



WESTERN AUSTRALIA POLICE

Submission to:

**PARLIAMENTARY JOINT COMMITTEE ON THE
AUSTRALIAN COMMISSION FOR LAW ENFORCEMENT
INTEGRITY**

“Inquiry into law enforcement integrity models”

**Corruption Prevention and Investigation Portfolio
Western Australia Police**

July 2008

TERMS OF REFERENCE

(e) Existing state corruption prevention programs:

The WA Premier's Circular 2005/02 – Corruption Prevention Policy states:

In keeping with observations made by the Royal Commission into Whether There has been Corrupt or Criminal Conduct by any Western Australian Police Officer (Kennedy Royal Commission), all agencies are required to incorporate in their risk management activities specific consideration of the risk of corruption and misconduct. Additionally, agencies are required to report on the measures they are taking to reduce the risk of corruption and misconduct by including in their Annual Report an outline of the actions taken to prevent corruption and misconduct.

Following the release of the Kennedy Royal Commission (KRC) Final Report, the Government provided funding for the WA Police to implement a range of strategies to build a corruption resistant culture. Strategies associated with improving corruption resistance included corruption prevention planning, improved complaint management processes and broader cultural reform, including a new model of dealing with misconduct, now called the managerial Intervention Model (MIM).

In accordance with the above requirements, the Western Australia Police introduced an agency-wide corporate Corruption Prevention Plan (CPP) that:

- Actively promotes a culture of professionalism, integrity and risk management.
- Strives to reduce the incidence of misconduct and corruption.

The KRC identified that a formal CPP was a key requirement. It acknowledged that Western Australia Police had many anti-corruption measures in place however, they were not coordinated.

In 2004/05 implementation of corruption prevention plans were formalised through integration into the WAPOL Corporate Strategic Business Plan as part of WAPOL's commitment to management and accountability.

The CPP has a multi-tiered approach at a whole of organisation level. WAPOL strives to achieve policies, practices and personnel which will support an ethical and corruption resistant organisation.

The framework for development of CPP's requires all WAPOL business units to incorporate four broad strategies including:

- Risk management;
- Clarifying standards and expectations;
- Early intervention; and
- Reporting and Investigation

Under each of these strategies there is a list of actions that business areas are expected to include in their CPP.

The CPP and risk management component continues to be monitored through the WAPOL Business Area Management Review (BAMR) process.

In accordance with the KRC recommendations, a review and evaluation was undertaken in 2007 by way of a survey of a sample of business units within WA Police. The aim was to gauge the relevance and readiness of corruption prevention planning across all areas of WAPOL.

The survey revealed that most business units sampled have current corruption prevention plans in place that adequately reflect the elements of WAPOL's corruption prevention planning. A subsequent check with all District and Divisional Officers following the survey found that all units had implemented current plans.

Most areas reported that their plan adds value to the business unit and is beneficial in the management of their stations/sections. There was however a small number of respondents that believed it to be unnecessary or a bureaucratic duplication.

General comments received implied that regular reviews to simplify content and format could enhance this strategy.

WAPOL is now moving towards comprehensive organisational risk planning and management. As a result, corruption prevention risks will be identified and reported on. It is understood that the transition to this improved methodology is unlikely to take effect for at least 12 months.

It is proposed the new risk planning process will be directly linked to business areas Business Action Plans. This process will enable managers to potentially, better identify and mitigate risks at the local level.

These are a range of other initiatives utilised by WAPOL in the corruption prevention area:

Code of Conduct

The introduction of a Code of Conduct for WA Police officers and staff is intended to encourage ethical awareness and personal commitment to appropriate behaviour. It also articulates the behaviours that the WA Police require of its

entire workforce and encourages ethical awareness learning and behaviour that is vital for community trust and confidence in our agency.

The Code of Conduct was recently reviewed and updated to reflect contemporary policing practices.

The KRC identified the Code of Conduct as a universal corruption prevention tool and a fundamental part of the agency's CPP.

In accordance with its reporting requirements under the Public Sector Management Act, WAPOL reports annually on the integration of the Code of Conduct into the policing environment.

