide the community with a single point of contact for 24 hour reporting of crime, as well as qualified advice and support on a range of community issues.

- PAL can be contacted on **131 444** any hour of the day, seven days a week, for the cost of a local call.
- It provides a much more convenient way for minor crimes to be reported to police, as well as enabling police to direct their attention to reducing crime within their local area.

Command =>

Board ..... NFO.NEWS

REFORM NEWS

Description ... Re. Q and A transcript

Page 11( 58) Line 151 Col 1(

: KM. Could I just add to Jeff's response on that issue. At a recent :  
 : OCR one of the visiting participants was Miss Jenny Bargan from t :  
 : he Office of Juvenile Justice. And this very issue was raised with :  
 : her by the Executive and indeed the participants on that particul :  
 : ar occasion. Jenny has offered the services of the Department of J :  
 : uvenile Justice to work with police in a whole range of areas, not :  
 : only in relation to aboriginal young people who come before the c :  
 : riminal justice system but young people in general. And so I would :  
 : certainly counsel you to take advantage of that offer and Jenny B :  
 : argan can be reached through the Department of JJ at Roden Cutler :  
 : House in the City. :

: Q5. Phone: In relation to the duty officer promotional system, it :  
 : ----- <http://www.netsys.se> ----- :

: Help F3=Exit F4=Print F5=Copy F7=Bkwd F8=Fwd F10=Actions F11=Keys F12=Clk  
 : F13=Top F14=Bottom F17=Find F19=Left F20=Right F23=Standby

CONTINUED NEXT PAGE

10-11-99  
PROGRAM 94.

MEMO

Browse panel

14/12/2000 04:58

Command =>

Board ..... NFO.NEWS

REFORM NEWS

Description ... Re. Q and A transcript

Page 12( 58) Line 166 Col 1( (

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: is my view and the view of my colleagues that the entire system re :  
 : quires a complete overhaul. The current system lacks integrity, va :  
 : lue. There have been over 570 appeals lodged with GREAT, indicatin :  
 : g the degree of dissatisfaction in the field. There is no integra :  
 : tion of assessment centre results as was the case for Local Area C :  
 : ommanders. There was no testing of content of applications or info :  
 : rmation provided for the structured interview process. Further, th :  
 : e process is undermined with the use of section 66 appointments as :  
 : they are generally believed to be a means of legitimising nepotis :  
 : m under the guise of stability of management. Now what is proposed :  
 : to address this major organisational issue? Are police in the fie :  
 : ld going to be consulted in any review process? :

:  
 : CoP That is probably one of the most important questions we are go :  
 : ing to be asked this morning Mark. Nobody, and I mean this, nobody :

----- http://www.netsys.se -----  
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MEMO

Browse panel

14/12/2000 04:59

Command =>

Board ..... NFO.NEWS

REFORM NEWS

Description ... Re. Q and A transcript

Page 13( 58) Line 181 Col 1( 1)

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: is more frustrated with this promotion system than I am. And that :  
: is shared with my colleagues and I will hand over the deputy Jef :  
: Jarratt when I finish speaking, because I know he has something on :  
: this as well. The system we have I am afraid is a very awkward, d :  
: ifficult, time consuming and very unsatisfactory system. Not the p :  
: rinciple of the assessment process, that is a world proven princip :  
: le of how you select people against given competencies and skills :  
: to see whether or not they are suitable for the job for which they :  
: are applying. When it all goes wrong, and where it has gone wrong :  
: for us, has been the sheer numbers of people applying for duty of :  
: ficer positions. They then have to go through the assessment proce :  
: ss. They then have to be interviewed, job offers are made, people :  
: apply against the job offers and then we go into this interminable :  
: appeal process, where everybody it seems on this occasion, has ap :  
: pealed against everybody else's appointment. Now that cannot be go :

----- http://www.netsys.se -----  
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MEMO

Browse panel

14/12/2000 04:59

Command =>

Board ..... NFO.NEWS

REFORM NEWS

Description ... Re. Q and A transcript

Page 14( 58) Line 196 Col 1(

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: od for the health of the organisation. It has taken us two years t :  
 : o get here and what we are going through now is an appeal process :  
 : where everybody is appealing against everybody else. Now, this is :  
 : a system that we have inherited as a service. Most of it, and larg :  
 : e parts of it, are enshrined in either legislation or regulations :  
 : about how the job of the service will actually promote its people. :  
 : Other parts of it are enshrined in industrial agreements that hav :  
 : e been made with the associations on how we will select and appoin :  
 : t. Now the reason we have had section 66 appointments is simply ou :  
 : t of sheer frustration with trying to get through normal appointme :  
 : nts. I can tell you in 36 years of policing I have never come acro :  
 : ss anything as awkward as this system in my life. I have always be :  
 : en used to having a system whereby you assess people, give them a :  
 : job and off they go and do it. Now what is happening, our people a :  
 : re being knocked over on appeal who might have won the previous fo :

----- <http://www.netsys.se> -----

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 F13=Top F14=Bottom F17=Find F19=Left F20=Right F23=Standby

Command =>

Board ..... NFO.NEWS REFORM NEWS

Description ... Re. Q and A transcript

Page 15( 58) Line 211 Col 1( (

-----

: ur or five appeals and lose that particular one. That cannot be fa :  
 : ir. So what are we going to do about it? Well that is a problem. I :  
 : need your help out there to help me overcome this problem. I cann :  
 : ot do it on my own. If the work force is so upset and feels so str :  
 : ongly about the current system we need to find an alternative and :  
 : I am determined to find one. But it needs to be one that is going :  
 : to work. We can't enshrine this appeals business that takes so lon :  
 : g and upsets so many. We can't enshrine that in any new system. We :  
 : have to have a quick application, a quick assessment and fast app :  
 : ointment. We don't want jobs being left vacant for months on end, :  
 : with people acting up or on section 66 appointments. It is no good :  
 : for the service. It just doesn't work effectively. So I am appeal :  
 : ing to you on this broadcast now - help me find a solution. Work w :  
 : ith me to find the solution. Work with the associations and let's :  
 : get sitting down and do something really positive about it. :

----- http://www.netsys.se -----

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 F13=Top F14=Bottom F17=Find F19=Left F20=Right F23=Standby





MEMO

Browse panel

14/12/2000 04:59

Command =>

Board ..... NFO.NEWS

REFORM NEWS

Description ... Re. Q and A transcript

Page 17( 58) Line 241 Col 1(

-----

: to hear them. But let me just tell you where we are up to. As of t :  
 : his Friday we will be advertising on the memo system the crime man :  
 : agers' jobs. That will be followed a week later by the duty office :  
 : rs' jobs, all those which are vacant. Now some of you will not hav :  
 : e had the opportunity of yet being assessed. You will recall that :  
 : if you are currently a sergeant and you apply, or express an inter :  
 : est, you are automatically put into assessment. If you are a senio :  
 : r constable you can apply and there is a cull process. Now out of :  
 : that we expect round about 500 people to be assessed. As of this m :  
 : orning it is up to about 250 who have been assessed and we are con :  
 : fident that by the first or second week of January all those asses :  
 : sments will have been completed. But in order to try and move the :  
 : thing along so that we actually get people in place substantively, :  
 : we are going to be simultaneously running interviews and determin :  
 : ing a process. So what we are asking people to apply for one of th :

----- <http://www.netsys.se> -----

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MEMO

Browse panel

14/12/2000 04:59

Command =>

Board ..... NFO.NEWS

REFORM NEWS

Description ... Re. Q and A transcript

Page 18( 58) Line 256 Col 1( (

-----  
: ose jobs if they choose, a duty officer or a crime manager, those :  
: jobs will close on the 6th December for the Crime Managers and the :  
: 13th December for the duty officers. Now, at that stage if people :  
: haven't been assessed it is what we call a conditional applicatio :  
: n. That is, it is conditional on you meeting the standard at asses :  
: sment centre. If you apply, meet the standard at assessment centre :  
: , you will then proceed to the interview. But we will be running t :  
: hose interviews simultaneous with that process. So, interviews for :  
: crime managers and duty officers will commence round about the mi :  
: ddle of December, and run through probably about until early Febru :  
: ary. We are very confident that by about the middle of February th :  
: e Commissioner will be able to determine those people who have bee :  
: n determined to be suitable for appointment to all the duty office :  
: r jobs and all the crime manager jobs. That doesn't solve the prob :  
: lem that you have highlighted, but certainly it gets us to a point :

----- <http://www.netsys.se> -----

Help F3=Exit F4=Print F5=Copy F7=Bkwd F8=Fwd F10=Actions F11=Keys F12=Clc  
F13=Top F14=Bottom F17=Find F19=Left F20=Right F23=Standby

MEMO

Browse panel

14/12/2000 04:59

Command =>

Board ..... NFO.NEWS REFORM NEWS

Description ... Re. Q and A transcript

Page 19( 58) Line 271 Col 1( 6

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: where we can actually begin to settle. Because I don't think we h :  
 : ave ever confronted quite so many jobs in one time. And it is cert :  
 : ainly the most frustrating thing I think any of us have been assoc :  
 : iated with. But there is light at the end of the tunnel and I am p :  
 : retty sure it is not a train coming the other way. :

: Cop. Following on from what the deputy has just said. People ha :  
 : got to remember something. This is very, very important because I :  
 : think this has been lost in the mists of all these problems. In th :  
 : e last two and a half years I have given this service 300 plus ext :  
 : ra promotional opportunities. 300plus extra promotional opportunit :  
 : ies that have never existed before. Brand new jobs - duty officers :  
 : , team leaders and so on. Now, if we hadn't gone down this road of :  
 : reform, if we hadn't have taken the path we have to try and get p :  
 : romotions through, 300 jobs would not be available for people to b :

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 F13=Top F14=Bottom F17=Find F19=Left F20=Right F23=Standby

MEMO

Browse panel

14/12/2000 04:59

Command =>

Board ..... NFO.NEWS

REFORM NEWS

Description ... Re. Q and A transcript

Page 20( 58) Line 286 Col 1( 6

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: e promoted into. And it is the sheer volume, sheer volume of appli :  
 : cations that is causing a lot of this and all the other things tha :  
 : t I mentioned before. But don't lose sight of the fact we are talk :  
 : ing about 300 new promotion jobs here. So, if we didn't have them :  
 : you would still be where you were in the first place, with no oppo :  
 : rtunity for a promotion. But we are trying to unfreeze the service :  
 : by giving these job opportunities. :  
 : :  
 : :

: Q6. Fax: It appears to me that the work of police and others invol :  
 : ved in community based programs and crime prevention have been dev :  
 : alued. Notwithstanding the desire to encourage enthusiasm towards :  
 : crime reduction, why are these people not receiving similar publi :  
 : c acknowledgement to those with high arrest and charge rates? :  
 : :  
 : :

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. Help F3=Exit F4=Print F5=Copy F7=Bkwd F8=Fwd F10=Actions F11=Keys F12=Clo  
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Chief of Staff  
Superintendent Scipione  
Commissioners Office

Request made by Commissioner Ryan for input regarding Police promotional system - Police TV on 10 November, 1999.

- - -  
This morning I had the opportunity of asking Mr Ryan a question regarding the promotional system, specifically affecting Duty Officer positions.

Mr Ryan echoed the concerns I raised regarding the process and invited ideas from the field to assist him in addressing the matter.

As author of the question I would like the opportunity to meet with the Commissioner personally to discuss my recommendations for an improved promotional system, certainly one that can withstand not only cursory examination, but detailed scrutiny and emerge as an ethical, fair and effective means of identifying personnel for promotion, far more appropriately than is presently the case.

From the broadcast it is clear that Mr Ryan finds the appeals process inhibitive in terms of achieving his (and our) goals for the organisation. It may be of interest to him, that I also find the retention of that process archaic and actually made recommendations to a Royal Commission investigator some years ago that it should and indeed could be abolished, but there was a proviso attached. That was that the system of promotion introduced post Royal Commission was one that reflected those qualities which I personally hold dear, i.e. ethical, fair and free from internal manipulation.

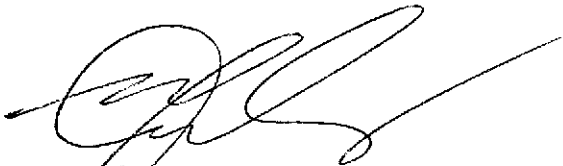
I would sincerely like to make a worthwhile contribution to this issue. There is much at stake, not so much for myself, but for the organisations future. If we have got it wrong this time and we do the same thing in the next two to three months, no one will be able to repair the damage that may be done. The credibility of the reform process and morale will suffer enormously and we may well have to live with those consequences for many many years.

The Commissioner appears to be a genuine person with genuine concern in this matter. I would like to assist him and this organisation in a genuine and meaningful way, independent of the Police Association.

I would like the Commissioner to gauge my sincerity for himself to assure him that I am not acting out of self interest by becoming involved in this debate. I, like him, only want to see a professional promotional system, a fair and equitable system where I and others will be truly judged on merit, where complaint has no substance and appeals are clearly futile.

I appreciate that Mr Ryan has an extremely busy schedule and that a personal meeting may not be possible, however I am certain that I will be able to make a valuable contribution and perhaps be in a better position to answer some of his concerns than others he has relied upon thus far.

You might advise him that I am wary of the value of written submissions, as a complaint I made three months ago, directly to Mr Brammer regarding the probity of the current promotional process, only left Mr Brammers office on the 5 November, 1999 and regardless of the excuses made by his office, this is not conducive to confidence.



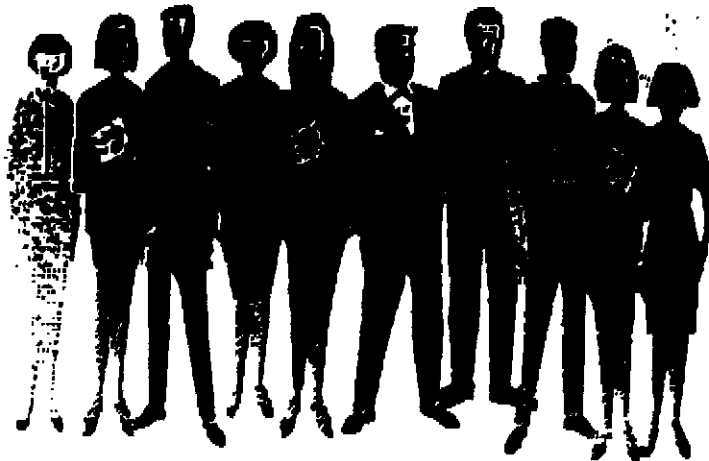
Mark Fenlon  
Sergeant  
Blacktown Local Area Command  
74122  
10 November, 1999



TRANSACTION REPORT

Transmission  
Transaction(s) completed

NO.	TX	DATE/TIME	DESTINATION	DURATION	PGS.	RESULT	MODE
073	NOV.	9 09:24	55471	0' 01' 18"	003	OK	N ECM



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 BLACKTOWN      612 967 0000

TO SUPT. SCIPIONE (CHIEF OF STAFF)  
 LOCATION COMMISSIONERS OFFICE  
 FROM SERGEANT MARK FENLON  
 LOCATION ELI 7...



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ENGLISHTOWN      9622-0000

TO SUPT. SCIPIONE (CHIEF OF STAFF)  
LOCATION COMMISSIONERS OFFICE  
FROM SERGEANT MARK FENLON  
LOCATION E/N. 74122  
BLACKTOWN POLICE 9622-0000  
DATE 10.11.99 TIME 10.20 AM  
NO OF PAGES 3 INCLUDING COVER SHEET  
ADDITIONAL MESSAGE :- REQUEST IN  
WRITING AS ADVISED.





SUBMISSION PRESENTED TO COMMISSIONERS OFFICE  
ON 2 DECEMBER, 1999

Immediately after the airing of Police TV, I contacted the Commissioners Office and arranged through the Commissioners Chief of Staff, Superintendent Andrew Scipione, a meeting at the Commissioners Office.

The meeting took place on the 2<sup>nd</sup> December, 1999.

I was met by Inspector Adrian McKenna and Superintendent Peter Rankin.

These officers indicated that they had been appointed to meet with me.

Both were provided copies of the submission and the details were discussed. Neither appeared interested in my concerns, however they were asked to provide the submission to both the Commissioner and Deputy Jarratt. They indicated they would do so.

I was subsequently advised by Gary Richmond (S.C.I.A.) that they had referred it to Jarratt.

Although I made several recommendations for a revised system, including the abolition of the structured interview, I had no knowledge of the corruption of the assessment centre or written application stages of the promotion system at the time this submission was made.

In any event no effective remedial action was initiated by the Commissioners office regarding the structured interview process or sect.66 appointments.

As a result the process continued to be corrupted by police.

## **RECOMMENDATIONS FOR CHANGE TO PROMOTIONAL SYSTEM FOR DUTY OFFICER /CRIME MANAGER POSITIONS.**

### **Introduction**

Statistically it is quite clear that the current system utilised to identify and appoint persons to the position of Duty Officer/Crime Manager is perceived by many as being grossly inappropriate. The number of appeals lodged with the Government and Related Employees Appeals Tribunal and the number of persons overturned in the process is quantitative evidence of the failings of the current systems in use.

This fact has obviously not been lost on the Commissioner and his staff. However, their frustration appears focused on the appeals system rather than the promotional system employed.

As the appeal process is fastened within an industrial agreement it stands to reason that it is highly unlikely proposition for it to be dismantled without substantial opposition from the employee representative body. The best the Police Service could hope for in that regard is the unlikely scenario where the Police Association is prepared to trade-off the appeal process in exchange for significant salary increases. This would prove to be an extremely difficult proposition to achieve as it would involve the commitment of Government to fund such a salary increase and would cause major division within the Police Association sub structure.

'So how can the Police Service achieve an effective and efficient means of promoting personnel without the appeals system inhibiting the process?

The answer is by introducing a promotional system that is professional and equitable in that it has sound methodology and integrity. With such a system, the process of lodging an appeal with G.R.E.A.T. would have little chance of success and the futility of the exercise would become so well established among all applicants as to make the process redundant.

## ISSUES FOR CONSIDERATION

### The Assessment Centre Process

As someone who has undertaken the Assessment Centre process, I find it difficult to rationalise the value with which the Police Service placed upon the results provided by that process.

It seems ridiculous to me that such an extensive examination of the core competencies possessed by candidates would be treated as nothing more than a method of culling personnel from the process rather than as an intrinsic element of the selection process as was the case for Local Area Commanders.

The process certainly has validity in terms of producing a quantitative result which can be compared from applicant to applicant. The integrity of the process can also be judged as effective as it does not easily lend itself to cheating.

I am still curious regarding "the standard" required for progression, however I am advised through my own sources that failure in one competency and marginal success in the six other competencies, was sufficient to gain inclusion in the pool of candidates. I can only assume that this artificial lowering of "the standard" was necessary in order to obtain a sufficient number of personnel for the "pool". If this is the case, then the overall results of candidates must have reflected very poorly upon the standard of personnel from the middle management area of our organisation and would no doubt present as a potential source of embarrassment for the Service if the results were made public.

