



WESTERN AUSTRALIA POLICE FORCE

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Mr M Hughes MLA
Chair
Joint Standing Committee on the
Corruption and Crime Commission
Parliament House
4 Harvest Terrace
WEST PERTH WA 6005

BY POST AND EMAIL: jscccc@parliament.wa.gov.au

Dear Mr Hughes

**JOINT STANDING COMMITTEE ON THE CORRUPTION AND CRIME COMMISSION –
WHAT HAPPENS NEXT INQUIRY - REQUEST FOR INFORMATION**

Thank you for your correspondence dated 25 August 2022, requesting information for the Joint Standing Committee on the Corruption and Crime Commission (JSCCCC) inquiry *'What happens next? Beyond a finding of serious misconduct'*.

Please find attached the WA Police Force's response to the queries raised in your correspondence.

I trust this information will be of assistance to the JSCCCC.

Yours sincerely

[REDACTED]
[REDACTED]
COL BLANCH APM
COMMISSIONER OF POLICE

12 September 2022



Joint Standing Committee on the Corruption and Crime Commission

'What Happens Next? Beyond a finding of serious misconduct'

Information Request

On 25 August 2022, the Joint Standing Committee on the Corruption and Crime Commission sought data and information on 'serious misconduct' matters (as that term is defined in the *Corruption, Crime and Misconduct Act 2003 (CCMA)*).

In response the Western Australia Police Force provides the following:

Does your agency record details of serious misconduct allegations against public officers engaged by your agency?

Yes.

If yes, please provide the following data on serious misconduct for each of the 5 financial years between 2017-18 and 2021-22:

The number of allegations:

	2017/2018	2018/2019	2019/2020	2020/2021	2021/2022
Number of Allegations	6,360	3,193	2,571	3,258	2,710

Note: 2017-18 - High number is directly attributed to a total of 3,509 Information Security allegations linked to a number of investigations.

The number of sustained allegations:

	2017/2018	2018/2019	2019/2020	2020/2021	2021/2022
Number of Sustained Allegations	2,393	1102	874	1358	776

Note: 2021/2022 - Low number is directly related to the number of ongoing investigations from this reporting period.

Sanctions and improvement actions imposed on public officers after the allegation was sustained:

	2017/2018	2018/2019	2019/2020	2020/2021	2021/2022
Managerial Notice	69	102	75	60	100
AC / DC Warning Notice	12	23	32	24	21
Referred for Discipline Under Police Regulations	18	52	31	17	55
Referred for Loss of Confidence	4	10	11	20	44
Verbal Guidance	296	302	196	228	220

If known, how many public officers were charged with a criminal offence arising from their conduct? If known, how many were successfully prosecuted to conviction?

	2017/2018	2018/2019	2019/2020	2020/2021	2021/2022
Criminal Charges (Sworn)	20	24	20	20	11
Criminal Charges (Police Staff and Police Auxiliary Officers)	7	5	9	1	5
Successful Prosecution to conviction	17	24	19	19	10

Note: 2021/2022 - Low number is directly related to the number of matters yet to be heard in court.

If known, the number of public officers who resigned or received a redundancy payment after an allegation was made or sustained:

	2017/2018	2018/2019	2019/2020	2020/2021	2021/2022
Number of resignations or redundancies	15	21	25	31	40

If known, the number of occasions where the agency took action to recover money from the public officer for conduct the subject of a sustained allegation?

- There are no known instances where WA Police Force took action to recover money from a public officer for conduct the subject of a sustained allegation.

Further to questions about What Happens Next to public officers, the committee is interested in organisational and systemic change, including cultural change, made after a finding of serious misconduct. Please provide:

At least one example of when your agency made organisation or systemic changes, including cultural change, to prevent misconduct after a particular case of serious misconduct. If you provided example/s in your submission to the committee, you may refer to your submission.

Body Worn Cameras

The initial deployment of Body Worn Cameras (BWC) commenced on 10 June 2019 and was completed on 24 June 2020. As of March 2022, 5,376 BWC have been delivered to the WA Police Force, with 5,020 assigned to individual officers.

BWC technology has provided clear benefits including reduced time dealing with complaints, improved evidence gathering, increased public trust, accountability, and transparency.