Our Values Document

A document entitled "Our *Values*", which emphasises the relevance of the agency's core values of *honesty, respect, fairness, empathy, openness and accountability* to all facets of contemporary policing, has been developed to complement the Code of Conduct and is provided to every business unit and recruit training school.

Education

The Corruption Prevention and Investigation (CPI) portfolio records trends/issues identified in complaint files and LOC files in IAPro. These trends and issues are incorporated into CPI lectures given at Academy courses as learning outcomes. They are also reported to the Audit & Risk Management Committee through CPI membership of the committee.

Additionally, results of disciplinary charges are reported through the WA Police corporate publication 'From the Line' as an awareness/prevention strategy against misconduct etc

Lectures on ethics and integrity standards and guidelines are coordinated by the CPI Portfolio and delivered to all recruits and Direct Entry officers at the WA Police Academy, and Police Officers and Police Staff who participate in specific management courses at the WA Police Academy.

This process of education continues to be of considerable value, with various case studies of inappropriate or serious misconduct being developed into learning outcomes which are shared with recruits and course participants at the Academy.

The Managerial Intervention Model (MIM) continues to be a major educational and prevention tool for addressing officers' conduct identified through complaints received. Through a remedial/developmental approach, management identify and deliver appropriate managerial solutions to address an officer's conduct, using the WA Police Code of Conduct as the primary reference point.

Risk Assessment Unit is directly responsible for conducting awareness and information sessions on Early Intervention Systems, Blueline and SIWP to:

- The Managerial Accountability Courses convened periodically at the WAPOL Academy; and
- The District Management Support Officers Induction Training Program on an intermittent basis.

RAU provide advice and case studies to the E-Learning Unit Blackboard program specific to recruits and in-service training. Case studies applicable to inappropriate e-mails and the divulging of information have been provided based on RAU analysis, providing the E-learning unit with up-to-date and relevant material.

In addition to the District/Divisional coordinators course being provided, CPI are developing a package for Governance Officers which outlines their responsibilities and the measures required to allocate, monitor, review and quality assure files at District/Divisional level. The provision of this package will provide a clear and consistent approach across all Districts/Divisions which in turn will improve the standard and timelines associated with internal investigations.

Additional data collected includes whether the investigative standards or managerial standards have been met or any underlying issues (lack of supervision, alcohol or drug use, policy/procedures lacking etc) that may have contributed to the behaviour.

This information is not only utilised to provide high level statistical information for analysing, benchmarking and reporting but also enables the identification of trends and issues in order to educate, prevent corruption and promote learning outcomes.

This enables CPI to provide information relating to allegations, outcomes and standards associated with the investigation and managerial approach to be provided to Districts/Divisions with a view to learning from past complaints and investigations. Learning outcomes anticipated by WAPOL should reveal improved results in the 2008/09 reporting year.

Personnel Security Vetting (PSV)

Has been introduced (to an appropriate level) for all WA Police personnel attached to critical units within our agency who have access to National Security Classified Material comprised of encrypted communication or computing equipment.

PSV is a recommendation emanating from the Kennedy Royal Commission. The Royal Commission recommended that the WA Police adopt vetting to promote the ethical health of our employees at certain ranks and those working within 'high risk' business areas.

The WAPOL PSV process provides the government, external agencies and the community with the appropriate level of assurance as to the suitability of personnel requiring a security clearance. The process identifies security concerns, personal vulnerabilities, associations, financial risks and so on. In an endeavour to raise security awareness and responsibilities, ongoing security training sessions are provided to personnel in key areas.

PSV is now well established in the WAPOL. Security clearances are conducted on an ongoing basis in the 'high risk' areas identified as 'Phase One' in the recommendation arising from the Kennedy Royal Commission. They are also conducted for identified personnel in other areas such as Computer Crime, Communications and Legal Services where there is an operational requirement to access national security classified information.

As a condition of appointment, Human Resources Directorate has been progressing amendments to Position Descriptions, requiring staff to undergo specific levels of Security Clearance.

Development of the business area is ongoing with improvements in information sharing with other agencies increasing as personnel become security cleared to Commonwealth standard.