It was always the impression of this officer and others I have spoken to that the Assessment Centre results would be integrated with any other criteria used by the organisation in the overall selection process. Personnel from Human Resources have advised me that this would be the ideal, however, lack of trained personnel to undertake that integration process was cited as the reason it was not undertaken in the last round of nominations. When one considers the potential and realised adverse outcomes of that decision, the excuse sounds very lame indeed.

In concluding this particular issue, if the assessment centre process is to be maintained, then its results must be integrated as a component of a selection process in the determination of relative merit of candidates, not simply as a means of culling applicants. Owing to its inherent quality and integrity it should be weighted in the revised process accordingly.

### The Structured Interview Process

From my personal experience and in discussions with numerous Police officers, there is one general theme; it was inappropriate to nominate candidates for promotion solely upon their responses to eight questions.

It cannot be argued that the current structured interview was anything more than a verbal examination of the candidates involved.

It has already been established that the process was undermined and yet the organisation placed its entire faith in the structured interview results to identify candidates for nomination. This was extremely foolhardy and in no small way contributed to the number of appeals subsequently lodged with G.R.E.A.T.

In examination of the questions asked at structured interview I and others found it difficult to justify the apparent ease that applicants from non-operational areas, had in providing adequate responses to those questions, particularly when the questions were to be behaviorally based. This can only lead to one conclusion on the part of unsuccessful applicants, that those candidates provided fictitious information in the examples they cited.

Admissions made by at least two candidates at G.R.E.A.T. hearings have confirmed that some candidates had prior knowledge of the questions to be asked at interview.

This information can only lead to two conclusions, that the duration of the process, some three months, lent itself to information sharing, particularly towards the end of the process or, some candidates with sources within Human Resources had been provided with the material.

The amendment already proposed to the structured interview, that being that each candidate is only interviewed once, does nothing to restore my faith in



the validity or integrity of that type of examination process, access to material prior to interview will still occur.

My examination of the structured interview process leads me to believe that it cannot be tightened sufficiently to warrant its continued use as a means of identifying personnel for promotion.

A further aspect of the structured interview process is the composition of the interview panels.

The working location of chairpersons appears to have played a significant part in the selection of some candidates. This is borne out by available statistics. During the last round of nominations, one Region in particular fared very well against its counterparts in terms of personnel within it gaining nomination.

An issue such as this does not go unnoticed and lends credence to perceptions of inequity and nepotism.

It is quite clear that the Police Service's reliance upon the structured interview in isolation was and is seriously flawed and that process must now be relegated to a position in the process it deserves.

### The Integrity Issue

We are told that integrity underpins the selection process. The structured interview has certainly failed in this regard.

I am aware of at least one case, and there are no doubt others, where the nominated person lied in their application and I have little doubt lied in their structured interview. In my particular case, despite advising Internal Affairs of the matter some two months prior to the appeal hearing, no investigation of my complaint was initiated until one working day prior to the appeal hearing at G.R.E.A.T. It was then left to myself, without the support of the Police Service, to raise this issue at that tribunal.

Clearly the Service has a long way to go in relation to checking the material content of applications and information provided at structured interview (if retained) to ensure that the truth is being told. Clearly the internal checking

process relating to Internal Affairs and Equity and Diversity records require considerable improvement.

It is some comfort that a warning has preceded the advertisement of vacancies for this next round of Duty Officer positions, regarding untruthfulness in applications and the implications if caught. However in real terms the risk of being detected is low.

Detection in these matters is almost totally reliant upon another officer with knowledge of the nominated person, providing contrary information to that contained in the nominees written application, only if they have access to that application for scrutiny, only if they were themselves candidates for the same position and, only if they are prepared to make the complaint.

A series of "ifs" in succession and a most unlikely scenario, given the general reluctance of Police to report such matters, which sometimes rely wholly on the word of one officer against another.

This issue of ensuring integrity can be overcome to a significant degree and with minimal increase in workload of Human Resources or Internal Affairs Commands. It does however require the provision of greater access to nominees applications and any other records as they relate to the nominee to other applicants upon request.

Such access would allow other applicant Police to test the material provided by the nominees, which may either support or refute the information contained in the application. In brief, allow any applicant to conduct an investigation of the content of the nominee's application and support that officer in that investigation of content.

For example:

"A nominated person has indicated in their application that they managed a siege where they co-ordinated resources to resolve the matter."

The "investigating officer" should be permitted to inquire of the nominated person, specific details regarding time, date, place and who else was involved. They should then be permitted to access C.O.P.S. to verify the incident taking place and contact other involved officers to confirm the role of the nominated person in the incident.

At present no aspect of any candidates application is scrutinised to any degree to ensure the truth of content. In fact under this current system I could have easily indicated in my application, possession of several degrees or associate diplomas without ever having had to produce documentation to that effect.

I was not once asked to provide any confirmation of external or internal qualifications and even had I been, it would have merely been a matter of producing some excellent computer generated forgeries.

Clearly if the Service has not the resources to carry out such integrity checks, then it must allow and assist other candidates to do so and advertise the fact in advance. Only those that have something to hide will object.

### Section 66 Appointments

I consider the issue of Section 66 appointments within the ambit of integrity, however as it does not necessarily relate to applicants, rather to management, it requires specific mention in isolation.

Section 66 appointments were introduced as a short term measure to address the frustration felt by the Commissioner regarding achieving some stability in middle and upper management due to the snail like progress attached to the implementation of a new promotional system, post Royal Commission.

It is the perception in the field that it is being utilised by most Commanders as a means to legitimise nepotism among the favored few. It is inherently a more corrupt practice than was previously employed and the reason is simple. Exclusiveness in relieving, without having to compete with peers.

As all section 66 appointments are based solely upon the recommendation of a Commander, it presents as a perfectly legitimate manner in which to reward one's cronies or indeed corrupt officers. Even in those situations where section 66 positions are advertised, one has to wonder why applications are called for at all and why the substantive position was not advertised formally for filling, (the only exception being venue Commander positions during the Olympics and Paralympics.)

Given the weight attached to relieving by G.R.E.A.T. in their deliberations, this form of appointment places a select group of candidates in a position of

significant advantage over others, not on the basis of relative merit, but on the basis of a Commanders recommendation.

The motivation behind that Commanders recommendation is irrelevant to G.R.E.A.T. What is not irrelevant to other officers is the fact that Section 66 appointments are corrupt at worst and unethical at best, they are certainly contrary to the provisions of equal employment opportunity and as such the organisation breaches its very own policy in terms of equity in relieving provisions.

Section 66 appointments must be abolished in conjunction with any revised promotional process. Any other instances of exclusive or long term relieving must be cancelled with all such opportunities advertised and made available to any interested parties on an equitable basis.

#### True Stability in Management and Structured Progression of Career

One cannot argue that stability of management is necessary in any organisation. Instability breeds uncertainty and is counter productive, however section 66 appointments are not the answer.

A more satisfactory resolution to the problem can be achieved through the implementation of a true structured progression of an individuals career.

In plain terms, allow progress through a career, one rank at a time and have a minimum tenure of at least two to three years on that rank prior to being eligible to seek further promotion.

This proposition addresses four related issues,

- 1) progression at a reasonable rate, even for over achievers.
- 2) acquirement and assessment of skills developed in the position.
- 3) greater concentration of effort by the candidate in the position just gained, rather than having focus upon further advancement .
- 4) stability within the work environment for staff and the Commander.

Effectively it will be necessary for amendments to be made to the criteria for selection of candidates. At present Senior Constables with 9 or more years service can apply for any position within the Service. This should be

amended for the reasons cited above and for another perhaps more valid reason.

Whether we like to admit it or not, the issue of years of service of candidates will always play a part in our perceptions of merit.

It is difficult for most people to come to terms with the possibility of promotion of a person with 9 years policing experience to a Duty Officer or indeed a Local Area Commander position, yet this is a distinct possibility when relying on the current system in place. This fact has been borne out at G.R.E.A.T. where the Senior Constables nominated received the highest number of appeals, whereas the Senior Sergeants nominated, received very few.

In order to reduce the potential number of appeals to G.R.E.A.T. some tightening in regard to eligibility to apply for positions must occur.

#### Appropriate Policing Experience

Another major issue is the perception, correct or otherwise, of many Police that candidates seeking promotion to areas outside their particular field of expertise should not be permitted to apply in the first instance, at least not without having performed recent and extensive duty in the area sought.

Put simply, an example of this thinking is that a Detective Sergeant, who has spent say the last ten years in Criminal Investigation, should be restricted to applying for Crime Manager positions or other senior positions within a strictly criminal investigative area. Alternatively if that same Detective Sergeant wanted to apply for a Duty Officer position, then he should request a return to General Duties in a Sergeant/Supervisor capacity for at least twelve months before being eligible to apply. The reverse is obviously the case with General Duty Sergeants seeking a Crime Manager or position of the like.

The above example is perhaps not the ideal, however when one considers that it was possible for candidates from wholly training or intelligence backgrounds, with little if any recent field operational experience, to gain nominations and indeed positions in a role which is effectively the most senior Field Supervisory position in the organisation, then in order to

establish and maintain some credibility in a promotional system, one must consider the imposition of the criteria "appropriate policing experience", upon all candidates prior to being permitted to undertake the assessment process, let alone apply for the position.

From a personal perspective, I have found the current process demoralising for those committed individuals, who have spent considerable years in the field operations arena only to find they have been overlooked by a promotional system that would favour and reward those who have sought the refuge of offices and administrative work.

In the end of course the impact is not only felt by those who have been overlooked but also by those who would be affected by the decisions made by these inexperienced nominees in the field, the Constables under their charge.

A comment made by a Constable during the Commissioner's Police TV, Questions and Answers episode, comes to mind, that being that "it appears the wrong people are getting promoted, while the one's who deserve the jobs are missing out".

This is of course a generalisation, but one that is echoed throughout the Service and should be of some concern.

This generalisation however reflects the lack of input to the promotional process of those most affected by it. The Police Service has either failed to recognise the valuable contribution that field Police could make in assisting in the determination of merit of candidates for promotion.

Certainly some comment is sought and provided by Commanders of those that seek promotion, however the candidates' peers and subordinates are never called upon to provide comment.

I have informally canvassed fellow Sergeants and Constables and all agree that both groups would provide an accurate assessment of work performance and suitability of applicants for promotion owing to their proximity to the applicant on a day to day basis.

I would hasten to add that if adopted, such a system would require to be randomly based with at least ten persons selected to provide an accurate cross section of opinion. It would also have to be in a questionnaire format

with ratings and some provision for short comment to enable speedy completion. Selection of personnel would also have to be performed independently of the Command from which the applicant is attached.

I would envisage that the details of the officers completing the questionnaires would be kept confidential, however the overall ratings and comments could be provided to the applicant and the Local Area Commander as performance feedback for developmental action or indeed commendation.

In conclusion on this issue, I see real value in assessing work experience and workplace performance as part of the promotional selection process.

### CONCLUSION

It stands to reason that a promotional system based upon methods that define, recognize and rate all aspects of an individual in determining their merit for promotion, will be seen to be inherently fair providing the methodology used is known to all and open to examination.

In conclusion, many of the issues raised in this document are shared by a great many officers who have been or are likely to be affected by the promotional system now in place.

The proposed revised process (set out in the attached annexure) has been formulated to assist in addressing those issues. I would stress that the process is put forward without consultation with representatives of the Police Association but with as much possible consultation with field Police within the limited resources at my disposal for such an exercise.

I trust that you will seriously consider this submission as the decisions to be made regarding a promotional system, will either restore or destroy our collective organisational well being in the future.

Mark Fenlon  
Sergeant  
1 December, 1999

## **THE REVISED PROCESS**

### **Assessment Centre Phase.**

Assessment Centres will operate only for Commissioned Officer positions. Only substantive Sergeants and above may be assessed.

Assessment Centre results are grade for all undertaking the process and results are filed for future integration with following phase results.

There is no requirement for a "standard" as there are no pass or fail results only gradings.

**(It is recommended that Assessment Centre Grades form at least 40% of overall selection process.)**

### **Field Assessment Phase.**

Candidates will be assessed by their Commander and a selection of peers and subordinates in their work performance.

Candidates will not know the identity of their field assessors.

Candidates and their Commanders will only have access to the results of the field assessment.

Assessments judged as unusually critical or complimentary will be reviewed with their authors to ensure against vindictiveness or favouritism on the part of the author.

Field assessments are graded.

**(It is recommended that Field Assessment Grades form no more than 15% of overall selection process.)**

### **Application Phase**

Vacancies are advertised and applications called for.

Applications are submitted directly to Human Resources Command.

Applications are graded, based upon relevant experience, demonstration of competencies, skills, qualifications, commendations etc.

**(It is recommended that Application Grades form no more than 20% of overall selection process.)**



### **Computer Based Assessment Phase**

All applicants undertake a computer-based assessment at one central location simultaneously.

The computer assessment tests the knowledge of candidates regarding level of technical knowledge, procedure, legislation, corporate policies and other issues relevant to the position.

The test consists of 100 multiple-choice questions selected randomly by the computer from a bank of over 1000. It asks the same questions of each candidate.

**(It is recommended that the Computer Based Grade make up the balance of the overall selection process).**

### **Integration of Assessment Grades**

The individual grades of candidates are integrated.

### **Information Phase**

All candidates are individually and confidentially provided with their integrated result of the selection process. This will later assist candidates in determining their respective performance against nominees and assist them in deliberating on the possibility of undertaking the assessment process again to improve their ranking.

### **Preliminary Selection of Nominees**

A preliminary selection list is compiled based upon the respective ranking of candidates, their preference of location and the number of vacancies available.

The preliminary selection list will be valid for 12 months.

### **Preliminary Integrity Phase**

The details of candidates on the preliminary selection list are referred to Internal Affairs and Equity and Diversity Branches for checking.

Failure to meet integrity standards leads to disqualification of further progress with reasons provided to candidate concerned.

Current investigations of candidates under consideration of nomination are expedited.

### **Nomination Phase**

The highest-ranking candidates passing the preliminary integrity check are offered positions.

Publication of nominees together with their overall integrated result.

### **Final Integrity Phase**

When nominees are published, a general request is made of any officer to provide any information pertaining to the integrity of the nominee, which may not be known to the Service and which may affect the appointment of the nominee.

Those officers must report the matter/s within 21 days of publication of the nominee.

Those officers must identify themselves in the complaint.

In the event of a nominee failing the final integrity phase, their nomination will be cancelled and their position offered to the next candidate on the preliminary selection list for that location.

Any potential appellant officer upon request will be provided a copy of a nominee's application form and individual result within each of the selection phases.

Any other officer, considering lodging an integrity issue complaint, upon request, will be provided with a copy of the nominee's application only.

The details of any officers provided with copies of nominee's applications will be treated as confidential.

### **Confirmation of Appointment Phase**

Appointments will be confirmed after the expiration of the statutory 21 days from the date of publication subject to appeals being lodged.

Appointments will be subject to a minimum tenure to ensure stability of command, effectively prohibiting further promotional consideration for the tenure period.





The Manager  
Assessment Services Directorate  
Human Resources and Development Command

Inability of Sergeant Mark Fenlon to attend structured interview phase of selection process for Duty Officer vacancies.

- - -

After lengthy and careful consideration I wish to advise of my inability to attend the structured interview phase of the selection process for Duty Officer positions.

I would stress that this is not a withdrawal of my application for the advertised positions and I reserve my right as an applicant called for interview, to appeal any nomination for any of the positions indicated in my application.

I appreciate that this action may be unique, however given my very public position regarding the inappropriate use of the structured interview process in isolation to determine relative merit (Police TV November, 1999), I am not prepared to be seen to lend credence to the structured interview process by participating in it.

Despite obvious and serious integrity shortcomings and the efforts of myself and the Police Association in having these issues addressed satisfactorily, the Police Service has maintained use of the structured interview process for selection of candidates for Duty Officer vacancies in this current round.

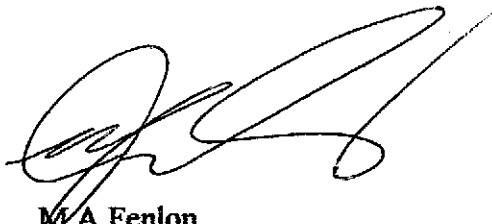
I have indicated to the Police Service that the structured interview process is open to blatant abuse in that it lacks integrity regarding interview content from candidate to candidate, this issue is the subject of a formal complaint.

I have spoken to many other applicants and potential applicants for these Duty Officer positions and whilst they have in the main agreed with my assertions, most have remained silent in that support. I believe that individual apathy is a factor, however I suspect that many have placed pursuit of individual and personal ambition in front of what is morally and ethically proper.

I at least do not intend to validate this selection system which is inherently flawed and has greater potential for corruption than all previous promotional systems I have experienced in my seventeen years Policing Service.

There is no apparent compulsion for my attendance or participation in the structured interview process. I am advised that failure to participate simply means that I cannot be nominated for a position, I will remain an applicant as defined by the G.R.E.A.T Act based upon submission and receipt of my written application and subsequently may lodge appeals as an unsuccessful applicant.

Please extend my apologies to the Convenor and members of Interview Panel Two and do not hesitate to contact myself regarding this matter should clarification be required.

A handwritten signature in black ink, appearing to be 'M.A. Fenlon', written in a cursive style.

**M.A. Fenlon**  
**Sergeant**  
**Blacktown**  
**19 January, 2000**

TRANSACTION REPORT

Transmission  
Transaction(s) completed

NO.	TX	DATE/TIME	DESTINATION	DURATION	PGS.	RESULT	MODE
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**NSW POLICE SERVICE**

**Blacktown**

Blacktown Police Station  
11 Kildare Road,  
Blacktown N.S.W. 2148

Tel: 02 9622 0000 / 74199  
Fax: 02 9671 9118

**Fax cover sheet**

To: Commander, ASSESSMENT SERVICES

Tel: ..... Fax: .....

From: SGT FENLON BLACKTOWN

Tel: ..... Fax: .....

Date: 19.1.00 Time: 2.30

No of Pages (including this sheet): ..... Priority: Urgent  Routine

Message: URGENT MESSAGE



# NSW POLICE SERVICE

## HUMAN RESOURCES AND DEVELOPMENT COMMAND

ASSESSMENT SERVICES  
DIRECTORATE

Level 12  
Ferguson Centre  
130 George Street  
Parramatta NSW 2150

Tel: (02) 9689 7210 / 79210  
Fax: (02) 9689 7716 / 79716

NAME: Mark Fenton  
FAX: .....

