

# **JOINT STANDING COMMITTEE ON THE CORRUPTION AND CRIME COMMISSION**

**HEARING WITH WA POLICE**



**TRANSCRIPT OF EVIDENCE  
TAKEN AT PERTH  
WEDNESDAY, 20 JUNE 2018**

## **Members**

**Ms M.M. Quirk, MLA (Chair)  
Hon Jim Chown, MLC (Deputy Chair)  
Mr M. Hughes, MLA  
Hon Alison Xamon, MLC**

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**Hearing commenced at 10.10 am**

**Mr CHRISTOPHER DAWSON**

**Commissioner of Police, Western Australia Police Force, examined:**

**Mr NOEL GARTLAN**

**Detective Superintendent, Internal Affairs Unit, Western Australia Police Force, examined:**

**Ms KYLIE WHITELEY**

**Commander, Western Australia Police Force, examined:**

**Mr BRIAN STUART HUNTER**

**Detective Senior Sergeant, Internal Affairs Unit, Western Australia Police Force, examined:**

**Mr HOWARD ERIC GRETTON**

**Director, Media and Corporate Communications, Western Australia Police Force, examined:**

**Mr BRADLEY WAYNE JACKSON**

**Detective Inspector, Office of Investigative Practices, Western Australia Police Force, examined:**

**The CHAIR:** On behalf of the committee, I would like to thank you all for agreeing to appear before the committee today. I am Margaret Quirk. I am the Chair of the committee. On my right is Hon Jim Chown MLC, who is the Deputy Chair, and on his right is Hon Alison Xamon MLC, also an upper house member. Mr Matthew Hughes, member for Kalamunda, is an apology today.

It is important that you understand that any deliberate misleading of the committee may be regarded as a contempt of Parliament. Your evidence is protected by parliamentary privilege. However, this privilege does not apply to anything that you might say outside of today's proceedings.

Before we begin our questions, do you have any questions about your attendance here today, anyone?

I indicate for the purposes of Hansard that nodding or shaking your head is not useful for Hansard, so if you can answer in the affirmative or negative as needs be. I cannot recall what information we gave you as to what we are canvassing today, but there are two reports in particular from the Corruption and Crime Commission and we want to canvass some of the recommendations that they raise. Before I do so, commissioner, can you just explain what levels of communication there are between yourselves and the Corruption and Crime Commission?

**Mr DAWSON:** Thank you, Madam Chair and members of the committee. The communication between the Corruption and Crime Commission and Western Australia Police Force we regard as very sound. That is the shared view I have with Commissioner John McKechnie. The relationship, of course, one being an oversight body and mechanism is, I guess, constructed in a way that both commissioners meet regularly, but at the same time we also have an ongoing relationship between the CCC and the police force by way—particularly through our professional standards portfolio. Noel Gartlan is the acting assistant commissioner of that portfolio at the moment. He and his team of which Brian Hunter is a member, have a daily relationship with the CCC. But that is also punctuated by regular routine meetings, which I am sure Noel can expand on, in terms of structured

meetings and those matters that may be operational that are regarded by me and others as routine. In terms of other matters, the people to my left, assistant commissioner Kylie Whiteley, who was promoted yesterday —

**The CHAIR:** Congratulations.

**Mr DAWSON:** She has responsibility for the judicial services portfolio. But right across the police force we have obviously a relationship with the CCC for whatever might emerge. One of the matters that you wrote to us about, for instance, has some thematic issues regarding improvement, training and procedures et cetera. That runs right across. The portfolio that other officers are related to will not be as regular as the professional standards portfolio, but it will from time to time mean that the CCC and us will meet regularly for improvements. The two reports you have already made mention of in your correspondence are good examples.

**The CHAIR:** Is assistant commissioner Anticich on leave or —

**Mr DAWSON:** Yes, he is on leave in Mongolia of all places and Mr Gartlan is relieving him in that role.

**The CHAIR:** There were some questions we wanted to put to him about a difference of opinion that was quite public about one of the investigations, but that is all right. We can always get him in later.

There is some criticism of the CCC that they have got oversight of police allegations against police, but it appears they cherrypick only a few out of the number of investigations. What are the criteria, in the police's understanding, as to when a CCC will take on a matter involving allegations against police?