All PSV processes and security requirements now comply with the standards of the Australian Government Protective Security Manual.

Drug and Alcohol Testing

In 2001 Western Australia Police (WAPOL) introduced a Substance Use Policy, (the policy). The primary focus of the policy was the safety of personnel by providing education, support and rehabilitation strategies with regard to the prevention and minimisation of risks associated with substance use in the workplace. Targeted alcohol and drug testing was referred to in the policy, however, this is yet to be legislated.

The introduction of alcohol and drug testing of police officers is consistent with the KRC report recommendations.

Numerous avenues were investigated to implement the Royal Commission recommendation in relation to alcohol and drug testing. It was considered that the most comprehensive way, and also in line with the Royal Commission recommendation, was to implement testing as part of a Police Administration Bill. Progression of the Police Administration Bill which will in effect replace the Police Act, is currently under development by the Parliamentary Counsel.

(f) Internal anti-corruption processes of the state law enforcement bodies and the protocols and processes in place for reporting corruption matters to their respective integrity agency.

A. Internal anti-corruption processes of the state law enforcement bodies

WA Police undertake investigations into Corruption and Misconduct through their own internal investigation protocols or in partnership with the CCC.

The Corruption Prevention and Investigation (CP&I) Portfolio is responsible for maintaining the integrity of WAPOL through investigations relative to the standards and management of behaviour and performance. This is achieved by ensuring that efficient and effective accountable management and disciplinary systems are in place.

The Portfolio is comprised of: Police Complaints Administration Centre, Internal Affairs Unit, Risk Assessment Unit, Ethical Standards Division, Police Complaints Administration Centre, and Deaths in Custody¹.

Internal Affairs Unit

The Internal Affairs Unit (IAU) is responsible for the Investigation of matters associated with serious misconduct, corruption and criminality. IAU at times undertakes joint investigations with the CCC.

IAU includes a Covert Technical Surveillance Unit, which undertakes internal covert surveillance operations under the direction of Internal Affairs.

It is the policy of the Western Australia Police to conduct targeted integrity testing of sworn officers and workgroups reasonably suspected of corrupt, criminal or improper conduct, and as such IAU are responsible for managing the Integrity Testing Unit (ITU).

Integrity testing enhances the corruption resistance of the agency and may determine if perceived risks exist. The tests are designed to test the veracity of the conduct alleged by an officer or officers and the results of the tests are capable of objectively rebutting allegations.

The ITU has actively maintained and enhanced communication in the National Integrity Testing Practitioners Group. The group comprises members of all state

¹ Refer to Page 14 CP&I Portfolio Organisational Chart

jurisdictions, oversight bodies and federal agencies who have integrity testing capabilities.

IAU are also responsible for the management of an Analytical Section, which utilises an IT system (Audi-Track) which is designed to identify accesses of sensitive WAPOL data and file systems.

This enables officers from the Internal Affairs Unit to scrutinise computer usage and provides both an interrogation history and live reporting capacity, to alert relevant parties when particular flagged or protected data is accessed.

The IAU Analytical Section utilise a system known as K-Vault as part of conducting investigations into the Police email system, which has the ability to scan current and archived emails.

This process is necessary to search for electronically transmitted correspondence that can provide evidence of, or assist in inquiries pertaining to corruption and serious misconduct by WAPOL staff.

Risk Assessment Unit

The Risk Assessment Unit (RAU) is primarily responsible for managing and examining profiles of current police personnel or work areas where an identified pattern of integrity, honesty, behaviour, performance or ethical issues are developing.

RAU is also responsible for identifying underlying trends and issues likely to impact on the ethical well-being of WAPOL and develop, with other relevant areas appropriate interventions.

In January 2007, WA Police implemented IAPro, a Professional Standards Information System, whose management remains under the authority of the Assistant Commissioner Corruption Prevention and Investigation Portfolio with ongoing responsibility to the Superintendent Risk Assessment Unit.

IAPro enables WA Police to undertake early intervention and risk profiling of officers at risk of corrupt behaviour. It also provides a tool to provide high level statistical information for analysing or reporting on to oversight bodies.