### CONFIRMATION OF INTERVIEW

I would like to confirm verbal advice given to you regarding your attendance at interview for the position of Duty Officer (JSR 02). Ref:

Your interview has been scheduled as follows:

Time: 9.30 to 10.30am

Date: Thursday 20 January 2000

Location: **Level 11, Ferguson Centre, 130 George Street, Parramatta**

**Dress: Plain clothes or uniform. You may choose either.**

The Selection Committee convened for this Interview process is:

#### PANEL TWO

Supt. Terry Jacobsen (Convenor)  
Supt. Bruce Nading (Second Member)  
Kaye Madden (Independent)

When you attend the interview please bring the following:

- \* A **certified** copy of Sick Leave History from inception/date of joining (commencement with service) to date;
- \* A **certified** copy of High Duties Relieving Card/s
- \* A **certified summary** of Higher Duties Relieving Card/s showing - 1. Year 2. Number of days 3. Position 4. Rank

Materials you may wish to present to the committee e.g. copies of certificates, plans, proposals, are not assessed separately but are used, if required, to substantiate information supplied by the applicant during the structured interviews process. At the end of the interview, the Committee will hand back any material that you present.

You should note that the Selection Committee has the responsibility for the range of positions identified for which you are to be interviewed, i.e. you will be interviewed once only for the position(s) applied for.

**In attending for interview you are reminded of your need for absolute confidentiality in respect of the interview questions. Your failure to do so may diminish your own relative merit for the position(s) applied for.**

**PLEASE NOTE: DUE TO THE STRICT TIME FRAMES IMPOSED ON THIS PROCESS, INTERVIEW TIMES AND DATES CANNOT BE ALTERED UNLESS SEVERE ILLNESS OR EXTENUATING CIRCUMSTANCES OCCURS (Dr Certificate / Commander Report required).**

If you require any information regarding the structured interview process please contact the Coordinator Kimerley Jones Ext. 79179 (9689 7179).

*[Signature]*  
Manager

**PRIVACY AND CONFIDENTIALITY**  
THE INFORMATION CONTAINED IN THIS FACSIMILE IS INTENDED ONLY FOR THE NOMINATED RECIPIENT. IF YOU ARE NOT THAT PERSON AND HAVE RECEIVED THIS MESSAGE IN ERROR, PLEASE NOTIFY THE SENDER AS SOON AS POSSIBLE, A REVERSE CHARGE TELEPHONE CALL WILL BE ACCEPTED.



Our reference: C/99/5723

Enquiries: Mr Y Piga  
Tel: (02) 9286 1071

Your ref:

PRIVATE AND CONFIDENTIAL

Sergeant M Fenlon  
Blacktown Police Station  
9 Kildare Street  
Blacktown NSW 2148

Dear Sergeant Fenlon,

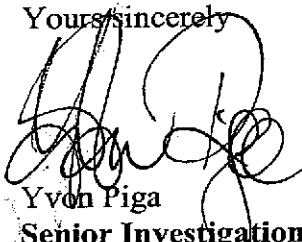
**Re: Your complaint about police**

Thank you for your letter dated 20 January 2000 concerning the alleged lack of action in relation to an earlier complaint. Your complaint appears to fall within the terms of the Protected Disclosures Act.

I have now passed on a copy of your letter to the Police Service to address in the context of the current inquiries.

Under the current legislation, the Ombudsman is not generally expected to have ongoing contact with complainants unless there are problems with the way in which the Police Service is dealing with your complaint. I would assume that you will be contacted again by the Police Service investigator in due course on the progress and/or outcome of the inquiries.

Yours sincerely

  
Yvon Piga 25/2/2000  
Senior Investigation Officer  
For the Ombudsman

Level 24  
580 George St  
SYDNEY 2000

Telephone  
(02) 9286 1000

Tollfree  
1800 451 524

Facsimile  
(02) 9283 2911

TTY  
(02) 9264 8050

Email  
nswombo@  
nswombudsman.  
nsw.gov.au

Website  
www.  
nswombudsman.  
nsw.gov.au









# NSW POLICE SERVICE

## HUMAN RESOURCES AND DEVELOPMENT

Sergeant M Fenlon  
BLACKTOWN LOCAL AREA COMMAND

Level 8  
Police Headquarters  
Avery Building  
14-24 College Street  
Darlinghurst NSW 2010

Tel: (02) 9339 5770 / 55770  
Fax: (02) 9339 5856 / 55856

Ref: AM:PS:LTR.102

Dear Sergeant Fenlon

- I refer to your submission of a complaint to Mal Brammer, Commander, Internal Affairs, raising a number of issues relevant to the structured interview process.

I understand your complaint canvassed other issues which are being dealt with directly by Internal Affairs. Commander Brammer has however asked that I respond to you direct in respect of specific areas relevant to the structured interview process.

Your complaint specifically raises concerns on the effectiveness and probity of the interview process, particularly given the time frame for completion of some interview processes (ie. Duty Officers) and the use of the same questions during an extended process.

Your concerns cite "rumours emerging regarding the pooling of questions and whiteboard conferencing in certain areas".

Further, you advise that you have previously raised your concerns with the Police Association and Mr Mike Lazarus, Assessment Services. From your representations you advised that you sought advice on the 'location' of successful applicants inquiring as to whether an analysis of results (successful officers) by location had been undertaken.

- You have also sought advice in respect of 'why the assessment centre results were utilised as a culling mechanism rather than their express function of identifying the best people for promotion'.

Now turning to your concerns:

The content of interview questions over an extended interview process does bring with it the risk of questions becoming 'known' if not in direct context, but in general context'. In that regard the questions used during the interview process comprise technical questions, behavioural questions and those of a combined technical/behavioural nature.

The structured interview process, particularly as relevant to the behavioural questions requires applicants to provide examples of how they can demonstrate by way of example/evidence, the depth and level of the competency areas sought for the role. Ratings are determined as a result of that evidence.

The evidence provided on the behavioural questions is relevant to their demonstrated experience, knowledge and capacity. Selection Committees consider and rate that evidence based upon the competency examples cited by the applicant. The same principle applies in respect of the technical/behavioural questions.

Your advice that there are rumours, that there is "pooling of questions and whiteboard conferencing" in certain areas is a cause of concern. No action can be taken in respect of such rumours, however, unless officers are able to come forward and provide evidence of such actions.

The Workforce and Careers Directorate have followed up any information relating to alleged breaches of confidentiality through the Internal Affairs Command, the success of those investigations is directly related to the preparedness of officers to be truthful in relation to the allegations.

In order to mitigate against breaches of confidentiality, the Workforce and Careers Directorate maintains strict confidentiality in respect of the questions themselves and, as you are aware, confirms the need to maintain absolute confidentiality with both applicants and Selection Committees. This is done both orally and in writing.

Information you sought in respect of an analysis of the location of 'successful applicants', this action has not been undertaken at this stage. Such action is limited by time and resources having regard to the priorities of the Directorate.

Finally, you ask why the assessment centre outcomes are not factored into the overall outcomes. The assessment centre process seeks to determine if an applicant meets the core competency requirements 'at the standard' before an applicant is considered in respect of their 'technical' knowledge. A review of the assessment process is currently underway with a view to developing a more integrated approach to the application/assessment/interview process.

By way of general information however, the assessment and structured interview process has been reviewed by external consultants. That review evaluation confirmed that the process was objective, open and equitable for all applicants. The review also provided recommendations for system improvements which have been followed up.

Whilst the current system is not a 'perfect process', it far outweighs the promotion process of the past in terms of equity and objectivity.

I trust that this advice provides you with an insight into the process.

From your concerns regarding the confidentiality of the questions, should you have evidence of any breach of confidentiality and can substantiate the rumours you have alluded to, I would be pleased if you could provide that advice either to the Acting Director, Workforce and Careers, or direct to Internal Affairs Command in order that allegations can be investigated.