**Mr DAWSON:** The decision as to whether the CCC makes that decision is, of course, for the commission itself. But history and the current relationship, as I understand it, is that whenever there is a matter that is either self-generated by the police force or indeed there is an external complaint that has come in, in each and every instance we advise the CCC, of course. The act does, of course, require that. They have the absolute oversight of each and every single matter and they then make a consideration and assessment on whether they will either simply allow police to complete the investigation and they will monitor that either alongside or wait until we have completed our work, or they may advise us that they will take over the full investigation themselves and we will not participate. I regard it as a current healthy, working relationship. As to numbers that they take on board and do not, I cannot answer on behalf of the commission, but I know that is a practice that they employ. Mr Gartlan may be able to better inform us as to how that carries on.

**Mr GARTLAN:** The CCC have an assessment function. As the commissioner pointed out, we do a daily notification to the Corruption and Crime Commission of every allegation either generated internally or externally as well as whether they take on matters or leave them with us and receive our report at the end. They also undertake active oversight of a number of our investigations. If they are more topical or more sensitive, we have a number of cooperative investigations underway with the commission and we have investigators from their operations area embedded in the internal affairs unit at the moment.

**The CHAIR:** Can you explain what “topical” and “sensitive” mean in your answer?

**Mr GARTLAN:** It may relate to the officer who is subject to the investigation. It may relate to the allegation, so whether it is of a serious criminal nature. You would appreciate we have some allegations, which may simply be a breach of policy, and others which are clearly criminal. The commission tends to have, in my experience, significantly more interest in criminal matters.

**The CHAIR:** You said it might relate to an officer. Is that to do with seniority?

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**Mr GARTLAN:** It could be seniority or it could be to do with if they work in a sensitive area of the WA police in perhaps our covert services—something like that.

**Hon JIM CHOWN:** In that regard to your daily relationship with the CCC, I am sure you are aware of the increase in allegations against WA Police Force on a number of matters such as unprofessional conduct, neglect of duty, physical assault and excessive use of force in comparison to the previous year. Are you aware of the increase?

**Mr GARTLAN:** I have the figures for the last five years of the totality of allegations resulting in misconduct investigations. If you like, I can give you those with the breakdown by year.

**Hon JIM CHOWN:** All I have in front of me is last year—2016–17 and 2017–18. There has been a substantial increase in some of these allegations to the CCC on the subjects I have just mentioned. For example, unprofessional conduct has increased by nine per cent.

**Mr GARTLAN:** My figures do not have the breakdown of the particular categories of allegation, but if you require it I can give you the total numbers of misconduct investigations.

**Hon JIM CHOWN:** I have them in front of me and my question is: is there a reason for this increase in allegations in regard to the matters I have just raised?

**Mr GARTLAN:** With respect, without being able to assess the types of allegations, I am not able to proffer a —

[10.20 am]

**The CHAIR:** I might ask the commissioner and he can refer it to you: what conduct is included in unprofessional conduct?

**Mr DAWSON:** It is quite a broad descriptive. It can be a matter where a police officer may stop a vehicle. They may be very dissatisfied with the interaction between the officer and, for instance, a motorist for what might be a traffic breach. I have had complaints—I do not want to trivialise or make my response appear flippant—but some of the complaints are of a minor nature: “The officer did not take his sunglasses off when he was talking to us.” That may be characterised as misconduct. That may go through very serious allegations for which—and we do not walk away from this at all—quite detailed investigation is required. The description of misconduct is very broad.

**The CHAIR:** And it includes also things like misuse of information. I think we have had evidence before of unauthorised access of computers increasing.

**Mr DAWSON:** That is right. That is a matter that we know is on the rise. We are making a lot of effort to not only just train and educate, but we are actively investigating, resulting in both criminal and internal charges for misuse of the police computer systems. There is an overt criminal offence under 440A of the Criminal Code. Those matters I know are on foot now, but we would be more than willing to provide a breakdown of the types of misconduct matters you are referring to. But I am aware of the trends that do occur. I think to better inform the committee, we would be happy to take that on notice and provide you with full and better particulars.

**The CHAIR:** All right, but for my colleagues who are chaffing at the bit, just on that misuse of information, and without you belling the cat or giving anything away, surely there are technical solutions to improving surveillance of misuse of information of using a computer by the use of flags or whatever technical advice. I am concerned that that is increasing because I would have thought that there would be knowledge within the service that the chances of getting caught are relatively high.