IAPro allows the capture of all allegations made against police officers and police staff including supervisor details, internal and external stakeholder information, use of force, information only files, complimentary correspondence, outcomes of investigations and any criminal, loss of confidence, disciplinary or managerial action taken.

Benefits achieved to date utilising IAPro include:

- The capacity to record incident types with WAPOL currently recording 15 different 'Professional Standards' incident types, 9 of which are used as performance indicators for early intervention analysis.

- An efficient one-stop information repository, immediately providing a variety of information types.
- Increased administrative efficiency and streamlined processes within PCAC & IAU.
- Immediate identification of trends and patterns relating to employee behaviour.
- Timely notification to local supervisors and managers on any complaint issues relating to their employees.
- Statistical analysis charts are produced immediately from the 'Charts' tab in IPro, for every information type.

IPro has assumed responsibility from the Operational Safety & Tactics Training Unit [OSTTU] for recording all Use of Force reports since January 2007. It has provided OSTTU with comprehensive statistical charts on all aspects of Use of Force, to assist training, policy and Taser deployment issues.

All current Secondary Employment applications, registered gifts and Positive Correspondence are entered on IPro, which are linked to the individual employee.

IPro has the capability of electronically communicating with police districts via its own component called 'Blue Team'. This web based portal is the gateway for two-way communication to receive and disseminate information. Funding is yet to be sourced to implement this enhanced program to IPro.

Outcomes achieved so far:

- Early Identification of 'at risk' behaviour
- 'One stop shop' for behavioural incidents
- Streamlined complaint management
- Improved administrative efficiency
- Prevents escalation of issues
- Peer comparison / standard deviation
- Hot-spots and Hot issues [where are all the problem officers?]
- Identify risk at individual or supervisor level
- Guides officers towards successful career
- Reduced potential for civil liability
- Enhanced community confidence in the reputation of WAPOL
- Instant Quality Assurance capability – single or group of incidents.
- Ability to monitor officers for numerous reasons [e.g. High Risk, Probationer, any significant behavioural reason, etc]
- Improved Case Management features

Additional data collected includes whether the investigative standards or managerial standards have been met or any underlying issues (lack of supervision, alcohol or drug use, policy/procedures lacking etc) that may have contributed to the inappropriate behaviour.

This information is not only utilised to provide high level statistical information for analysing, benchmarking and reporting but also enables the identification of trends and issues in order to educate, prevent corruption and promote learning outcomes.

Through its IAPro capabilities, RAU provides WA Police Corporate Executive Team with accurate reports regarding complaints against police and other corporate reports such as use of force trends.

The RAU is responsible for 'Blueline', which is a confidential, dedicated telephone line for WA Police personnel who are seriously concerned about the unethical conduct of any WA Police members/employees.

Callers are electronically offered the choice of direct communication or anonymous reporting. Calls to the Blueline are not traced and information is treated with the highest possible degree of confidentiality.

The facility is also available for WAPOL personnel seeking advice on ethical issues they feel, for whatever reason, are unable to discuss with a senior officer or Police Staff.

Personnel accessing the Blueline:

- Receive a randomly selected Caller Code Number which they can quote if they make subsequent calls to the Blueline.
- Have a choice to remain anonymous.
- Are afforded personal support and assistance, for example, referral to the Supported Internal Witness Program, if required.

Calls are free and may be made 24 hours a day.

Working in conjunction with Blueline is the Supported Internal Witness Program (SIWP), which provides a framework to support internal witnesses who have registered in the program through the Blueline or were referred to the program by officers conducting internal investigations or on the recommendation of supervisors.

WA Police has declared its obligation to support and assist all personnel who report unethical conduct through the creation of the SIWP.

The purpose of the SIWP is to:

- Develop a professional organisational climate where Police personnel feel confident to report unethical conduct,
- Provide practical support to the person making the report; and
- Ensure that appropriate action is taken in relation to the information communicated in the report.

The program's primary goal is to value, support and assist the witness in recognition of the courageous and ethical stand they have taken. Support measures include:

- Monitoring the potential for victimisation or harassment,
- Facilitating action to prevent any detriment caused to the witness,
- Referral to Health and Welfare Services, and
- In extreme cases relocation or other protective measures as required.