Yours faithfully



18/2/00

M B Tiltman  
Deputy Director  
Human Resource Services







MEMO

Message panel

28/05/2000 10:31

Command =>

Destination .... => mark.burgess@pansw.org.au

Received/r

Memo title ..... => Answers to que

Page 1( 1) Line

1 Col 1(

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: From: mark.burgess@pansw.org.au
: To: fenllmar@police.nsw.gov.au
: Date: Wed, 24 May 2000 08:46:00 +1000
: Subject: Answers to questions
:
: I am aware of an incident up north about assessment/interview questions.
: I understand it is an ongoing IA inquiry, but I'm not aware of how
: serious it is. No one has suggested that the area it came from produced
: an inordinate number of successful candidates for Duty Officer
: positions. If that is the case, one must wonder what was so special
: about any document that was allegedly found.
:
: This is the only matter I am aware of.
:
:
:
:

```

----- <http://www.netsys.se> -----

F1=Help F2=Directory F3=Send F4=Print F5=Save F6=Delete F7=Bkwd F8=Fwd  
 F9=Commands F10=Actions F11=Keys F12=Close F17=Edit F19=Left F20=Right

-----  
MEMO TITLE: Re Question

PRINTED BY: FENL1MAR -> FENLON, MARK

PRINTED AT: 10:55 ON 28/ 5/2000  
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--- Received from NSWP.20832 0296220000 28/05/00 10:52  
-> NSWP.BURG1MAR BURGESS, MARK UPPER HU

Mark, my information is that the complaint relates to interview questions being made available to a candidate prior to interview by senior Police. What makes the documents special is that the prints of those senior officer/s were apparently found on the document.

Are we not still opposed to this promotional system? Did I not make a formal complaint through the association regarding this particular issue last year. Did I not receive notification from the Service that such a practice did not exist?

I have been saying for months that the content of structured interview questions were not adequately secure and that some candidates would have access to them prior to structured interview.

As for whether there were an inordinate number of appointments or recommendations from that area, that was not my question, I simply wanted to know how many complaints/investigations of a similar nature have been made regarding prior access to questions by candidates. I would imagine you would have some idea of same.

This type of information is pivotal regarding the credibility of the promotional system, I'm a little surprised that more has not been made of it by the association.

Look forward to your reply.

Mark





The Commissioner  
Police Integrity Commission

I request that a thorough and independent investigation be carried out under Section 14(a) of the Police Integrity Commission Act, into the processes and procedures concerning the promotional system for Duty Officer positions currently in place within the NSW Police Service.

Of concern is that the system in place has, by its nature, failed to provide a corruption resistant process for promotion. Of concern is that when these issues were brought to the attention of the Police Service in August, 1999, the Service failed to take adequate measures to address the matter. Of concern is that substantive evidence exists that the process was in fact corrupted by individuals applying for Duty Officer positions in the Lake Macquarie Local Area Command.

In August, 1999 I made a formal complaint, directly to the Commander Internal Affairs, Mal Brammer, highlighting what I considered to be serious shortcomings in the promotional processes in terms of the system's susceptibility to corruption. This complaint followed efforts on my part through the Police Association regarding the same issues. That complaint has not been adequately investigated nor was any effective remedial action taken by the Service as a result of that complaint.

In essence my complaint centred on the "structured interview" element of the promotional system and its use in isolation in determining successful or unsuccessful candidates for nomination for promotion.

The structured interview comprises of the same eight questions being asked of each and every applicant for the vacant position. On a micro scale, with a small number of applicants being examined over one or two days, this system appears sound, however on a macro scale with a hundred or more persons being interviewed over several months, this system allows corrupt individuals ample opportunity to provide access to those questions to others yet to be interviewed. Whilst I have always suspected and believed that this in fact occurred in 1999 and now in 2000, evidence of such conduct was not known to me until very recently.

One can appreciate the difficulty in obtaining evidence of such corrupt conduct, given that persons involved are not likely to come forward whether they be successful in their promotional efforts or not. I recognised that at the time of my complaint and therefore centred my complaint on the system rather than on any individual incident, simply because there was no direct evidence of the system being corrupted. In 1999 however there was significant circumstantial evidence that the system had been corrupted. This was supported by the number of successful nominations for applicants from the Endeavour Region having regard to their relationship to the working location of the individuals who comprised the interview panels.

My written complaint to Mr Brammer included a request for statistical information concerning this issue, but that request was subsequently denied by the then Deputy Director Human Resources, Mick Tiltman, citing limited resources and other priorities within his command. I understand that recently Mr. Tiltman's employment contract has not been renewed by the Police Service.

The recent information I received regarding an investigation into the access of questions for the promotional system involving the Lake Macquarie Command, (which has been confirmed to myself by the President of the Police Association, Mark Burgess), factually supports the assertions I made in 1999 regarding the potential for corruption of the promotional system. In my relatively isolated position (as a Sergeant of Police stationed at Blacktown), this is the only tangible evidence of corruption within the promotional system that I am aware of, however in 1999 there were a number of rumors circulating within the Service that the practice of pooling questions was occurring within some Commands. Probability suggests that such rumors had some foundation in truth and that my concerns were and are still justified.

Subsequent to the submission of my complaint I continued to pursue this issue independently as the Police Association efforts at initiating a change in the system were proving to be impotent. Negotiations they had undertaken with the Police Service were either not directed towards tightening the integrity of the system or those requests were falling on deaf ears during those negotiations. In any event I raised some of my concerns with the Commissioner, Mr. Ryan, in the only forum available to myself, Police TV.

It was clear that the promotional system in place was not to the satisfaction of the Commissioner, however it was patently clear that his main concern was the delay in the process as a result of appeal rights to G.R.E.A.T. rather than the system of promotion itself. Unfortunately the format of the program does not allow for a debate of issues raised and I was restricted to asking one question. He did however conclude with a blanket invitation to Police to assist him in finding a solution to the problems within the promotional system.

I accepted that invitation and produced a document outlining the problems and suggesting an improved process. I was subsequently granted an audience at Police Headquarters with Inspector McKenna and Superintendent Rankin. The meeting was congenial but did nothing to encourage a belief that the Service would be committed to improving the process to any acceptable degree.

Two changes later emerged in the promotional system for Duty Officer positions. The written application would be graded and factored into the structured interview result and applicants would only be interviewed once rather than several times (as had occurred in 1999). These changes have done nothing in terms of minimising potential for corrupt practice within the promotional system.

What is of vital importance here it that you understand that the system of promotion for Duty Officers within the Police Service is based not just on a persons ability to get through the Assessment process. It is their responses to eight questions and eight questions alone, that determines success or failure. The same questions are asked of each and every applicant and access to those questions prior to taking part in the structured interview, allows for research and a state of preparedness that would guarantee success in all but the most extreme circumstances.

Individuals are provided with a "mark" or "grade" during the interview and on the basis of that result alone are either nominated or not.

Is not this system an invitation for corruption?. Is it not possible for unscrupulous officers to have provided these questions to others as either a reward (nepotism), or for the sake of friendship or indeed in return for payment of monies?. When one considers that the financial benefits of obtaining a promotion to the position of Duty Officer under this system is in the vicinity of between \$70,000 and \$90,000, is that not motivation enough for those individuals who might, and in all probability already have, engaged in corrupting this promotional system ?

However, prior access to interview questions is not just the only serious flaw in the system.

During the structured interview, applicants are called upon to relate their answers to situations they may have faced in the field. Much stock is placed on the response examples by the interview panels. However there is nothing in the process which requires applicants to qualify those examples cited. In other words applicants can create fictional scenarios to meet their needs during the structured interview process. No checks are carried out by the interview panels or by Human Resources Command to ensure the examples cited by applicants did in fact occur.

It extends beyond that. There is no bona fide check made regarding the content of the written applications by candidates. In fact applicants can fabricate anything in their application, including false possession of tertiary qualifications without any real risk of being detected. At this point I cite one example, where I discovered that an applicant had been untruthful in her application for promotion and advised Mr Brammer personally by e-mail.

That particular complaint took five months before an investigation was initiated and in order to prevent her appointment I had to lodge an appeal to GREAT, where I was then required to identify myself and the nature of the complaint against the other party in her presence.

4.

Even when the investigation was commenced, it was conducted by a colleague of the person whom I complained against.

Despite an admission being made by the officer subject of the complaint, regarding untruthfulness in her application, the investigating officer has recommended no action be taken against that officer on the basis that it was an honest mistake. That is extremely difficult to believe given the circumstances behind the matter.

That investigation is being reviewed by an independent officer at this time, but I have already raised concerns regarding the integrity of that investigation with the Ombudsmans office. I would however welcome an inquiry by your agency into this particular matter as well.

As you can see, I have had to deal with many issues at the same time and I would be lying if I said it has not taken it's toll professionally and personally.

The response of the Police Service to the question of the integrity of the promotional system has been grossly inadequate. They have chosen to ignore it. Perhaps in the hope that it (and perhaps I) would go away. More likely it has been avoided because an admission on their part regarding it's failings would prove a source of significant embarrassment if it were made known to the public. Questions regarding management ability and credibility of personnel already selected and appointed under this system to date, would abound in most quarters.

I have constantly found myself frustrated in my efforts in pursuing this issue through the "appropriate channels" and as recently as two days ago I considered taking this matter to the Shadow Minister of Police and even made an appointment with his secretary, but was warned off that idea by my Commander, Superintendent Wales, who advised me that my revealing the fact that an internal investigation is being undertaken into the incident in Lake Macquarie LAC, to the Shadow Minister or anyone else outside the Police Service, could result in myself becoming the subject of a category one complaint for "compromising an investigation". You may draw your own conclusions from the advice I received. However there is a higher purpose here that in my view mitigates any breach of Commissioners Instructions or other legislation, which effectively gags officers like myself, from revealing the truth to the public.

I have taken all the correct procedural steps to bring this matter to notice. I have had no support in those efforts. I have lost all faith in the Police Service's capacity or will to properly investigate and rectify this matter. Your organisation presents as one of the last practicable investigative bodies in which I have any faith in achieving any result.



5.

I consider it imperative at this time to demonstrate to you that my motives for pursuing this complaint are not personal but based on a profound sense of doing what is right.

Like all other applicants for Duty Officer positions, I participated in the assessment centre process and I scored extraordinarily high in the required competencies.

Despite my efforts at initiating change, the next round of Duty Officer positions were advertised and I ascertained that the system of selection had not be altered, that being that the result of the structured interview was still the determining factor regarding selection.

I then embarked on five weeks leave, where I considered the events over the previous months and the results of my efforts.

The subject was constantly on my mind as I considered the potential personal benefits of gaining a nomination over my personal beliefs. In the end my personal beliefs won out and I established that I could not live with myself and participate in the structured interview process, knowing it to be an inherently corruptible system.

On returning to work I submitted a report to Assessment Services indicating I would not be taking part in the structured interview I had gained and the reasons for my decision. I never received a reply.

Some of my colleagues still cannot comprehend the position I have taken on this issue but there should be more to gaining a promotion than ones responses to eight questions in suspect circumstances. The promotion should be earned for the right reasons for it to have any value.

This promotional system has no value for me and I have made a conscious decision not to pursue promotion while it exists.

Further, it is not what the people of this State pay their taxes for nor deserve. They are entitled to expect that the NSW Police Service has adopted the best possible promotional system, free from undue influence, corruption resistant and with a capacity to identify the best officers for promotion. The current system fails in all three categories. Somebody must do something.

I have done all that is possible within the legal constraints placed upon me thus far and now I must entrust to you my faith in conducting a thorough investigation into the issues I have raised regarding the Police promotional system so that some meaningful change will be brought about.

In my current capacity as a mere Sergeant of Police I lack the resources and power to challenge the Police Service on this matter, others who are in a position to do so must champion it.

6.

Perhaps the most disturbing element of this complaint is that the Police Service has already appointed nearly one hundred Inspectors of Police under the current promotional system and will shortly be appointing another one hundred and fifty in the very near future.

One can only guess at the number of those officers who were provided the interview questions prior to appointment or indeed how those questions came to be in their possession, but one thing is certain, those corrupt officers are now in positions of authority where they may influence future generations of Police officers. This is an alarming prospect.

I am given to understand by one of your investigators that a complaint of this nature is likely to be referred back to the Police Service for investigation, that would be regrettable and not without risk to the author. I ask you to consider that in your deliberations.

The "Dresden Report" as it has been referred to in the Operational Crime Reviews (conducted by the Police Service), has drawn the attention of the Commissioner and his Executive. The criticisms leveled at the Police Service have not been met positively and I suspect that many Commanders will receive "the cursory caning" as a result, in order to redirect the blame for the Services lack of application of it's own policies. My complaint is another and far more serious example of how inadequate the Police Service is in policing itself.

I have provided a copy of this complaint in its entirety to the Shadow Minister of Police, Mr. Andrew TINK despite the "advice" I have been provided. My Commander neglected to advise me that I was provided safeguard under the Protected Disclosures Act under certain circumstances and appears applicable in this case.

You will find attached a number of annexures supporting aspects of this complaint and providing corroboration in respect to action I have taken in the last twelve months concerning this issue. I ask you to closely examine those documents.

Should you or your investigators require clarification on any aspect of this matter do not hesitate to contact myself on the telephone numbers provided.

Yours sincerely and most respectfully,

Mark Fenlon  
Sergeant of Police  
Blacktown  
1<sup>st</sup> June, 2000

(w) 9622-0000 . (H) 47312684



13 June 2000

Our Ref: 7518/1

Sergeant M Fenlon  
Blacktown Police Station  
11 Kildare Road  
BLACKTOWN NSW 2148

Dear Sergeant Fenlon

The Commissioner, Judge P D Urquhart, QC, has asked me to acknowledge receipt of the letter you sent to him on 1 June 2000.

Consideration is being given to the matters you have raised, and the Commission will write to you again in due course.

Yours sincerely

A handwritten signature in cursive script, appearing to read "W Gray", is written above the typed name.

**Wendy Gray**  
**Complaints Assessment Analyst**









ABN 22 870 745 340

18 October 2000

Our Ref: 6551/4

Sergeant M Fenlon  
Blacktown Police Station  
11 Kildare Road  
BLACKTOWN NSW 2148

Dear Sergeant Fenlon

I refer again to your letter of 1 June 2000.

Your complaint constitutes a protected disclosure within the meaning of the *Protected Disclosures Act 1994*. Under the Act, you are entitled to be informed by the Commission, within six months of the disclosure being referred to it, of the action it has taken or proposes to take. Your disclosure has been carefully considered but the Commission's decision is that it will not investigate it.

As it is required to do by section 131 of the *Police Service Act 1990*, the Commission has referred your complaint to the NSW Police Service and the Office of the NSW Ombudsman to be dealt with under that legislation. If you become concerned that the Police Service is dealing with your complaint in an inappropriate manner, you may wish to contact the Office of the Ombudsman, whose contact details are as follows:

Office of the Ombudsman  
Level 3, 580 George Street  
SYDNEY NSW 2000  
Telephone: (02) 9286 1000  
Facsimile: (02) 9283 2911  
Tollfree: 1800 451 524  
TTY: (02) 9264 8050  
Email: [nswombo@nswombudsman.nsw.gov.au](mailto:nswombo@nswombudsman.nsw.gov.au).

Yours sincerely

  
GE (Tim) Sage  
Assistant Commissioner

















TOP OF FILE  
CONFIDENTIAL  
INTERNAL AFFAIRS  
SUB FILE

Duty Officer Promotional Interview Questions Sub

**BACKGROUND:**

On the 18 January, 2000 an officer attached to the Lake Macquarie LAC was in the office of another Inspector. Whilst there the IPC saw what he believed were the questioned asked by the selection panels for the current round of Duty Officer positions on the Inspector's desk. The IPC had previously participated in an interview for these advertised positions and the Inspector was due for interview on the 20 January, 2000. An investigation established that two officers from this LAC admitted to having possession of, and using what they believed was to their advantage, questions which appear to be those asked at the Duty Officer Selection interviews. As part of the investigation inquiries were made in relation to the systems used by Human Resources Command to maintain confidentiality of the interview process. The attached report details that phase of the investigation.

**COMMENT:**

This is a summary of the findings of the investigation:

1. The confidentiality requirements on persons interviewed for promotion in the second round Duty Officer positions failed to stop a document, with similar interview questions on it, being circulated to potential interviewees.
2. The identified risks to the organisation still operate because the original author of the circulated questions was not identified, the extent of the circulation not quantified and a wide spread knowledge of the existence of the circulated questions had occurred due to the investigation.
3. Past complaints relating to security and confidentiality breaches have lead to attempts by Human Resources Command to improve security processes, such as the introduction of directions not to discuss interview questions.
5. The wording of the directions not to disclose the contents of interview questions are inadequate.
6. Prior to the commencement of the second round of Duty Officer Panels, major concerns with the use of the same questions for all applicants were brought to the attention of Human Resources Command through a very specific complaint that predicted the breaches which did occur. These allegations were not given the weight of attention they required.
7. The senior executive were not aware that a single set of questions were being asked of all applicants for the duty officer promotions.
8. The senior executive were of the opinion that "common sense" would dictate that different questions would be used to prevent breaches in confidentiality.
9. Officers involved were of the opinion that a single set of questions being asked of all applicants raised the level of risks associated with breaches of confidentiality.
10. The Human Resources Command has introduced a system of rotating the questions asked of applicants as a result of this breach of confidentiality.

*Kim McKay*  
Kim McKay  
Detective Inspector  
SCIA. Investigation Unit  
23 March, 2000.

*Inspector MARTIN*  
*quality review*  
*main file as soon as practicable please*  
*comment on the*

Operation Radium Report on Duty Officer Interview Process.

Detective Inspector McKay

*Garry Ric*  
*2/3/00*

## OPERATION RADIUM REPORT DUTY OFFICER SELECTION PROCESS

### BACKGROUND:

#### Restructure of organisation and first round of Duty Officer Selections.

The restructure of the New South Wales Police Service in July, 1997 created three hundred Duty Officer positions. The design and evaluation of these positions took a considerable amount of time. As a result of this delay, the Commissioner required the positions for Level 2 Duty Officers be filled through advertisement by Placement Services, Human Resources Directorate, in early 1999.

In this first round four selection panels were established. Each panel used the identical questions except for a few questions that varied dependent on the geographical differences associated with the locations for the Duty Officer positions. (Tab 1) An applicant who applied for all positions was interviewed four times by the different panels and be asked, for the most part, exactly the same questions four times.

#### Second Round of Duty Officer Vacancies Advertised.

On the 22 November, 1999 Operation Supervisor, Duty Officer vacancies were advertised in the Police Service Weekly Vol. 11 No. 46 JSR.02 ). (Tab 2)

All eligible person were encouraged to apply and the closing date was indicated as the 13 December, 1999. A Duty Officer - Information Package was also posted on the Memo Bulletin Board. (Tab 3) The Information Package, under the heading 'Selection Committee', stated:

*'Regardless of the number of positions applied for, applications will only be interviewed once for the advertised positions of Duty Officer....Selection Committees will comprise representation of: Commander, Representative from Specialist Command(s) Independent Member. Up to four Selection Committees will interview applicants and will integrate overall results in order to determine the successful applicants. It is proposed that the second member of the Selection Committee rotate in order to ensure maximum consistency across the Committees. (Refer Team Leader Process Reference PSW 24 May, 1999).'*

Under the heading, 'Structured Interview Process' it stated:

*'Applicants will be scheduled to attend an interview (one hour) during which time they will be asked questions specifically (related to the) Service Intranet at the Human Resources site under "Policies".'*

The Bulletin Board Information of the Structured Interview Process (Tab 4) states:



*'The term structured interview simply means that the interview follows a predetermined format. Placement Services prepare the questions and answers which are utilised at interview...*

*(technical/professional knowledge based questions) Feedback is sought from the Commander of each vacancy on the required technical knowledge for that position. Key aspects and issues of the position are targeted and research is conducted to obtain questions which are relevant to the particular position and location. This places responsibility on the candidate to research the position in preparation for the interview.'*

There were approximately seven hundred applicants for this second round of one hundred Duty Officer positions.

### **Second Round Duty Officer Interview questions**

The senior management of Placement Services established the process used in the second round of Duty Officer Selection Panel for interview questions. This occurred by reviewing the first round process and surveying commanders of the relevant Local Area Commands. There were four Interviewing Panels who asked exactly the same questions with no variation for geographical differences. The actual questions were selected by the Interviewing Panels. (Tab 5)

### **Complaint by Internal Police Complaint (IPC)**

On the 18 January, 2000 an officer attached to the Lake Macquarie LAC was in the office of another Inspector. Whilst there the IPC saw what he believed were the questions asked by the selection panels for the current round of Duty Officer positions on the inspector's desk. The IPC had previously participated in an interview for these advertised positions and the Inspector was due for interview on the 20 January, 2000.