Example 1

The use of BWC is governed by policy and Standard Operating Procedures (SOPs). The initial SOPs did not mandate the use of BWC at Family Violence incidents, leaving the decision of whether to activate a BWC to an individual officer's discretion.

Post implementation, whilst investigating allegations of serious misconduct, the Internal Affairs Unit (IAU) identified that some officers were failing to activate their BWC when responding to Family Violence incidents.

This issue was highlighted during an IAU investigation into the sudden death of a 30-year-old Indigenous female in [REDACTED] on 12 July 2020¹.

The investigation examined WA Police Force's response to two Family Violence incidents involving the deceased on 10 and 11 July 2020, finding three officers had failed to act in accordance with WA Police Force's Family Violence policy and procedures, resulting in disciplinary action.

Further, it was identified that, despite interviewing victims, witnesses, and suspects, none of the six officers involved activated their BWC. When interviewed, the officers explained they did not activate their BWC's as they did not believe there was evidentiary material to be gathered (a reason in the SOPs for activation/non-activation).

The investigation concluded with a recommendation that the WA Police Force mandate the use of BWC at all Family Violence incidents.

As a result, in July 2021, WA Police Force amended the BWC SOPs and policy, mandating the activation of BWCs at all Family Violence incidents.

¹ IAPro Report [REDACTED]

The current policy reads:

Where a BWC captures material relating to either a Critical Incident or Event, the officer must activate the BWC where it is practicable and safe to do so and continue their recording until;

- *the event or incident has concluded, or*
- *the officer's involvement has finalised, or*
- *in the case of a Critical Incident, instruction is received from the Police Forward Commander (PFC) or Senior Investigating Officer (SIO) in respect to the management of the recording.*
- *The decision to cease recording and associated management of the device is a consideration for the PFC or SIO.*

A Critical Incident/Event includes all Family Violence Incidents.

This change has led to a clear increase in BWC recording at Family Violence incidents.

Example 2

On 28 March 2020, a sworn officer (the officer) stationed at [REDACTED] Police Station attended the home of the Officer in Charge and disclosed he had been involved in an argument with his partner, during which she may have sustained injuries².

In response, two Sergeants from [REDACTED] Police Station attended the officer's home address, both activating their BWCs on arrival. When the officer's female partner came to the door both Sergeants observed blood covering her face and a large hematoma over her left eye, causing the eye to be completely shut.

One Sergeant informed the female that the BWCs were recording, to which she requested that the recording be ceased. One Sergeant immediately complied, while the other attempted to comply but his BWC continued recording. After six minutes and 35 seconds the BWC emitted an audible tone, at which time the Sergeant realised the BWC was still recording and switched it off.

The female disclosed the pair had been arguing over several days culminating in a physical altercation in the kitchen. The officer knocked a hot tray of lasagna from her hands causing the burns to her arm. The officer also struck her to the left eye with a back-hand fist causing her to fall to the ground. The female declined to provide a statement regarding the matter and did not wish for her children to be spoken to. The officer was issued with a 72-hour Police Order to ensure the safety of the female whilst an investigation was performed.

As a result of this incident, the officer was subject to Loss of Confidence proceedings, under Section 8 of the Police Act, which resulted in him being removed from WA Police Force on 9 March 2021.

² IAPro Report [REDACTED]

At the time of this incident the BWC SOPs instructed officers to continue recording in these circumstances, therefore, this incident highlighted the need for WA Police Force to reinforce the SOPs through ongoing training and supervision.

As a result, BWC training for recruits was updated in June 2021, it currently involves a face-to-face training package including units on BWC use, SOPs and policy. Compulsory online sworn officer training was also introduced with courses at a User and Supervisor level.

Additionally, in 2021 WA Police Force, Management Audit Unit commissioned a *Review of Body Worn Cameras for the Western Australia Police Force* (the Review).

The Review was presented to the WA Police Force Audit and Risk Assurance Committee in November 2021, finding the introduction of BWC technology provided clear benefits in achieving both policing objectives whilst improving community confidence.