Ethical Standards Division

The Ethical Standards Division (ESD) was established in 2007, and provides a corporate governance role with respect to the professional standards of the agency.

ESD manages the Commissioner's Loss of Confidence and WAPOL's disciplinary processes.

Additionally this business area ensures that standards of conduct and behaviour are maintained as demonstrated within the agency's Code of Conduct, Gift Policy, the Our Values document and the Corruption Prevention Plan.

Police Complaints Administration Centre

The Police Complaints Administration Centre (PCAC), records, assesses, allocates and monitors complaints under the Local Complaint Resolution and formal investigation process that require internal investigation.

PCAC also provides support and guidance to Portfolios, Regions, Districts and Divisions to assist them in conducting quality internal investigations into allegations of misconduct, and maintains and provides statistical information in relation to misconduct allegations.

PCAC quality assures completed internal investigations and provides a practical liaison and reporting interface between the WA Police and the CCC, as well as overseeing the Managerial Intervention Model and managerial outcomes arising from internal investigations.

The WAPOL formally adopted the MIM (Then know as the Managerial Discipline Model or MDM) on 1 October 2006 to manage behaviour, conduct and performance issues arising from complaints against police officers. The MIM is a 'managerial' approach with a developmental and remedial focus rather than taking the punitive path. The Commissioner of Police may however, prefer a disciplinary charge under Section 23 of the Police Act 1892 or pursue Loss of Confidence (LOC) or criminal charges for matters deemed to be of sufficient seriousness.

The MIM addresses core (and underlying) behavioural issues and requires managerial solutions to direct correct and enhance conduct, behaviour and performance with the primary reference point being the agency's values as articulated in the Code of Conduct.

The onus is on the employee to change behaviour when required, and for managers and supervisors to be accountable for their staff and to monitor,

supervise and modify the behaviour of subordinates through a managerial approach.

The MIM is predicated on the following:

- Ensuring managerial/remedial outcomes are applied to behaviour, conduct and/or work performance matters/issues identified as a result of a complaint(s).
- The restricted use of disciplinary charges for those matters considered by the Commissioner to be of “sufficient seriousness” but which fall short of the Commissioner losing confidence in an officer.

Accountability for the MIM has been included in the performance agreements of all Superintendents and Assistant Directors.

B. Protocols and processes in place for reporting corruption matters to their respective integrity agency.

Corruption and Crime Commission

The CCC can receive complaints direct from members of the public. In most instances these matters are referred to police for internal investigation, however, the CCC Act provides that they can investigate matters of serious misconduct, corruption or criminality (generally corruption or organised crime matters) or undertake these in a joint operation with police.

The CCC has oversight of all police investigations and can take over a current investigation where they deem it to be appropriate.

The majority of complaints against police officers and police staff members are taken by the Police Complaints Administration Centre. This area records, assesses, allocates, monitors and reviews these investigations.

Prior to an investigation being commenced, the complaint and allegations are reported to the CCC through the submission of a Complaint Advice Note (CAN).

PCAC identify the issues surrounding the complaint and forward the investigation file to the relevant District or Division or refer the matter to Internal Affairs Unit for investigation. The CCC also assesses the complaint and advises what matters that it considers require investigation.

At the completion of investigations the CCC is advised of the outcome and forwarded (in the case of formal investigations) the complete file including all exhibits for their external review. Should the CCC identify any matters of concern or require further work to be undertaken they will return the file to police or undertake their own inquiries which may include conducting an audit of all District files.

When satisfied that the matter of complaint has been adequately investigated the CCC will provide correspondence to police, and then the file is closed.

Legislative requirements under the Corruption and Crime Commission Act 2003, (*Section 31*) places obligations on the Commissioner of Police to:

- notify the CCC of matters concerning, or that may concern, reviewable police action in accordance with guidelines under s30. (*s21A(1) CCC Act 2003*).
- notify the CCC of misconduct (*Refer s28 CCC Act 2003*).

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CORRUPTION PREVENTION & INVESTIGATION