### **Operation Radium**

Operation Radium, an investigation by Internal Affairs, was commenced. Two officers from the Lake Macquarie LAC admitted to having possession of, and using what they believed was to their advantage, questions which appear to be those asked at the Duty Officer Selection interviews. (Tab 6) & (Tab 7).

A comparison of the actual interview questions with those in the document titled, "Duty Officer" was made. (Tab 8) Operation Radium investigators considered that the questions were similar to the actual questions to indicate the author being an applicant who had been for interview then recorded, from memory, the questions that had been asked.

An objective of Operation Radium was to examine the impact this identified breach in confidentiality of the interviewing process posed for the organisation. (Tab 9)

## INVESTIGATION OUTCOMES

### Risk assessment

Operation Radium investigators envisaged the following risks issues as a result of the breach in the confidentiality of the Duty Officer Interviews (Tab 10):

1. The fact that the original author of questions relating to the interview process has not been identified restricts investigators' ability to fully determine the extent of the circulation of the questions.
2. The inability to determine the extent of the circulation of these questions, due to not knowing the originator or when they were first circulated, impacts adversely on the current interviewing process.
3. Widespread knowledge of the leaking of interview questions will lead to the current Duty Officer interviews being quashed.
4. A perception that the organisation has not adequately addressed the problem of leaked questions could lead to litigation by officers involved in the interview process.
5. The fact that an undetermined number of police had access to interview questions prior to interview, thereby advantaging them in the process, becomes a grounds for appeal at G.R.E.A.T.

~~The Operation Radium investigation was unable to identify the originator of the document titled "DUTY OFFICER". A third officer was identified who admitted to having his handwriting on the document in question. However there was no evidence to implicate him in its creation, usage or circulation.~~

As a result of this investigation thirteen other officers from the Hunter Region involved in the Duty Officer Selection process were interviewed. Consequently they are currently aware of the breach in confidentiality of the duty officer interview questions. Many have expressed concerns as to how this impacts on their potential in the promotion system. Feedback from the Hunter Region indicates that many are discussing appealing to G.R.E.A.T based on the knowledge that there has been questions relating to the Duty Officer Interview circulation.

As such it is my opinion that the original identified risk issues are still risks to the organisation.

### Similar Complaints.

A basic review of CIS data pertaining to complaints of a similar nature was conducted.(Tab 11) Of significance for this inquiry is the following:

- Although there is not an extensive amount of complaints relating to this issue (ten over five years) there are three main reoccurring themes.
  - 1) Favouritism by a senior officer helping a preferred applicant,
  - 2) Access to the official questions/exercise before interview/ assessment, and
  - 3) Circulation of questions by persons after interview/assessment.
- While some complaints have not been substantiated, and many investigations not completed, the essence of the complaints themselves are an indicator of a continuing risk to the interview/ assessment process.
- The very existence of these complaints indicates the importance applicants place on the promotion process.

One complaint in particular is relevant to this report. CIS file 99003193 was initiated on the 20 September, 1999 and arose out of an Internal Police Complaint. Specifically the complainant drew attention to:

"...validity of the structured interview process as the determining factor in selecting successful candidates for the Duty Officer Grade two positions. A process which the IPC alleges is totally unacceptable given the obvious fallibility in the selection process. This is regard to its integrity and resistance to corrupt or unethical practices because the questions asked by each selection panel were identical for all candidates appearing before the committee over a three month period.

...Rumours have emerged regarding the pooling of questions.

...Corruption prevention relies wholly on an individuals integrity without any other means of effectively ensuring accountability."

This complaint was allocated to the Executive Director, Human Resources on the 4 November, 1999. It was transferred to Ms Myers of Placement Services on the 9 December, 1999. (Tab 12) The specific allegations of this complaint did not cause Human-Resource Command to change the format of the interviewing panels having only one set of questions for the upcoming Duty Officer Selection Process.

### Police Executive's position

#### The Commissioner

On the 10 February, 2000 the Commissioner responded to a request by Mr Brammer outlining his position in relation to the Round Two Duty Officer Selection Interview Process. (Tab 13). The Commissioner expressed the following:

- He is of the opinion that the processes and policy of interview panels was to provide a fair and equitable opportunity for candidates to express themselves, providing evidence on operational activities and suitability for the position.

*"I would certainly not expect exactly the same questions to be asked of candidates on subsequent dates but that a pool of questions be developed applicable to the subject matter which would then prevent individuals developing specific answers to any particular questions."*

- This view has never been articulated in any formal way to Human Resources. There were general conversations during the formation stage. The Commissioner was of the opinion that 'Common Sense' would have led to the development of a pool of questions being used.
- The Commissioner remembers receiving advice (the author of which is not specified) that record keeping would be confidential. Additionally that,  
*"...variety would be introduced to the system to prevent individuals rehearsing themselves for the assessment process."*
- Mr Ryan had concerns over the confidentiality of reports on individual performance. Questions and exercises should not be made public, but used for the process and feedback. No directions were issued on the aspect of confidentiality.

It was his opinion that it would be naive for anyone to assume that candidates did not discuss their experience with others either after or before the assessment process. Therefore one could expect a knowledge of questions and exercise content to become common after a very short period. The Commissioner anticipated that,

*"Assessment Services would have implemented safeguards to ensure enough diversity in the process to prevent individuals being able to rehearse for their assessment."* Mr Ryan recalled being told that there were such safeguards in place.

- The Commissioner mentioned the involvement and support of the Police Association for the current promotional system.
- He expressed disappointment that the process has been compromised. He expected that reasonable precautions in the form of a variety of questions would have been implemented as a safeguard.

#### **Deputy Commissioner Jarratt's response.**

On the 7 February, 2000 the Deputy Commissioner responded to a request by Mr Brammer outlining his position in relation to the Round Two Duty Officer Selection Interview Process. (Tab 14) The Deputy Commissioner expressed the following:

Mr Jarratt was not aware that there was a single set of questions being asked of applicants at interview and stated that he,

*"...Would not condone a single set of questions being asked in a staccato way."*

Mr Jarratt believed the structured interview process should supplement the information provided in the Assessment Centre. And the aggregation of application, assessment and interview,

*"...should be what determines the relative position of the applicant in the process."*

He did not know what specifically had been conveyed from the senior executive to Human Resources but believed his above described was understood by Human Resources.

The Deputy Commissioner understood that interviewees were served with documents that directed them to observe confidentiality of the interview questions.

He did not have concerns over the current process because he believed that the panels would be taking the questions from a bank of questions.

Mr Jarratt believes that the process should not depend on an honour system as prospective interviewees may assist friends by providing questions.

*"Where a specific set of questions is to be asked of a large number of applicants.....I stress, that the much preferred process from my point of view would be from a bank of questions so that it would not be possible for a particular person to memorise or otherwise record the questions so as to pass the them on."*

He was not aware of any undertakings with the Police Association. Mr Jarratt makes the recommendation that:

*"There needs to be an unequivocal statement by the Service in all of its forms that this is a fair and equitable process, that everybody entering has the same opportunity to put their best foot forward and to be recognised."* Mr Jarratt was surprised that there has been an apparent set of questions which could be memorised and recorded for the benefit of those who follow.

### **Region Commander Collins' position.**

As a result of the investigation undertaken within Hunter Region, Mr Collins wrote to the Deputy Commissioner, Mr Jarratt. (Tab 15) His concerns were:

That this investigation has highlighted that the assessment centre process has

been corrupted and the integrity of the promotion system compromised.

- The use of the same bank of questions and scenarios lends itself to corruption.
- Ways in which the system is corrupted is through the provision of information from assessment centre employees to friends or persons having undergone the centres sharing information after attending.

*"It was my understanding that in establishing the Assessment Centre (Selection Interviews) it was recognised that there needed to be a bank of several hundred questions and answers available to assessment centre (Selection) panels which would be continually changed to overcome the problems that have emerged. However, in my discussions with Angela it would appear that we are more concerned with placating appeal processes on the basis that if we don't ask the same questions of each group, the nominations would be lost at appeal."*

*I would suggest that the original concept of a bank of questions be introduced to build a corruption resistant system."*

#### **Applicants for Duty Officer's position.**

Ten officers, inter alia, were interviewed during the course of the investigation and expressed opinions on the circulated document titled "Duty Officers". (Tab 16) All interviewed believed the questions in the document were very similar to those in the Duty Officer interview. A large proportion believed that access to this document prior to interview advantaged those who used it. Others commented that the current system of a single set of questions lead to the potential to, "help your mates". One officer expressed dismay that the same questions would be asked of all interviewees for the Duty Officer positions and he had expected a pool of questions.

#### **Ms Myers Position**

Ms Myers as the Director of Placement Service has adopted both a preventative and reactive approach to breaches of confidentiality in the Selection Process. (Tab 17)

- **Document security** - In the area of security of Selection Process documents systems of security have been implemented.
- **Confidentiality** - In relation to confidentiality of information by participants in the selection process is formalised through the written stipulated requirements outlining the need for confidentiality. The following three documents highlight the confidentiality clauses.

#### **Confirmation of Interview (Tab 18)**

"In attending for interview you are reminded of your need for absolute confidentiality in respect of the interview questions. Your failure to do so

*may* diminish your own relative merit for the positions applied for."

### **Content of Interview Process (Tab 19)**

".. As directed by the convenor of the selection committee *you should not* discuss the interview questions with any other person whether or not they are applicants in the process..."

### **Information for Selection Committee Members (Tab 20)**

This document suggests that the selection committee members state the following, in closing the interview with an applicant;

"You are directed *not to discuss the interview questions* with any other person regardless of whether they are an applicant or not."  
"I am also providing you with this memo, which *I would like* you to read before leaving the building."

**Reports of breaches** - As a matter of policy any allegations of misconduct in relation to the promotions section and process are reported to Internal Affairs.

Ms Myers did not place the same level of likelihood and consequence on the risks identified by Operation Radium investigators. She did not perceive the identified breach in confidentiality leading to the litigation or difficulties during G.R.E.A.T.

In relation to the use of the same questions by each panel for all applicants Ms Myers stated that the fact that an applicant was interviewed four times in the first round of Duty Officer promotions, and on each occasion asked the same questions, did not concern her. She acknowledged that the perception was that the applicants improved with each interview but was of the opinion that this was not reflected in the results. This issue did not influence the re-organising of the next round of Duty Officer questions. The applicant going before only one panel was the result of streamlined processes.

To Ms Myer's knowledge there had not been any communication with the commissioner over the specific questions being asked by the interview panels.

She commented that due to the breach in confidentiality that occurred in this Duty Officer interview process future selection processes would incorporate a rotation of questions to mitigate a similar occurrence. She expressed disappointment that this could occur in today's police service. This position is reiterated in her response to Mr Collins's report where Mr Myers states:

*"In respect of the variation in assessment centre activities and interview questions when used over a long period it is advised that assessment centre exercises are updated regularly and changed during elongated processes.*

*Whilst that has not been the case in respect of extended interview processes,*

*it was implemented in the most recent Duty Officer process (following the reported incident) and will be incorporated into all future extended processes."*

## **FINDINGS:**

This investigation established that:

1. The confidentiality requirements on persons interviewed for promotion in the second round Duty Officer positions failed to stop a document, with similar interview questions on it, being circulated to potential interviewees.
2. The identified risks to the organisation still operate because the original author of the circulated questions was not identified, the extent of the circulation not quantified and a wide spread knowledge of the existence of the circulated questions had occurred due to the investigation.
3. Past complaints relating to security and confidentiality breaches have lead to attempts by Human Resources Command to improve security processes, such as the introduction of directions not to discuss interview questions.
5. The wording of the directions not to disclose the contents of interview questions are inadequate.
6. Prior to the commencement of the second round of Duty Officer Panels, major concerns with the use of the same questions for all applicants were brought to the attention of Human Resources Command through a very specific complaint that predicted the breaches which did occur. These allegations were not given the weight of attention they required.
7. The senior executive were not aware that a single set of questions were being asked of all applicants for the duty officer promotions.
8. The senior executive were of the opinion that "common sense" would dictate that different questions would be used to prevent breaches in confidentiality.
9. Officers involved were of the opinion that a single set of questions being asked of all applicants raised the level of risks associated with breaches of confidentiality.
10. The Human Resources Command has introduce a system of rotating the questions asked of applicants as a result of this breach of confidentiality.







Dear Sir,

Many months ago I referred a complaint to the Police Integrity Commission concerning what I believe to be systemic corruption of the Police promotional system. The Police Integrity Commission declined to investigate the matter, referring it to your office for attention.

I have only recently become aware of an investigation carried out by Internal Affairs in February, 2000 code named "Radium" on matters directly relating to the issues I raised in my complaint.

I have been in contact with the head of that investigation, Inspector Gary Richmond and was advised that several persons were detected as having acted corruptly when attending the structured interview process. I am advised that as a result, these persons were merely allowed to forfeit their opportunity for promotion during that round of vacancies. I would have expected that corrupt conduct would have been dealt with more severely.

Inspector Richmond also advised myself that some documents pertaining to my original complaint (made directly to Mr Brammer in August 1999) were made available to him during the course of his investigation.

I was further advised that Inspector Richmond called for information from both the Commissioner and Deputy Jarrett regarding their knowledge of "question sharing" or any other issues pertaining to the possible corruption of the promotion system. He advised that both officers provided written reports indicating that neither had any prior knowledge that the system had or could be compromised.

I am concerned regarding the apparent responses of both the Commissioner and Deputy Jarrett for several reasons.

1. In August, 1999 I reported my concerns regarding the corruption of the promotional system for Duty Officers directly to Mr Brammer by way of memo and written report. One assumes that some communication occurs between the Commander Internal Affairs and the Commissioner or his Deputies on such major organisational issues.
2. In November, 1999 ON POLICE TV, I advised the Commissioner and Mr Jarrett that the Duty Officer promotional system lacked integrity and required urgent review.
3. On 2 December, 1999 I attended the Commissioners Office and spoke with his representatives, Superintendent Peter Rankin (Rtd) and Inspector Adrian McKenna regarding my concern that the Duty Officer promotional system was not corruption resistant and probably had been corrupted, providing detailed documentation of those concerns and recommendations for change.

These facts suggest that further investigation should be carried out regarding the knowledge of both the Commissioner and Deputy Jarrett, of the complaint lodged by myself with Mr Brammer in August, 1999, the assertions I made on Police TV In November, 1999 and the submission provided by myself to staff attached to the Commissioners office in December 1999, events all occurring prior to those officers being requested to provide any statement as a consequence of the "Radium" investigation.

Furthermore I was advised by Inspector Richmond, that in his submission prepared for "Radium", and based upon his understanding of the promotional system, he recommended that the current promotional system cease operation immediately. Quite obviously this action has not been endorsed.

In respect to my original complaint, I have made enquiries recently with the Greater Hume Region IA liaison officer, Wayne Kelly and he advises that the investigation was referred to Angela Myers for attention. This was inappropriate given that Myers was one of the original architects of the promotion system. She was therefore not in a position to provide an unbiased view in any investigation of that system.

I have never received any results or updates from the Police Service regarding my original complaint dated August, 1999.

It is becoming increasingly apparent that the Police Service has no desire to thoroughly investigate my original complaint. The "Radium" investigation was confined to a specific incident rather than an examination of the entire Duty Officer promotional process. The investigation by Myers was obviously flawed from it's inception.

You may consider this letter as a further complaint dealing with several issues arising from my original complaint to the Police Service in August, 1999.

In addition I make a further and specific complaint that the Police Service and those persons responsible for their respective departments to which my complaint ( of serious integrity shortcomings of the Duty Officer promotion system), having been made, was referred for investigation, comment and or action, failed to properly investigate that complaint and failed to take appropriate action to address the issues arising in that complaint.

I wish to be advised of the status of my original complaint and these issues arising.

M.A.Fenlon  
Sergeant  
Blacktown Police

*Original posted  
on 12.2.01.*





Mr GE (Tim) Sage  
Deputy Commissioner  
Police Integrity Commission

9 Welland Close, Jamisontown  
NSW 2750  
Ph 47 312684

Submission for inclusion in evidence for the public hearing concerning the Crime Management Support Unit (C.M.S.U.)

Dear Sir,

I have only recently become aware that the public hearing into allegations surrounding the CMSU will commence on Monday 19 March, 2001.

I am aware of the substance of the allegations leveled by former members of the CMSU against members of the senior executive of the Police Service with particular reference to the resistance that unit experienced from those senior executive members in bringing about real reform. Members of that unit, including Mr Ritchie and Mr Seddon have apparently stated that the resistance they experienced was attributable to the culture within the senior executive which they assert, has remained effectively unchanged in spite of the Royal Commission.

The inquiry will obviously be seeking evidence to support or refute the allegations made by those former members of CMSU. I believe I can assist the inquiry in providing quantitative evidence to support the allegations to a significant degree.

The evidence I can offer relates to a complaint I made in 1999 directly to Mr Brammer, concerning serious integrity shortcomings of the Duty Officer promotional system adopted by the Police Service and supported by the Commissioner of Police.

To date that complaint has not effectively been acted upon by the Police Service.

An inquiry code named "Radium" carried out in February, 2000 as a consequence of corrupt activities surrounding applicants for Duty Officer positions within the Lake Macquarie Local Area Command, found that:

"..prior to the commencement of the second round of Duty officer panels, major concerns with the use of the same questions for all applicants were brought to the attention of Human resources command through a very specific complaint that predicted the breaches which did occur. These allegations were not given the weight of attention they required."

This comment referred to my personal complaint to Mr Brammer in August 1999, who (if we are to believe the Radium report) did no more with it, other than to refer it to Human Resources Command.

In my 1999 complaint, I requested that Mr Brammer bring the matter to the notice of the Commissioner as a matter of urgency. I have never been advised if he did, however according to the same "Radium" report findings the following statements are made:-

"..The senior executive were not aware that a single set of questions were being asked of all applicants for duty officer positions.."

2.

That statement is based upon responses made by both the Commissioner and Deputy Jarratt on the 10<sup>th</sup> and 7<sup>th</sup> of February, 2000 respectively, which were provided to Internal Affairs at the request of Mr Brammer IN FEBRUARY 2000 – some six months after Mr Brammer himself was made aware of the high probability of corruption of the Duty Officer promotion system through the use of a single set of questions.

The same finding is additionally undermined by my subsequent actions in 1999 in bringing my concerns to the notice of the Commissioner and Deputy Jarratt, those being;

In November, 1999, advising the Commissioner and his Deputies personally on Police TV, that the process lacked integrity and required an urgent review.

2 December, 1999, attending the Commissioners office and advising both Superintendent Peter Rankin and Inspector Adrian McKenna of the specific issues and providing them with a written submission concerning same.

In spite of this action, both the Commissioner and Deputy Jarratt reported to Radium Investigators that neither had any knowledge of the potential for corruption of the Duty Officer promotional process.

These issues, which yet remain unresolved but which are the subject of complaint in their own right, lend considerable credence to the claims of former members of the CMSU in respect to the inquiry about to be carried out by your office, particularly when one considers the ramifications for the Police Service in having adopted a corruptible promotion system.

I consider the issue is very relevant to proceedings in terms of the reform process. As we know a key reform recommendation arising from the Royal Commission was one of supervision, hence the subsequent creation of Duty Officer positions.

My personal experience coupled with the response of the Police Service to my complaint, leads me to one conclusion; the Commissioner wanted Duty Officers in place and he wanted it done as quickly as possible, paying little or no attention to how it was to be achieved, interested instead only in enhancing his very public image as “the reformer of the Service”. The individuals charged with putting the process together were pressed by the urgency of the Commissioners direction to get the process underway and as a consequence introduced a seriously flawed promotion system.

When complaints began to surface about the Duty Officer promotions in 1999, no one within the senior executive of the Police Service or Human Resource Command was prepared to do anything to stop or radically change the selection process. To do so, the initiator of such action would risk;

- revealing gross incompetence within senior management (which simply will not be tolerated by ones fellow senior officers),
- embarrassment for the Service and of course Government