The Review found some improvements were needed in the management of BWC, particularly regarding training, policies and procedures, oversight controls and data management. These recommendations have been assessed and are subject to ongoing implementation.

At least one example of the assistance the Corruption and Crime Commission and Public Sector Commissioner provided to your agency to prevent misconduct and address misconduct risks after a finding of serious misconduct, whether under the CCMA prevention of misconduct and education function, capacity development function or otherwise.

Example 1 - Corruption and Crime Commission

WA Police Force always seeks continuous improvement in operational activities to ensure ongoing compliance with policy, procedures and best practice.

CCC Thematic reviews have provided WA Police Force with valuable feedback and recommendations, leading to improved; practices, policies and training, which will prevent future serious misconduct.

In 2020 the Corruption and Crime Commission (the Commission) commenced a thematic review into the serious misconduct risks associated with the deployment of police dogs.

The Commission's review included:

- An analysis of WA Police data, including use of force reports involving police dogs;
- Assessment of all notifications of excessive use of force by a police dog made to the Commission in the 2020-2021 financial year; and
- A random audit of use of force reports submitted for a one-month period, including (where available) viewing associated body worn camera (BWC) footage.

Prior to finalising their report, the Commission provided WA Police Force with an opportunity to respond to two draft reports (as per s86 of CCMA). These responses formed part of the final report which was published in May 2022.

WA Police Force reviewed each of the five incidents and two recommendations detailed in the CCC report. The recommendations and WA Police Force responses were as follows:

Recommendation One - WA Police Force develop and implement WA Police Canine Unit Policy, Procedure and/or Guidelines

In January 2022, WA Police Force's Emergency Management and Specialist Support Division (EM & SS Division) commenced an assessment of Canine Unit's operations.

The assessment included:

- Developing formal Canine Unit Standard Operating Procedures and Guidelines; and
- Reviewing all WA Police Force policies related to Canine Unit operations, updating and cross referencing accordingly.

Recommendation Two - WA Police Force undertake further analysis of police dog use to explore and address reason for the higher representation of Aboriginal and Torres Strait Islander persons in police dog deployments

WA Police Force are currently reviewing the reasons for a higher representation of Aboriginal and Torres Strait Islander persons involved in police dog deployments, noting it is likely that this may correlate with:

- The over representation of Aboriginal and Torres Strait Islander people in the criminal justice system; and
- The higher proportion of Aboriginal and Torres Strait Islanders in regional WA, where over fifty percent of reviewed incidents occurred.

WA Police Force will ensure these recommendations are completed by the 12 month CCC review date in May 2023.

Example 2 - Public Sector Commission

The requirement for a Fraud and Corruption Control Plan and Policy within Western Australia Police Force stems back to the Kennedy Royal Commission – Key Reform Area 10 – titled 'Corruption Prevention Plan and Strategies', which stated '*it is necessary for a Corruption Prevention Plan ("CPP") be developed to co-ordinate intervention strategies and enable monitoring and evaluation*'.

More recently, the necessity for a Fraud and Corruption Control Plan and Policy has been identified by the Office of the Auditor General in its *Fraud Prevention Better Practice Guide*, and the Public Sector Commission, in their *Integrity in Financial Management Self-Assessment Checklist*. The Management Audit Unit also identified the absence of a Fraud Prevention Plan in its *Audit of Procurement Expenditure Practices* in May 2020.

The procurement fraud perpetrated by a senior public servant at the Department of Communities, as well as other recent incidents of public sector fraud, provides a current catalyst to bolster fraud prevention activities within the Western Australia Police Force.

As a result, in March 2021, the WA Police Force implemented a Fraud and Corruption Control Plan and policy:

- Describes what fraud and corruption is and how it can impact on the functions and service delivery by the WA Police Force;
- Describes roles and responsibilities of individuals and business areas within the WA Police Force regarding the management of fraud and corruption;
- Describes the process of reporting fraud and corruption, including escalation paths;
- Illustrates how the principles in AS 8001:2021 Fraud and Corruption Control translate to action within the WA Police Force; and
- Describes how reports of fraud and corruption are investigated or referred.

The plan and policy will prevent future misconduct within WA Police Force, while also ensuring our agency is in line with best practice across the public sector.