- the ire of Deputy Jarratt who had charge of promotions from November 1999 and therefore ultimately responsible
- the ire of the Commissioner who would suffer political and media fallout damaging his image as “the reformer” of the Service.

In today’s Police Service only the very courageous or fool hardy would attempt to do so, it would ultimately equate to committing career suicide. It is a far more palatable proposition to do nothing, divert it’s attention or attempt to conceal the problem, then deny all knowledge. All of this occurred with my complaint concerning the Duty Officer promotion system.

As of this moment and as a direct consequence of this type of senior management, which is obviously advocated if not abetted by the Commissioner, the personal integrity of ALL Duty officers appointed under the system is now in question. Clearly an example of the reform process gone horribly wrong.

Amazingly I am advised that a new promotion system is being developed for implementation around June this year – two years for the damage control to be initiated.



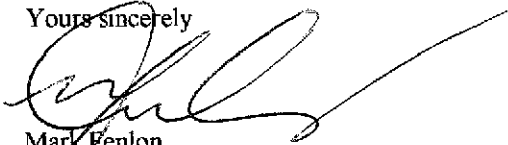
Fear still drives the Police Service and despite the Royal Commission, it still exists within all levels of the Service. The fear of displeasing and fear of the consequences of speaking out against one's Commander, be they Local Area Commander, Region Commander or indeed Commissioner, still acts on the minds of all members of the Police Service.

A key reform was supposed to include a radical change towards transparent management practices to rid the Service of this environment of fear. The changes have not worked and in truth can never work while those that hold the reigns of power continue to do so. It is simply not in their personal or collective interest to make the "fear free work environment" a reality. Any criticism of their performance by sub-ordinates or external agencies is viewed with contempt and in extreme circumstances draws fierce retribution as response against those that would challenge their performance or position.

Evidence of such retribution in the form of complaint and character assassination by Commanders still apparently occurs and it also appears that no one is exempt, as members of the CMSU will no doubt testify.

Personally I consider this inquiry well overdue. I seek to offer assistance to the inquiry by offering evidence touching on the matters previously mentioned and can provide copies of all supporting documentation.

Yours sincerely



Mark Fenlon  
Sergeant of Police  
17 March, 2001



**NSW POLICE SERVICE**

**Blacktown:**

Blacktown Police Station  
11 Killare Road  
Blacktown N.S.W. 2148

Tel: 02 9622 0000 / 74199  
Fax: 02 9671 9118

**Fax cover sheet**

To: POLICE INTEGRITY COMMISSION

Tel: \_\_\_\_\_

Fax: \_\_\_\_\_

From: SERGEANT MARK FENLON

Tel: 9622-0000

Fax: \_\_\_\_\_

Date: 17.3.01

Time: \_\_\_\_\_

No. of Pages (including this sheet): \_\_\_\_\_

Priority:

Urgent

Routine

Message:

SUBMISSION TO GIVE EVIDENCE  
AT P.I.C. INQUIRY INTO  
C.M.S.U.



ABN 22 870 745 340

Our Ref: 7919/478

27 March 2001

Mr Mark Fenlon  
9 Welland Close  
JAMISONTOWN NSW 2750

Dear Mr Fenlon

RE: your submission for inclusion in evidence for the public hearing concerning the CMSU

Thank you for your letter 17 March 2001, which was received by the Commission by way of facsimile transmission on that date.

The contents of the letter have been drawn to the attention of the Manager Investigations, Mr Matthew Byrne and Counsel Assisting the Commission in the public hearings concerning the CMSU, Mr Terry Buddin SC.

The scope and purpose of the public hearings concerning the CMSU is as follows:

1. Allegations by certain members of the Crime Management Support Unit of the New South Wales Police Service concerning certain members of the NSW Police Service.
2. The investigation by the NSWPS of allegations of misconduct concerning certain members of the CMSU and matters arising from the conduct of that investigation.
3. Action taken by the NSWPS concerning certain members of the CMSU.

The information contained in your letter does not fall directly within the scope and purpose of the current hearings. Accordingly it is not the present intention of the Commission to seek your attendance as a witness or the provision of further material in relation to its current investigation. Nevertheless the matters to which you refer will be assessed by the Commission in accordance with its usual procedures for assessment of complaints. You will be advised of the decision of the Commission in relation to your complaint.

Your interest in the work of the Commission is appreciated. I understand that the Police Service is giving consideration to the provision of the transcript of the Police Integrity Commission proceedings concerning the CMSU being made available on the Police Service Intranet.

Yours faithfully



G E (Tim) Sage  
Assistant Commissioner







**TRANSCRIPT OF TAPED INTERVIEW AT THE OFFICE  
OF THE N.S.W. OMBUDSMAN ON 4 APRIL, 2001**

**Present**

Sergeant Mark Fenlon (Blacktown Police)  
Senior Sergeant Steve Graham (Internal Witness Support Unit)  
Mr Gary Richmond (Acting Commander, Special Crime and Internal Affairs)  
Ms Kim Castle (Investigator – Police, Office of the NSW Ombudsman)

**Richmond**

... Wednesday the 4<sup>th</sup> of April, 2001, Kim Castle, Gary Richmond, Mark Fenlon and ...

**Graham**

... Steve Graham.

**Richmond**

.. Steve Graham from Internal Witness Support regarding Marks complaints. This is being recorded purely for the purpose of supporting Marks recording and for no other purpose. Would you like to kick it off...

**Castle**

No I'll just leave it up to you

**Richmond**

OK I don't know exactly how I became involved in this I have a funny feeling it was because I was silly enough to go on holidays and someone has volunteered me to meet, but and as I've said I've had to get myself up to speed fairly quickly.

I've read through these reports to see what I could make of them. Having said that I have no problems with being here and I have some difficulty with what the Police Service has done in the past. In particular the original complaint made by you 990003193.

I am prepared to state categorically that there was not a proper investigation of that complaint. I am prepared to state categorically that I completely disagree with one in particular of the findings of the person purported to be the investigator. I am prepared to say categorically that that person ought not to have, and I use the word in inverted commas, investigated the matter.

The file came in as I understand it, to Commander Brammer, it then went to SASC as it is required to, that is our intelligence unit that does the assessments and the initiations. It was initiated as a category 2 complaint.

The ORC didn't meet on it. Michael O'Brien made a decision that it should be investigated regardless of what the ORC did or didn't think about it. And it should go to the executive director of human resources. The acting director at the time was Mick Tiltman.

It subsequently went to Mick Tiltman under a letter indicating that it was to be investigated by a suitable investigator. He sent it out to Angela Myers with a report saying "have this investigated".

Angela Myers then, according to her report, did what she did and handed down those findings.

I have some difficulty with those findings with what was going on. I personally received a complaint in relation to what went on in Hunter Region.

In a nutshell on the 20<sup>th</sup> of January, Angela Myers became aware that there was a problem with the process. That could quite broadly be described as paralleling in many aspects what you complained about.

It is with great difficulty that I read that on the 17<sup>th</sup> of February she handed down her report. When I view the contents of that report in relation to the lack, in her words, of specific instances, accordingly I believe that there is enough information for me to commence a complaint under the public management sector act, due to the manner in which that original file was handled.

**Fenlon**

Good, because I have and have had a number of concerns with the.. (unclear)...of 99 and my main concern in relation to this was, one of them was, the process that allowed Angela Myers to conduct the investigation in the first instance.

What I cant understand is Mr Brammer's handling of the matter from my personal perspective, as a member of the senior executive of the service. He had an obligation, and I requested in my complaint that the matter be brought to the attention of the Commissioner as a matter of urgency. That wasn't done. Now I requested Mr Brammer do that . Now I ..(unclear)...correspondence with Mr Brammer by way of email where I requested the identification of the investigator allocated to the case be made known to me. That was never done.

I'm concerned from an operational perspective or chain of command perspective if you like, who at the end of the day has responsibility for what's occurred.

Was it Anglea Myers for covering her tracks, because of the problems with the system that should have been identified in the first instance. Was it Mick Tiltman who as her supervisor, should have over-sighted her investigation or was it Jeff Jarratt, who had control of the promotional system in 1999 after being appointed to that position or responsibility by the Commissioner himself and then what role did Mr Brammer have or should he have had a role? Was it his responsibility to oversight the outcome of that investigation given the significance of the complaint and the outcome or the potential outcome in terms of the affect upon the service and the history of the service?.

We had three hundred odd positions for duty officer appointed under this process. Three hundred.

The entire process is a corruptible process, has been a corruptible process. Nothing was done by the organization to tighten the system up and potentially now we are in a situation where the entire middle management structure of the Police Service is, has it's integrity in jeopardy, well its certainly questionable. And a key reform, a key reform by the Commissioner, in relation to introducing corruption resistant systems, has failed. And now perhaps he leaves a legacy behind of a Police service where management is corrupted way into the future and that will never be able to be established how significant or how far or widespread it may be.

This has been a cock up. (unclear) .. you cant lay the blame on Angela Myers alone. She was doing something that was human nature, to cover her backside because she was one of the architects of the process. Tiltman's not going to criticise her. Because Tiltman also was in charge of the process in terms of developing the promotional procedure.

Whoever gave the o.k. for that promotional procedure to be adopted, whoever put forward the recommendation, that would have been Tiltman, to one of the deputies, and one of the deputies would have had to sign off on it, the process to be used for the appointmant of duty officers at the direction of the Commissioner of Police. Whoever signed off on that, is responsible. That's the individual that's responsible.

**Richmond.**

Well the ombudsmans office would be aware of the answers to those questions because those questions were asked of both Deputy Commissioner Jarratt and the Commissioner in Operation Radium. Clearly they were of the opinion that the system was other than what it was.

**Fenlon**

Well that's what they're saying...I mean they havnt been asked, they weren't asked about this before Radium came to light.

What Im saying is that I provided the information to Mr Brammer in September of 99. I provided, I then raised the issue of the integrity of the process in November of 99 on Police TV. The Deputies, both Deputies and the Commissioner were present. They didn't answer the question I put to them. They skirted the issue. The commissioner was more focused on the appeal process and the assessment centre process rather than the use of the structured interview process as the only means, as the determining factor in relation to winning duty officer positions or not, but they never pressed the issue of integrity. They never pressed that particular issue with me. They never said "what do you mean?" or "what are you saying, is the integrity of the promotional system in jeopardy?" that was never pressed by them. But I accepted an invitation by the commissioner to assist and contribute to improving the promotional system and I did that. I took up the offer



I went down on the 2<sup>nd</sup> of December, 1999 again and I provided Adrian McKenna and Peter Rankin with a document outlining what the concerns were, how the system had been compromised, how the system was being compromised and what could be done to tighten the process up. Now that was on the 19<sup>th</sup> floor and I remember Jarratt being there because he walked past the office. Now McKenna and Rankin were working either directly for Mr Scipione, who was the commissioner's chief of staff or they were reporting directly to Mr Jarratt in relation to it being a promotional process concern. Now what did they do with that report? What did they do with those recommendations? Did they provide the information to the Commissioner? Yes or no. Did they provide the information to Jarratt? Yes or No. If they had that information beforehand, before they provided the Ombudsmans office or SCIA with reports concerning their knowledge or otherwise of these concerns, well clearly either McKenna and Rankin failed to provide the information to Jarratt and the Commissioner, or they did and then Jarratt and the Commissioner aren't telling the truth as a consequence of that subsequent investigation, Radium. Now its one or the other. I did everything ...

**Richmond**

..no they wouldn't have got..the first available opportunity for anyone to know about Radium is the 20<sup>th</sup> of January 2000

**Fenlon**

..alright..well that's still two months, more than two months after I went to the commissioner's office and told them what the problems were. Now that's my problem, that's the issue I have....

**Richmond**

Radium was a specific incident investigated and proved that the general allegations that you were making were proven in a specific case with Radium.

**Fenlon**

I accept that

**Richmond**

But Radium didn't commence until roughly the 20<sup>th</sup> of January.

**Fenlon**

Well that's still two months after...

**Richmond**

Yeah

**Fenlon**

...I made the commissioner's staff representatives, McKenna and Rankin, aware of what the problems were in the promotional process, if they weren't already aware by my representations through the police association. Because Police association representatives had meetings with Jarratt, Tiltman and Myers concerning the structure and the entire makeup of the promotional process. Complaints were already coming in.

Now I cant, I just cant equate the responses of the Commissioner and Deputy Jarratt as a consequence of the Radium investigation and they supplied their reports in February as a consequence of the Radium investigation and both are saying that neither had any knowledge that the process could be corrupted or that there was any access to the information or questions prior to interview by applicants. All of this information I provided to Rankin and McKenna purposely, with the specific purpose that they give it to the Commissioner and to Mr Jarratt so that something could be done about it at that time. Because the next round of duty officers positions for grade ones were in the process of being filled. Of being advertised and filled.

I wanted something done before we had another 150 people promoted under the process. The only thing that changed and it wasn't as a consequence of me going in to see Mr McKenna or Mr Rankin, the only thing that changed in the entire process was instead of applicants being interviewed a number of times, they were interviewed once. They were still given a direction, an oral direction not to disclose the questions and that was the only anti-corruption strategy which the service introduced.

There was a verbal direction given to them not to discuss the questions that they were going to be asked at interview and then they were provided with a copy of that direction on paper. That was the only anti-corruption strategy that was used. The Radium inquiry found that Angela Myers had thought about re-wording the direction in terms of "you are directed not to disclose.." but the format didn't change, I mean the wording of the document saying you're not to disclose these questions, that is hardly, the changing of that is hardly going to improve the integrity or security of the process, its not going to.

So, and, I'm just at a loss, I know I've discussed this with Steve ( Steve Graham), we've discussed this at length down at the prom. down at the Olympic games etc. This has been an absolute cock-up of a promotional system. It is from my own perceptions and my own experiences. It came 3 years after the commissioner took over the reins, took over in 1995 96. It took a long time to develop. The Commissioner, was obviously frustrated, I'd say he's given a direction to Tiltman or to one of his Deputies to get the duty officer positions filled and he would have issued a deadline, I've no doubt about that. I'm sure, I'm confident that he was not concerned with how it was to happen, that was for other people to determine. He was not concerned about that, and as a consequence of that direction people have reacted and they've put together a promotional system without real consultation, without real thought, and then once the wheels start to fall off the machine, they've attempted to cover up their mistakes. Now that's my feeling in relation to...

#### **Richmond**

Let me just inform you of some things you're not aware of. The matter was given to our legal officer, Neil Hall (?) for.. (unclear)..your complaint. And on the 9<sup>th</sup>..the 4<sup>th</sup> of November, 1999, he produced a report. One of those sentences says..."the concerns of Sergeant Fenlon, well founded, may be considered to render questionable, the effectiveness and probity of the selection process. I am not aware of whether his concerns have any basis in fact. It would be necessary to interview Sergeant Fenlon in order to document the source and details of his concerns and in order to ascertain if and how the complaint ought to be processed. It will also be necessary to interview Mike Lazarus and other relevant officers .." etc, etc. That report was sent to Tiltman along with a hand written note by Michael O'brien of my command, "Your attention is invited to the advice hereunder from Neil Hall (?), solicitor."

In other words I would contend that is a fairly clear indication that my command required Tiltman to do the things or have done the things in Neil Hall's (?) Report. That is to interview you to get something specific.

#### **Fenlon**

Well that was one of my concerns, I was never, Angela Myers never contacted me, no one from HR ever contacted me. I was never advised who had charge of the matter. If I had of been advised right from the word go that Angela Myers had control of the investigation or indeed that it had gone to HR instead of being investigated by internal affairs, I would have objected right there and then. Because it is not, was not in the interest of Human Resource Command to bring discredit upon themselves or their managers within the unit responsible for the promotion system development, to criticise the system they had just introduced.

Now where does the file go after it had been through the hands of Tiltman, when did it come back to internal affairs and who saw the file.?

#### **Richmond**

Mick Tiltman, it went to Tiltman, I have a note from Tiltman on the 16<sup>th</sup> of November, he sent it to Angela Myers, correction, he sent it to the Director Workforce and Careers, who was at the time, Angela Myers.

#### **Fenlon**

Alright well its got to be back tracked, back from HR, back to Internal Affairs...

#### **Richmond**

..no, well it then goes to Myers, she hands down her report...

**Fenlon**

It goes back up the chain of command!

**Richmond**

..then it comes back here, it appears it was received by command, by Internal Affairs on the 22<sup>nd</sup> of February the year 2000.

**Fenlon**

Yeah, was it noted by Mr Brammer?

**Richmond**

No.

**Fenlon**

Has it ever been noted by Mr Brammer?

**Richmond**

No, it was signed off by Mick O'Brien.

**Fenlon**

By Michael O'Brien?

**Richmond**

Yeah.

**Fenlon**

Did Michael O'Brien ever have a conversation with Mr Brammer in relation to the outcome of the investigation? Do you know that?

**Richmond**

I have no idea but what Im saying to you is that the whole matter. Correction, that specific matter was the subject of operation Radium. So we'd already proven the system was corrupt by Radium.

**Fenlon**

Anybody..., I appreciate and I'm thankful that the Radium investigation took place, believe me because it felt like and has felt like, that no one has been listening to the concerns that I raised back in September, August 99.

**Richmond**

You see the thing was split in two. Into the general allegation without specifics, about which clearly you should have been interviewed, to get some specifics or at least some anecdotal data, and into your other complaint about the female, ahm...

**Fenlon**

Bourke.

**Richmond**

Bourke. And I note here that O'Brien has put "Col Helson's investigation via Greater Hume" question mark. Quite obviously there was... Kelly, Wayne, O'Brien Thomas, Thomas O'Brien is actually Mick O'Brien. So theres information here to indicate that O'Brien then held the file until he then chased up the Helson matter.

**Fenlon**

You mean to say that Mr Brammer was not aware of the outcome of the investigation carried out by Myers?

**Richmond**

No because it, you see, the Myers investigation is somewhat irrelevant. A general claim by you, that hasn't been properly investigated or supported, with no specifics, becomes totally irrelevant when what you're saying is proven with a specific claim. We don't need to go to your thing and say.. "we need.." I mean we should have done a follow up, but to prove the system is not working, the it lacked integrity and validity, that was being done on the 21<sup>st</sup> of January, 2000 by Operation Radium. It had been proved beyond doubt....

**Fenlon**

It had been proved beyond doubt...

**Richmond**

..that it lacked integrity..

**Fenlon**

What I'm saying is I identified in August 99 that the system lacked integrity..

**Richmond**

No you didn't prove it beyond doubt..

**Fenlon**

I didn't prove it beyond doubt, I didn't prove it beyond doubt but I indicated gross inequities and gross problems with the integrity of the process.

**Richmond**

But not specifics.

**Fenlon**

How could I identify specific issues at Blacktown? Im a police officer, a sergeant of police at Blacktown, I don't have access to files, I don't have access to information and I disclosed...

**Richmond**

You disclosed some anecdotal information

**Fenlon**

I disclosed in the complaint originally that the system could be corrupted in a way that was undetectable unless people were prepared to put their hands up and say "I got the questions and I didn't get through" if they were stupid enough to do such a thing.

The original complaint by me states quite categorically that the type of corruption of the system would be undetectable because those involved in the corruption of the process, having access to the questions before the interview would be highly reluctant, in fact if you got the position you wouldn't be saying anything and if you failed in the position, you certainly would be reluctant to say anything, having had the questions because how much of a fool more would you be considered.

The entire process lacked credibility from the day it was introduced. Anybody with HR experience in terms of appointments and selections, would have seen the holes in this right from the word go. That's why I sent the complaint to Mr Brammer, I indicated I had no specific examples on which to base those complaints, it was purely an examination of the process.

**Richmond**

It actually went to your Local Area Commander Blacktown.

**Fenlon**

Well I had to through my commander and then he told me he faxed it directly to Mr Brammer and he assured me that Tiltman got a copy of it at the same time.

**Richmond**

And its got to go to internal affairs to be assessed and initiated as this complaint.

**Fenlon**

What I'm saying is that if I was the Commander of Internal Affairs and I saw a major problem with the integrity of a process which existed within the service, I would have brought that to the attention of the Commissioner of Police. That's what I requested. A sergeant of police from Blacktown or a sergeant of police from the service makes a request that the matter be brought to the attention of the commissioner of police as a matter of urgency because of the impact....

**Richmond**

Do you have any idea how people write in with exactly the same thing?

**Fenlon**

What, complaining about the promotions system?

**Richmond**

No, complaining about things that in their mind are critical and should go to the commissioner of police...there are thousands of them every year..

**Fenlon**

If Mr Brammer read it, if Mr Brammer read it, he should have seen and he should have identified the risk to the service. Im talking about a major reform process that has gone horribly wrong.

**Richmond**

I cannot agree with you, I know the workload of the man and to be perfectly honest with you, this isn't a matter which falls within internal affairs..

**Fenlon**

Ok!. Well can you explain then why McKenna and Rankin didn't do their job?

**Richmond**

I cant explain any of that.

**Fenlon**

Why, is that going to be hard...

**Richmond**

All I can say is that there is going to be a complete investigation into all matters surrounding this. A complete investigation, but it will specifically start from the investigation of your original matter and the way it was dealt with. That will be the start of it all. There are numerous other things which need to be followed up.

**Fenlon**

The way I see it...

**Richmond**

We need to figure out where we're going to go with this because I can tell you I have spoken to the Commissioner about this..

**Fenlon**

Yes

**Richmond**

I have spoken to the Deputy Commissioner within the last few days and it is not a viable option for us to drawn a line in the sand back in time and say the whole system's back to square one and all those people's promotions are overturned. That will not be happening.

**Fenlon**

I., look that would be in an ideal situation. If the Commissioner and the Deputies want to take the risk well then that's their business I suppose. I don't know how the people of NSW will feel about it but that's an aside. Obviously innocent people who weren't involved in the corruption of the process would have been affected by such a move in any event and that would be the last thing I would want. My concern now is not what has happened, not what has gone on, but how it came to happen. How the service, the police service failed to do anything about it and who ultimately is responsible for it. And everything that I have done, everything I have done has fallen on deaf ears since august 99 when I penned that original complaint. And you have to understand that when I penned this complaint I knew what the consequences may be for me. I knew that I would have to achieve this with everything that I had because I value the police service. I value its worth to the community and I consider that this process has devalued it. It's devalued the rank of commissioned officer, of duty officers in the service as far as I'm concerned. Because I don't know whether the duty officer who has command of me or command of my subordinates has got there through merit. I'm not sure whether that person had access to eight questions that was the determining factor in whether they got the appointment or not and neither will you.

**Richmond**

No ..I have no doubt.

**Fenlon**

..and neither will the person on the street who's going to be relying on that duty officer to perhaps make a life and death decision affecting them or their loved ones.

**Richmond**

And I don't suggest for one minute that Radium was an isolated incident..

**Fenlon**

It couldn't have been. It could not have been. I mean I only found out about the Radium investigation through the grapevine and I mean it took six months for it to get to Blacktown but it got there and I found out about it. Now on the grapevine I was hearing about whiteboard conferencing, at the, at Crime Agencies, involving detectives down there,. Now I don't know who specifically was involved but certainly that was a rumour I heard.

**Richmond**

That's probably why it was important as Hall (?) said that you would be first to be interviewed but that didn't take place.

**Fenlon**

Nothing happened. Zip happened and now we have another 150 or 300 people in positions. The first 100 perhaps nothing could be done about but the subsequent appointments after that first round, it could have been addressed. But people were too much in a hurry to get things done. People were in too much of a hurry to proceed with the wishes of the Commissioner of Police and the Commissioner wasn't interested in the process.

**Richmond**

Well I don't know that you can say that because you're speculating, your speculating I deal with facts.

**Fenlon**

Let me say to you Mr Richmond that when we're dealing with facts, when I asked the Commissioner on police TV in relation to the integrity of the process and whether it was going to be reviewed, at no time and never has the Commissioner ever raised anything in relation to the structured interview process. His interpretation of the process involved the assessment centre. Now what that says to me as a consequence of the Radium investigation, has basically either illuminated the issue in terms of their ignorance of the process completely or they failed to act on information that they should have acted on and now they're saying we have no knowledge of it. Well certainly McKenna had knowledge of it, Rankin had knowledge of it, Mr Brammer had knowledge of it, my own commander had knowledge of it and nobody did anything about it..

**Richmond**

When you say knowledge of it, they had an allegation that wasn't specific and in your own words you say may or may not be happening.

**Fenlon**

What I was concerned about was a tightening of a system within the service which was inherently corruptible, inherently corruptible.

**Richmond**

So what would you have them do, you tell me.

**Fenlon**

Right at the, when I became aware of it, had I been in a position to do it, I would have held all duty officer positions up until such time as the system could be reviewed and tightened sufficiently. If that meant the abolition of the structured interview process, that was my recommendation through my submission to McKenna and Rankin, the abolition of the structured interview process, because its integrity couldn't be guaranteed. If that meant going to a written examination of a 100 questions or a 1000 questions, externally set but concurrently taken, or simultaneously taken by all applicants during the next round, I would have been happy with that.

**Richmond**

Then you say you raised it with PIC, what did they do? Why aren't they equally culpable?

**Fenlon**

As far as I'm concerned they are. Let me tell you that I made my submission and my complaint independent of the Police association. The police association as far as I'm concerned and other members are concerned are not the Police association we pay our fees for. Now obviously they have their own particular agendas...

**Richmond**

(unclear)... something that the commissioner does by its very nature cannot be sustained without the support of the police association, you must realise that.

**Fenlon**

I do realise that, but what you've got to understand is that I raised these issues with Phil Tuncheon, I raised these issues with Mark Burgess, I attempted to gain specific information from Mark Burgess when I first found out about the Radium investigation. And Mark Burgess was fairly vague in his response. And I've got a copy of the memo he sent me.

I've got a copy of a 14 page memo that I sent to the Police association in relation to it, concerning specific issues. They never got back to me.

Now it's not always in the interest of the police association to do what is morally and ethically right. If they can strike a bargain with the police service, they will. That's the way industrial negotiations take place.

What I'm saying is, this issue should have been non-negotiable. This issue affects the well-being of the service, the Police service of NSW and the well being of the entire, everything that's built around the reform process. If you don't have a promotional system to form a basis of integrity within the police service, everything else goes out the window. It doesn't matter what crime reforms are introduced, if you've got someone corrupt leading them, they're going to fail.

**Richmond**

Look, you'll get no argument from me that your argument in this is valid regarding the answering of the same questions. No argument at all.

**Fenlon**

What I'm saying is that we have 300 people in positions of duty officer from the rank of senior sergeant to chief inspector. In five years time or less than that, some of these people will be Local Area Commanders or indeed perhaps Region Commanders or Deputy Commissioners...

**Richmond**

Providing they can get through the next lot of structured interviews..

**Fenlon**

Indeed.., well if the structured interview process continues in its current format, I'll still be opposed to it. Because my view is that the structured interview process cannot be tightened. It can't be tightened. People will have access to those questions before they go down regardless if they rotate the questions.

If we have commanders who are sitting on interview panels, those commanders I simply don't trust and I'll give you anecdotal evidence of that

During the first round of promotions for duty officer, there were two nominees out of perhaps 150 applicants. Mind you this is only a ball park figure because the statistics were denied me by Mike Lazarus, Mick Tiltman and Angela Myers in relation to it. But there were two out of about 150 applicants, mostly from grade one L.A.C.s, that failed to get nominated for grade 2 duty officer positions and these are from the western suburbs of Sydney. I mean western and south western suburbs of Sydney, there was two nominees during the first round.

We had 750 appeals to great. We had a massive overturning of decisions down there at great. Thank god for great, I know the commissioner doesn't like it but that's tough luck, because we'd have an awful lot more incompetent people or perhaps people who shouldn't be in those positions, than there are now. I'm not sure. But I don't know how this state of affairs was allowed to develop to the state that it has.

**Richmond**

Well I'm not the one to ask that question because apart from Radium I've had virtually nothing to do with this matter so I can't give you those answers. All I can tell you is categorically that your original complaint is going to be re-investigated in terms of what took place in regard to that investigation as opposed to, unless you can forward with specific information, because your broad allegation has been supported by Radium. So in other words, your broad allegation that it is happening has been proved. We now, through Radium know, that people were cheating and let's put it on the scale it is. We now know through Radium that people were cheating in the system. If you have any further specific information of other instances of people cheating, we would like to know about it.



**Fenlon**

Well you know about Dowsen then? Within your own office SCIA? In relation to fabrication of tertiary qualifications...

**Richmond**

..Yeah but that wasn't cheating.

**Fenlon**

Wasn't it?

**Richmond**

Not in terms of the structured interview

**Fenlon**

In terms, in terms of the entire promotional process. When I made that complaint, the specific complaint and the complaint I later forwarded to the police integrity commission. I said that the structured interview was not the only flaw in the promotional system. The assessment centre process is also flawed, Ive learned that it is also, has been flawed in that they repeat the scenarios. This, we'll work on the assessment centres for a moment.

A sergeant attached to Blacktown, two weeks ago went down to the assessment centre, or three weeks ago went down to the assessment centre. He spoke to me off the cuff about the assessment centre process he'd just gone through. The scenarios he described were the identical scenarios that I undertook in 1998 for the assessment centre process and yet Angela Myers and company, including Mr Jarratt and everybody else are saying there has been a rotation of questions or there has been a mixture of scenarios eetc. Now those scenarios have been in existence for nearly three years or two and a half years anyway and they're still being utilised. Now that's the assessment centre. Now I wasn't aware of that, if I was aware that that situation also existed in conjunction with the structured interview questions of being re-circulated in the system, that would have been another issue that I would have included in the original complaint, however I wasn't privy to that information either. . That's the assessment centre.

The second issue was, there's no checking of the content of the written application, none whatsoever. People can say whatever they like in their written application and there is no checking of the content...

**Richmond**

When you say there is no checking, there is a large number of people who have checked on their own behalf and made complaints at great,

**Fenlon**

What Im say is...

**Richmond**

..one of which is the Dowsen matter

**Fenlon**

Right, well and I only know about this because it was my colleague that raised the issue..

**Richmond**

..and there is another one in our command too which is being investigated.

**Fenlon**

..what I'm, you see no one is immune, we don't know how widespread this is and we don't know what part of the process...

**Richmond**

..You've made allegations...

**Fenlon**

I've got no doubt, I've got absolutely no doubt, that it is far more widespread than we are, than we have factual information to support. Now that was one of the issues that was raised in the original complaint was that the content of the application couldn't be verified. There was no way of verifying and it wasn't being checked. I also said, external qualifications were not being checked and that I could have produced any type of documentation any degree etc and the credentials of that degree would not have been checked and that's what Dopsen did, she created artificial tertiary qualifications and purported them to be factual, they were computer generated forgeries...

**Richmond**

I think probably we ought not to go into some of the specifics with Dopsen..

**Fenlon**

Well alright...

**Richmond**

..they would be sub-judice at this moment

**Fenlon**

Lets say broadly then, that external qualifications, contents of application and indeed the specific scenario information provided by applicants during the structured interview were not checked. In other words, when one got asked a question at structured interview such as, "give me an example of say, of a siege you've attended and how you managed that matter as an acting duty officer or as the officer in charge", the applicant could fabricate an event completely to meet the needs or to meet their needs in terms of answering the question and the incident was never checked to establish its bona-fides as having actually occurred. That was another failing I identified in the process. Another failing I identified in the process...

**Richmond**

..I cant find any of that in the original complaint..

**Fenlon**

It would have been, it should have been in there..

**Richmond**

It certainly isn't, I've got it in front of me, a three page document.

**Fenlon**

..the complaint, no that was the submission, that was in the submission, that was in the submission to Adrian McKenna and Peter Rankin.

**Richmond**

Well I havn't got that

**Fenlon**

I'll provide you with a copy of it Now that was another issue.

Another issue was the use of section 66 appointments. Section 66 appointments were made and are made on the recommendation of Local Area Commanders. In other words, if he has a vacancy within his command, he can more or less dictate who will sit in the position in a semi-permanent basis. Contravening if you like the services own policies in relation to equal employment opportunities in terms of personal development, but it wasn't just that. It wasn't just to get peoples noses out of joint within the L.A.C who are missing out.

So if the person subsequently made an application for a position as duty officer, got through the entire process alright, this individual then, at the direction of a local area commander, I mean it has circumvented all guidelines, its just, "that's the person for me, he's going to be sitting in the chair", recommends a section 66 appointment, end of story. When it comes to the appeals process, the weight that G.R.E.A.T. place on the time relieving in the position is significant. It is highly significant in terms of whether they consider that person has the greater relative merit than the person who was denied relieving or didn't get the appointment under section 66. Now I raised that issue in that document that Mr Rankin and Mr McKenna got, that wasn't looked at either. I raised it specifically with the commissioner.

**Richmond**

..but your wasting your time talking ..

**Fenlon**

Am I preaching to the converted or what?

**Richmond**

..because I simply don't know. What I'm telling you is that your original assertion that the system is capable of being corrupted has been proven correct by Radium. Its as simple as that. And we now need as a Service to look at why your investigation was handled, that is, your complaint, was handled in the manner in which it was and that's fully what I intend to do.

**Fenlon**

Ok

**Richmond**

..but im not prepared to discuss tactics for the simple reason I do have a pre-conceived idea of a number of things that place some members of this service in a difficult position. And I don't want those persons to be forewarned about what we intend to do as a Service.

**Fenlon**

Well I know, I have absolutely no doubt that ahm, if you've spoken to the Commissioner in relation to this and if you've spoken to Mr Jarratt in relation to this, that those people will be already be aware that you are probably re-investigating the matter.

**Richmond**

I havn't spoken to Mr Jarratt, I have spoken to the Commissioner, and I can assure you that the Commissioner has not spoken to anyone else about it...

**Fenlon**

..well I hope that's the case..

**Richmond**

..within the police service

**Fenlon**

You see I don't, I didn't want , I didn't want anything. All I wanted was for the Police Service to act ethically. Those individuals responsible for looking after this, to act ethically, just once,. When Ryan took over the reins of power, I like everyone else thought, here we go, someone who's going to do the right thing. But he left major decisions to people who weren't capable of carrying out the tasks. I mean he placed a great deal of faith...

**Richmond**

..We don't need to go down this road. Let me tell you what it is. We will be conducting an investigation into how you matter was investigated. That will be a full investigation. That's whats going to happen. You've been proven right, What you've said is right. We now want to know, how it was reacted to, by whom, for what reason and for what reason things like Hall's (?) advice was ignored, was ignored or discarded.

And unfortunately and that's it, I don't want to discuss tactics, but unfortunately for two particular people, why... where its available to a reasonable person a hypothesis , that they have deliberately misled, you, as an I.P.C., and other members of the service and the office of the Ombudsman in regard to their findings. So these are significantly serious matters. But all matters will be looked into.

**Fenlon**

Well the other issue if you like, we might as well discuss it now, you'll look into it? You indicated to me by telephone....

**Richmond**

That is part of it, that will have to be re-looked at in terms of peoples conflict of interest, in terms of the investigation, in terms of the re-investigation. That is part, that is part and parcel of this.

**Fenlon**

Do you understand from where I'm sitting, just how I've felt over the last two and a half years, or two years?

**Richmond**

Well I don't have,.....I've just become involved in the last few days and you can see by my reaction, arranging a meeting with the Deputy Commissioner and my incoming commander which subsequently turned into me seeing the Commissioner, the view that I take about the matter. What I want to do is what I always do, is start off focused and try and solve very easy and immediate problems, get them out of the way and then branch out. For arguments sake, the investigation of your matter, easily looked at. In terms of its investigation report and I use the word investigation again quite advisedly but in terms of the findings and the truthfulness or otherwise of those findings. And the provability of the truthfulness or otherwise of those findings. It is to me, a simple matter. All the other things will flow on. The re-investigation of the Bourke,..looking at others who have re-investigated this matter as to the validity or otherwise of their comments, the credibility or otherwise of their position and their current integrity as a result thereof.

**Fenlon**

Well Wayne Kelly was involved in the re-investigation of the Bourke matter, and quite frankly I still find it difficult to come to terms with his findings.

He's the one I last asked what the situation was in terms of the original complaint. And he sent me a memo where he agreed, where he said, when the file came out, the file apparently came back out to Greater Hume, he saw the file, signed it and sent it away, and he said he concurred, he concurred with the findings of Myers. Now I never saw it, I never saw the file. I never saw the recommendations I never saw the investigators report...

**Richmond**

I don't, I don't concur with it, its as simple as that.

**Fenlon**

I feel like I've been hitting my head up against a brick wall for I don't know how long.

**Richmond**

Well you are no longer doing that, but what we now need you to do is to allow us to do it properly.

**Fenlon**

And how long do I give you I mean you've got to understand, and this is not a criticism directed at you and please don't take it that way. But I've waited now for the service to do the right thing with this complaint and I've waited an awful long time and in that time, during that time, there are people still being promoted with this process and its ahm, its like .."alright well we'll just lets this go on and on"

In that original complaint, and I can't believe it, in that original complaint I said the Service, I'm expected to demand in today's reformed Police Service that certain action be taken, and I said historically in the past complaints of this nature have been either given the flick to another section or been ignored or been drawn out or haven't been dealt with, fullstop. And that was September 99, three years after Mr Ryan takes over the role and nothing, for me in the field, nothing has changed in relation to the conduct of internal investigations particularly serious matters like this, where we look at organisational systems.

Rather than point the finger at anyone at that stage and I wasn't. I was looking at an organisational system that had been introduced by the organisation that was inherently corruptible and I thought, "ok we've got to look at systems within the service, we've got to think about anti corruption strategies for this, anti-corruption strategies for that, this one, this is a major problem..."

### **Richmond**

..alright Mark, let me just ask you a question, surely you must realise that the investigation of a generic complaint like yours can only be done by a very limited number of people in this police service. No one who potentially was going anywhere near the assessment centre process ..... could have properly done it. Because it would require getting in and finding everything about it.

So in turn the investigator would have a huge advantage over everyone else. I mean when I went out there and seized the questions or had my troops seize the questions from Angela Myers, I could only pick one person out of my whole command other than me. Cause that was the only person that successfully completed the process. And that person went out and got them. I had to hold them personally in my safe so that no one else could get near them. Im the only key holder, Im the only person who knows the.., the amount of security and work I had to put in just to guarding those questions because all of my troops at senior level were going through the assessment process. This is not, Im not trying to defend the Service. I've already said, the Service was wrong in its treatment of your complaint and what you've said is right.

What we now need to do is have a look at how it happened and that's going to happen. I don't know who's going to deal with it. Logically I ought to do it, but unfortunately I have a severe conflict of interest now because I have already made a very clear decision on the culpability of a couple of , two individuals and I don't think its fair I'm investigator, prosecutor and executioner.

### **Fenlon**

That's fair enough

### **Richmond**

..but what I need to do is identify another Gary Richmond around the place who is not likely to be doing the Superintendents assessment centre or the Inspectors assessment centre because this will require going in and getting as much knowledge of those processes as possible, probably the questions, probably the interview questions, possibly the assesment scenarios, and I can't allow Inspector Jones or Inspector Smith from my command to do that. Because the next thing I'll get is a complaint from someone like ..(unclear)...sitting on their ..(unclear)..... saying "hang on IA's got the inside running". Its not going to be easy identifying someone and then its not going to be easy doing this. The specific parts I've spoken about are going to be very easy in my humble opinion because I've done all the work for them. Its going to be handed to them on a plate.

### **Fenlon**

Well that was one of the reasons I referred the complaint in June of last year to PIC. But PIC declined it and I can't understand why PIC declined it.

### **Richmond**

Well under the PIC act as I understand it and I don't want to speak for them, but under the pic act matters pertaining to promotions processes, they tend not to get involved.

### **Fenlon**

Well to me that's folly,...because

**Richmond**

..under the current agreement, remember the ombudsman the police and the pic entered this agreement, what did they call it (to Castle) the category agreement or something,....

**Castle**

..yeah

**Richmond**

Cat 1 cat 2 and cat 3..

**Fenlon**

Well that's ridiculous, that truly is ridiculous,. That lacks foresight...

**Richmond**

..we have no control over pic, they're a completely independent body..

**Fenlon**

I appreciate that but it still, it should have been done . Im surprised HR experts and I havn't got any degrees in this, I spent four years or three and a half years in a region office in personnel, I did a, Christ, a certificate in HR management, but I'm not ,you know, an expert in personnel but I know when something isn't right and when you're looking at any organization, any government department certainly, that has the responsibility as Police do, and given it's history, given the Royal Commission, it just stands to reason that in order to grow a corruption resistant service and a corruption free service you've got to start from square one. And that square one system has to be so secure, so corruption resistant and so transparent that the people that it appoints are not just seen to be squeaky clean, are squeaky clean...

**Richmond**

Ah for sure. But at this point in time the Commissioner and all of us have to get on with the general business of policing. We cant just draw a line in the sand and say all policing stops while we get this right. Policing still has to go on.

**Fenlon**

..ok, I agree.

**Richmond**

We have to get it right, don't get me wrong but we still have to police in the interim

**Fenlon**

Well I know that the promotional system is going to change, that there is (unclear). ...for it to change it in June. I've spoken to Ian ball very briefly in relation to it. He tells me that there is still going to be a structured interview or an interview of some description conducted. I didn't go into it in depth with him, he didn't discuss it in depth with me but from this officers perspective any system, any system that has an interview component to it, had better be done by somebody outside the service because if its done within the service, it will be tainted, it will be corrupted. It will be.

Historically the previous promotion system , telephone calls were made, things were done that weren't above board, the new promotional process that was introduced in August in 98 with the assessment centre process was supposed to get rid of all of that. It didn't.

Any system that is introduced, I mean external consultants can take a look at it. External consultants had a look at this and said there was nothing wrong with it. There's nothing wrong with structured interview processes on a micro scale when you interview four people for the same job on the same day and the questions aren't known to anybody, that's when structured interview process and systems work. When you take on 300 appointments, 750 applications, and you try and do the same thing over 3 months, that alone, regardless of whether there was any inherent and overt corrupt activity, that process alone lent itself to being corrupted just by word of mouth by virtue of the duration that it took. That should have been identified as a risk, it wasn't identified as a risk and they should have looked at the process and said we can't introduce this.

**Richmond**

..i played no part...

**Fenlon**

Yeah I know that..

**Richmond**

I have no knowledge about how the system was set up, I can't even give you an uninformed opinion of it. I basically don't know.

**Fenlon**

Well I called, I called for an independent inquiry by PIC. PIC denied it. The Ombudsman's office told me that they couldn't accept it and referred it to the Police Service. Round and around and around... and that's why I say how long's it going to take. And at the end of the day..(unclear)..because I'm not going to go any further in this job.

**Richmond**

I don't think that's necessarily true...

**Fenlon**

Im not going to. I've made a conscious decision. I wouldn't take part in the second round of promotions and I've a copy of the document that I faxed down to assessment services, placement services and I'll stand by it. I won't be a party to that. I won't be a party to that type of administration. I won't ever and I don't want to go any further in this job, I'll stay as a sergeant of police, Im probably of more value there than I am anywhere else. I've washed my hands of them. I don't like the bosses I work for, I don't trust them to do the right thing. Now that might be a blanket statement, it might be a generalisation but they have let me down and they have let every other member of the service down, whether they know it or not. Some of them are aware of it, most of them.., I mean I happen to be fairly unique I think to be having a meeting with you at this moment. I'd say I've been the only one to make that type of complaint about the promotion system when it was introduced. I'd be the only one who's said, "I'm not going to do this anymore, Im not going to take part in it anymore". Now I stand by those values and ethics, Im not going to compromise them and I won't take part in it any further until I see a promotional system that is worthy of me taking part.

I hate the promotion system and the promotion system's of the past being referred to as a game. "You've got to play the game Mark", my colleagues tell me this all the time. " You have to play the game". Its not a game, policing's not a game...

**Richmond**

Again Mark, Im from a different police service I come from a different culture in terms of promotions and....

**Fenlon**

..i know, I know,

**Richmond**

I went through an entirely different system, I certainly have sympathy for what you're saying. Because I'd like to think and I'm very sure that the system I came through does have integrity.

**Fenlon**

..well..

**Richmond**

As I've said and let me re-iterate. Your original complaint respecting or regarding however you want to describe it, that basically says that police officers get together after interviews and put together and collate questions and give that to other police officers. There is a specific instance that we have proven in relation to that and we have taken action against those police officers. Therefore....

**Fenlon**

Can I ask a question in relation to Radium, in relation to the outcomes? You had admission by officers that they were involved in it. Yet no criminal charges were laid, they weren't charged with attempting, attempt to obtain benefit by deception or...

**Richmond**

..no, legal advice was obtained that that wouldn't be the correct procedure, it was looked at though yes.

**Fenlon**

Were they given 181's?

**Richmond**

..they were given, well that was a matter for the Commissioner, they were, the file did go to the Commissioner, I think, I don't know who made the decision on what happened to them..

**Fenlon**

Because I'm concerned from the prospect (sic) that ahm, and I draw a comparison between that and Bourke. Bourke had lied in her job application and still managed to get her promotion. If these guys can effectively lie to a tribunal, selection panel, basically that they have the particular skills when they are asked those questions and then deceive the tribunal. If they can lie, if they can lie and admit that they lied to the selection panel and they remain police officers, well you know, it's a waste of time.

**Richmond**

Well the 181d process is solely at the opinion of the Commissioner.

**Fenlon**

So I can lie in a job application, I can lie to a tribunal and be dealt with differently to if I'd lied in any other ..(unclear) .. as a police officer. I'm supposed to tell the truth. I get in the witness box I'm supposed to tell the truth, I'm asked, I'm interviewed by SCIA officers from internal affairs in relation to an internal complaint, I'm supposed to tell the truth. I'm a police officer, I'm supposed to tell the truth.

**Richmond**

Yeah, it is an integrity related issue yeah.

**Fenlon**

Then why is it, these officers, the only punishment I understand they got, that they got was, their applications for those rounds were rescinded, effectively.



**Richmond**

No those who completed them had their results made null and void. So those who did it and were successful were removed from the process. In addition they were removed, they weren't allowed any higher duty for a set period and in addition their CIS file was marked to the accord. So those people will continue to have an integrity problem were they ever to be, one day, allowed to go through the system again, but to come up before an integrity review panel or require integrity clearances. I cant speak on behalf of those panels, how they would view it some time down the track.

**Fenlon**

For me its still lying, its still lying, you know it is. The difference in relation to an application ...

**Richmond**

Well they weren't lying, I mean they got together and roughed out what they thought were some of the questions and to be fair it wasn't a bad roughing, rough guess. It wasn't a 100 percent correct.

**Fenlon**

Rough guess?

**Richmond**

I tend to agree with you, that is more a system fault that should not have been allowed to happen, than anything else.

**Fenlon**

Well if you put a cake and a child in the same room, they're going to eat the cake aren't they?

**Richmond**

We all know what people are like, human nature is like. The psychology in it should indicate to any reasonable person that is a likely outcome. That's something the service will have to come to ....

TAPE ENDED...BRIEF BREAK IN RECORDING WHILE TAPE CHANGED.

**Richmond**

..have a very strong view about integrity, personal integrity.

**Fenlon**

Well so do I, that's why I refused to take part in the second process.

**Richmond**

What I can say to you Mark and I've got to wind this up. We've got to get to a useful purpose here. The useful purpose is that you were right in your complaint, Radium proved it and we will now go back and look at what happened. And we will keep you and the Ombudsman informed, but not on the tactical basis. And I'd ask, I'm not going to direct you, I'm going to leave it up to the integrity of you two gentlemen. Id ask that you not discuss this with any other police directly or indirectly because it is a CIS matter that is going to be re-investigated so it is a current investigation.

**Fenlon**

Well alright, having said that, I've already raised the issue with the Ombudsmans office and the police integrity commission. They tell me that the original complaint is covered under the Protected Disclosures Act. As this complaint, it is effectively the same complaint...

**Richmond**

Yeah

**Fenlon**

..as far as Im concerned, I'm covered under the protected disclosure acts..

**Richmond**

For sure

**Fenlon**

And if I chose to go to the press or chose to go to a member of parliament, I'll do so and I would be seeking protection under that act as a consequence of doing it. Like I said to you on the telephone, this information as far as I am concerned, this whole..(unclear)..of circumstances, I probably should have made public a long time ago and I didn't..

**Richmond**

And what Im saying to you is if you want an effective, tactical investigation, the best way you can stuff that up, is somehow let the people know whats coming. Buts that's entirely a matter for you as I've said, I don't intend to give you a direction. That's up to your integrity, simple as that.

**Fenlon**

Ok.

END OF TAPED INTERVIEW.

Mr Gary Richmond  
Special Crime and Internal Affairs

Investigation into Duty Officer Promotional system – original complaint CIS File  
99003193.

- - -

Further to our meeting on the 4 April, 2001 at the NSW Ombudsmans Office, please find attached a copy of the written submission discussed.

As indicated to you at our meeting, copies of this document were provided to Inspector Adrian Mckenna and Superintendent Rankin (Rtd) during a meeting between myself and those officers in Police Headquarters on the 2 December, 1999.

The document refers to a number of issues affecting the integrity of the duty officer promotional system.

As both of those officers were obviously delegated to meet with me to discuss my concerns one would have to assume that they were responsible for reporting on the contents of my submission to the delegating officer who I believe may have been Superintendent Scippione in his capacity as Chief of Staff or.... Mr Jarratt , who as the Commissioner indicated on Police TV in November 1999, had overall charge of the promotion system.

Mark Fenlon  
Sergeant  
Blacktown Police  
5 April, 01







# Cheats rig



# police jobs

## Inquiry examines alleged corrupt promotion tests

### EXCLUSIVE

By chief writer  
NATHAN VASS

POLICE Internal Affairs is investigating claims of widespread rigging of the NSW Police Service promotions system.

The appointment of 300 duty officers has been called into dispute by claims that some applicants had advance notice of test questions.

Other applicants are accused of falsifying qualifications to secure the management jobs, which pay as much as \$95,000 a year.

One detective was reportedly found to have provided fake tertiary qualifications to the Government and Related Employees Appeals Tribunal, *The Sunday Telegraph* has learned.

It is understood the detective has been issued with a dismissal notice.

A police media spokesman declined to say how many other officers were being investigated for falsifying credentials to gain promotion.

"The matter [of police promotions] is the subject of an ongoing Internal Affairs investigation, and it would therefore be inappropriate to comment further," the spokesman said.

Internal Affairs sources said the concerns over promotions were being "taken very seriously".

A regional investigation

### The secret test questions

1. What is the Police Service media policy?
2. What are the powers of the police under the Police Vehicle Powers Act?
3. What is the procedure for conducting a search for a lost child in the bush?
4. How do you monitor productivity and provide feedback to team members?

is also believed to be under way in western Sydney into the promotion system.

Veteran officer Sergeant Mark Fenlon told *The Sunday Telegraph* rigging of the promotions system was common knowledge in the Police Service.

Sgt Fenlon, a police officer for 20 years, has spoken out about his concerns after complaining to the Police Service, the Police Integrity Commission, the Ombudsman and the Police Association.

He applied unsuccessfully for a duty officer's position in 1999, but later learned other applicants had known the questions in advance.

Sgt Fenlon, of Blacktown, said any officer seeking a duty officer's position could find out the test questions in advance "by making no more than two phone calls".

He said 700 people had

5. What are the corruption indicators, and how do you address them?

6. How do you address property crime in your local area command?

7. What are the responsibilities of individual members during the execution of search warrants?

8. What is the internal witness support policy?

sought duty officer's positions, and the selection process had taken about three months.

During that time, officers were openly talking about what the questions were before they sat the test.

"The Wood Royal Commission identified promotions as a major area for potential corruption," Sgt Fenlon said. "It seems the new system simply isn't corruption-resistant."

The only way to ensure the system was corruption-free was to cancel all appointments and start again, Sgt Fenlon said.

"Every duty officer appointed corruptly is compromised. Whoever provided them with the questions will always be able to call in favours.

"We will feel the impact of this in the next five to 10 years, as these people move





# Promotion system open to cheating: police officer

Geesche Jacobsen

Police officers are promoted by a system that is "open to abuse, cheating" and corrupt practices, a senior police officer has told a parliamentary inquiry into police resources in Cabramatta.

The officer also criticised a crime-fighting "Target Action Group" in the region as "ineffective", saying 13 of the 90 officers were not operationally involved, "making a mockery" of the official strength of the force.

Detective Senior Constable Frank Reitano blamed the police service's ineffectiveness in tackling middle-level crime for the drug and gang problems in Cabramatta - problems acknowledged in the response by Assistant Commissioner Clive Small.

But Commander Small broadly rejected the criticism as the "evidence of "a disgruntled officer who believes he has been treated poorly".

The inquiry's preliminary report was due to be published today, but it has been delayed for at least a month to await the police service's response to allegations.

Detective Reitano, in his written submission, also supported Detective Sergeant Tim Priest, who told the inquiry this year that drug dealers had recruited students as drug couriers.

But Commander Small's submission said the Target Action Group had made 249 arrests and laid nearly 500 charges between mid-February and the end of May. Police had also closed 60 drug houses, and the number of drug overdoses attended by ambulances had fallen from about 80 a month to about 15.

Detective Reitano's submission alleges that the promotions system was "open to allegations of corrupt conduct".

Police officers needed to find a "sponsor" within the service who would help them progress through the ranks. "Those promoted in turn repay their

sponsor through loyalty, by supporting even questionable decision-making by the sponsor. This is a totally corrupt system of promotion."

The interviewing process and assessment centres were "subjective", open to bias of interviewers and corrupt practices, the submission says.

The system had led to the promotion of "incompetent police beyond their level of skill and ability into positions clearly out of their depth".

Commander Small said the promotions system was based on merit, not seniority, whereas Detective Reitano's submission had tried to equate years of service with an officer's expertise.

According to a submission from Ms A. Myers, from the Police Service's Promotion and Selections Branch, the promotions system was devised after criticism of the previous system by the Wood Royal Commission.

Detective Reitano's submission also said the Greater Hume Target Action Group (TAG), with an authorised strength of 90 officers, was "inspired by political gain". Seven officers were on long-term sick leave and another six were involved in weapons training and would not be "operationally active" in many TAG activities.

Commander Small's response said police on sick leave were always spread across all commands to make sure no-one bore an unfair workload.

The TAG had also been set up to respond to mid-level drug dealing, which was "a problem", Commander Small acknowledged. But such crime was the responsibility of local police commands who could deal with this kind of crime in a more "cost-effective" way.

Detective Reitano says the lack of support by centralised Crime Agencies to local area commands in investigating middle-level crime had led to the present drug and gang problem.

# Envoy could be in

Christopher Kremmer and Craig Skehan

Sri Lanka's Human Rights Commission will consider investigating claims that a senior general appointed as Ambassador to Australia is implicated in war crimes.

Mr Godfrey Gunatilleke, a member of the official body responsible for monitoring human rights, said the commission would be willing to look into any specific claims of abuses by the departing army chief of staff, Major-General Janaka Perera.

Tamils in Australia have condemned his appointment, saying he is implicated in the deaths of hundreds of civilians suspected of links to the Tamil Tiger guerilla movement, which is fighting for a separate homeland.

But Mr Gunatilleke - who before joining the commission was one of Sri Lanka's most experienced human rights monitors - said he had not previously heard the general's name linked to military atrocities.

"He was associated with some of the stronger military operations. Sometimes the Tigers make these claims to discredit their most capable opponents," Mr Gunatilleke said.

In Canberra yesterday there was an angry demonstration outside the Sri Lankan High Commission that included the reenactment of a massacre.

Community and human rights groups wrote to the Foreign Minister, Mr Downer, last month with detailed accounts of how General Perera was in command of troops who carried out hundreds of extra-judicial killings.

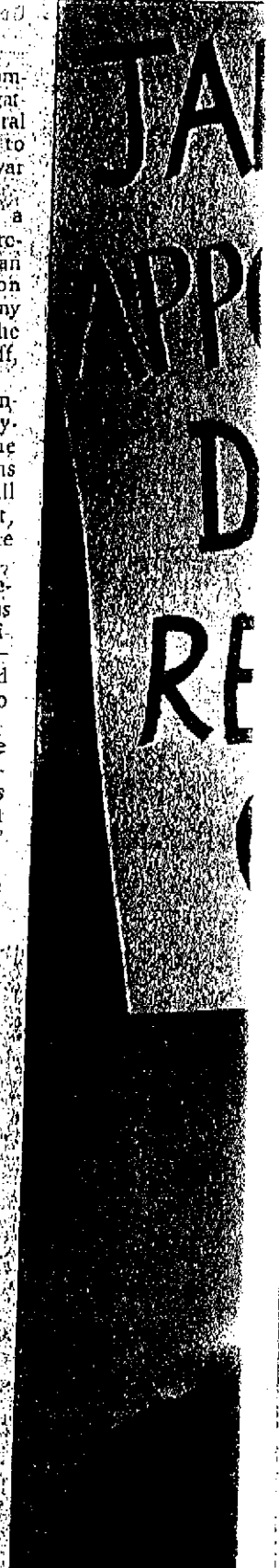
In a 30-year military career, General Perera has been involved in some of the country's most desperate crises.

In the late 1980s he was prominent in the battle to crush an uprising by the Marxist Janatha Vimukthi Peramuna (People's Liberation Army), which almost toppled the country's parliamentary system.

Last year, as army chief of staff, he helped organise the successful defence of Jaffna, the largest city in the Tamil-dominated north after the fall of the strategic Elephant Pass army camp.

Hardline Buddhist Sinhalese speakers are also lamenting his appointment, fearing it will weaken the war against separatist elements in the mainly Hindu Tamil-speaking community, which has claimed more than 30,000 lives.

"Major-General Perera is a hero among those opposed to the peace process," said Iqbal Athis, a leading writer on the civil war



The general view in C... political circles is that ti... eral is being rewarded fo... well done on the battlefic... ppointment of military off... ambassadorial posts... unprecedented... But doubt about the G... ment's sincerity in... investigation discove...







The Police Service spokesman on ethnic issues, Assistant Commissioner Bruce Johnston, said a recruitment drive, which started last week with Chinese and Vietnamese advertisements, would target ethnic parents who often did not approve of policing as a career. They held safety fears, might distrust police and were unaware that height and weight restrictions no longer applied.

It is clearly difficult to break through any element of distrust that might exist. How much hope do you have that that breakthrough can occur? Do you have any other strategies in that area apart from advertising in the ethnic media?

**Mr JARRATT:** I do not underestimate the difficulties involved, and certainly evidence from around the world shows that others are having the same problems. England is a classic example. We are trying a multi-faceted approach involving not only taking out advertisements but visiting schools, colleges and other places where we can interact with people. It is extraordinarily difficult to overcome years of experience in another country under a different regime. I recall a police commissioner of 15 or 20 years ago telling a Vietnamese community group that came to see him: "It is your responsibility to put your young people forward to become police officers". That is still the case. We must obviously continue to build the confidence and trust of the community such that, once those experiences from other parts of the world are overcome, more and more people will come forward. Frankly, each person that we are able to attract who is able to sustain membership of the service becomes an advertisement in his or her own right.

**The Hon. R. D. DYER:** I asked Mr Hansen last Friday about the tactical action group in the context of seeking an assurance that the existence of that group and its deployment would not occur at the expense of continuing beat policing in Cabramatta. He assured me that beat policing would continue and confirmed that the bicycle police squad is one aspect of that. Do you agree that, although the tactical action group may be considered a very welcome initiative, it should not exist entirely at the expense of police?

**Mr JARRATT:** I agree entirely. The continuing grassroots police presence around Cabramatta is a critical part of our strategy. The tactical action group is about a higher level of activity, and one certainly should not be at the expense of the other.

**The Hon. R. D. DYER:** My final question is about the police promotion system. One officer said during the Committee's public consultation session in Cabramatta last Monday afternoon that he believes—I do not associate myself with these comments in anyway—the promotion system is open to favouritism, corruption and, to use his expression, rotting. I know that you are familiar with the current promotion system. Do you believe the promotion system, particularly for the positions of inspector and above, is corruption resistant and selects the best person for the position with a minimum of subjective elements?

**Mr JARRATT:** I think the promotion system has significant room for improvement. However, I agree with your sentiment that it is corruption resistant. Inspector positions are subject to appeal to the Government and Related Employees Appeals Tribunal [GREAT], so the ultimate decision rests not with anyone in the Police Service but with GREAT. Anyone who has any doubts about the selection process has an ample opportunity to bring them to light by way of a complaint to the ombudsman or by challenging the appointment at GREAT. I believe the process is as robust as any promotion system anywhere that I know of.

**The Hon. R. D. DYER:** Are you able to say, perhaps in general terms, the respects in which you believe the system might be capable of improvement?

**Mr JARRATT:** It is too slow. We take eight months to fill some positions. We have so many checks and balances in place that we never get anyone appointed. That is my frustration. We want to cross every single T. If I may share with the Committee one of my frustrations, if I am promoting an individual public service officer to a very similar job to what a police officer is occupying, one I can achieve in about eight weeks; the other one will take me, as I said, on average about eight months because of a whole range of checks and balances and factors. There has to be a cost of that to the organisation. That is what the executive of our new HR review group will be working steadfastly to reduce, but it is a frustration. That key element I guess is that if you take out checks to PIC, to internal affairs, to a whole range of other factors that come into play, you can

shorten the time frame but then you improve the risk that someone may get through the system. So there must be a point where we find the happy medium. I am not sure we have yet found that.

**CHAIR:** Is there any plan to expedite this process?

**Mr JARRATT:** It is our fervent plan to have it resolved by the end of this year.

**CHAIR:** Can you tell the Committee the process of how you appoint a local area commander and a regional commander?

**Mr JARRATT:** The process is that an advertisement is placed in the Police Service weekly for a local area commander; for a regional commander it is a national advertisement in the public press. A committee is established. It will normally involve people of high rank. If it was a regional commander it would probably be Deputy Commissioner Maroney and myself, with a third independent person. We would conduct a cull of applications. Obviously, a range of criteria are listed as to what the person who is applying for the position should address. There would then be checks made through internal affairs and PIC as to any aspects which would prevent the person from being appointed. They would have to have undergone an assessment centre, in the case of a regional commander to an external assessment agency — no involvement of the Police Service. We pay for the person to be assessed if they have the competencies to discharge the role at this level and then we conduct a lengthy interview against the criteria. From that, we make a recommendation to the Commissioner, and should he agree he appoints.

**CHAIR:** What do you think of the comment that was put to the Committee that promotion is not by merit but it is a boys' club?

**Mr JARRATT:** I guess I would ask them for some evidence of that. It is easy to make that sort of claim. Forgive my observations but we have people in our organisation who are only too happy to make that claim but when you say, "Could you produce one shred of evidence to support that?" the argument dries up very quickly. If it is there I will pursue it to the end of the earth, but I am saying to you, without any equivocation, that the system has so many checks and balances in it that it would be virtually impossible for someone to get through that system by a boys' club sort of notion.

**CHAIR:** Can you tell the Committee about the transfer of police officers from a local area command [LAC]. How many officers have been transferred from Cabramatta LAC? How does that figure compare to other LAC's in the region?

**Mr JARRATT:** I cannot answer that with any precision but my reasoned assumption is that it is no different. The Cabramatta local area command is not dissimilar to that of Greater Hume in terms of movements through it. There would be probationers attached there who, probably after three years, many would seek other opportunities, some transferring to the country and other places. So I expect there would be a normal movement through there. My own visits to the local area command at Cabramatta tell me that generally the morale is quite high and that normal processes are established and being maintained. But I cannot give you the specifics.

**CHAIR:** There was some evidence given to the Committee that some of the officers were transferred against their will. I was not sure how accurate this information is.

**Mr JARRATT:** I do not know of any specific examples but let me be clear. The Commissioner, under the little piece of paper we all sign, can transfer any of us anywhere any time he likes. It is not a democratic setup. You sign up to do as you are told and that means if you are told to work somewhere else you go and work somewhere else. Obviously, we do not do that unless exceptional circumstances prevail. We look to work with people and they usually apply. You will have heard reference to a green form where people apply. Sometimes they want to go but we cannot accommodate them. Conversely, others have—for the right mix of people to be at a location, we actually direct their transfers to another part of the region, another part of the State. But there are normal processes. If there was someone who felt that they were being punished by a transfer, again there are many ways in which they could bring that to light and have it acutely examined to ensure that that was not the case.