**Mr DAWSON:** The matter of accessing information is of concern to me. I know that professional standards and indeed the CCC have that same enduring concern. The matters, I think, turn on both

culture and individual behaviour. In terms of culture, one of the matters that we see too often, and although this requires some cultural change, we have had officers who may check the police computer for the status of their demerit points, for instance, or they want to know whether their vehicle registration is going to expire. There are opportunities for people to check that through the Department of Transport's website, but police officers and police employees have at times thought, "There's nothing wrong with that. I am not doing it for any nefarious reasons. I simply want to know when my licence expires." That is not a proper use of police data. That is what I would characterise as a cultural change. There is no intent necessarily to misuse their own information. They are simply doing it for that reason, but that is still falling within the category where we are saying, "You shouldn't use that for those reasons." We have both an educational matter, which is taught from recruit entry right the way through to existing officers. Then we have other allegations about misuse of material where in fact their intent may be beyond their own personal status update to inquiring about neighbours and/or associates, and/or other people. It might involve relationships. They are the matters which, of course, give rise to a much more detailed assessment on when in fact that is a breach of 440A of the Criminal Code or it might be a disciplinary matter. They require both individual investigation as well. We are doing this from both ends: both in an educative sense and then also investigating that as both criminally and disciplinary. With your consent, Mr Gartlan may be able to expand on this because he does this every day.

**Mr GARTLAN:** The internal affairs unit currently lectures to the recruit schools, so the new recruits joining the Western Australia Police Force. We lecture to the detective training courses, police auxiliary officers and transitional officers about a range of things of which computer access and misuse is one of the topics. In 2017, we had just under 300 million individual accesses to various Western Australian police computer systems and databases. That is the volume of material that we captured during our audits. We have a robust auditing function through the internal affairs unit, which captures access to vehicles, addresses, individual's telephone numbers and whether or not our officers look at photographs that we have access to through the Department of Transport that they share with us for driver's licence photos.

**The CHAIR:** Of that audit, how many have been found to be unauthorised? Are you able to give us that information?

**Mr GARTLAN:** I do not have the numbers for 2017.

**The CHAIR:** That is the meaningful statistic.

**Hon ALISON XAMON:** I want to pick up on another area of complaint. A category which is unlikely to be construed as being minor would be assault—we are talking about physical assault or excessive use of force. Are you aware whether there has been an increase in the number of complaints in relation to that particular category of complaint?

**Mr DAWSON:** Again, I will ask my colleague, with your consent, to add to the numbers. If I can respond firstly by saying that in the use of force and the application of any force, whether it is through an arrest or response to a violent matter, each officer is required to—before the completion of their shift—fill out a "use of force" record in terms of whenever they apply handcuffs, whenever they use tasers or spray, or whenever there is some physical resistance that has taken place. That is a matter that is now routine. It never used to be when I joined and it was never recorded. This is now a routine practice which must be done and the supervisor must check that. That is also centrally monitored. In terms of trends, as to how many of those are —

**Hon ALISON XAMON:** Can I just confirm that in terms of that new process that you have just described, for how many years has that been in place?

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**Mr DAWSON:** We call it the IAPro system under BlueTeam. My recollection is that it has been in place for about 10 years.

**Hon ALISON XAMON:** I am actually talking about whether there has been a trend, particularly over the last couple of years. In that instance, that would not necessarily affect whether there has been an increase in the number of complaints. I want to reiterate that I am talking about excessive force here. I am talking about physical assaults. We are not talking about simply force in the course of undertaking duties. We are talking about when it has gone over the top. I am interested to know whether you are aware if there has been an increase over the course of the last year?

**Mr GARTLAN:** From 2012 through to 2017, the number of “use of force” or “excessive use of force/assault” investigations that have been recorded on IAPro has been 146, 147, 109, 124, 115 and 152 last year. There is a jump from 2006 to 2017, 2017 is comparable to 2012 and 2013, and there is a bit of fluctuation between the years of 2014–2016.

**Hon ALISON XAMON:** Can I confirm that these are the figures that the police force has and you are not aware of whether there has been any increase in complaints to the CCC in relation to the police force?

**Mr GARTLAN:** The CCC on occasion refers matters that it receives directly to the professional standards portfolio. That may incorporate some of those. If the CCC chooses to conduct its own investigations, we are not aware of which matters it retains.

**Hon JIM CHOWN:** On that particular matter from your internal investigations, have you come across a reason as to why there has been such a jump in the last 12 months? Is it cultural? Is it a lack of training?

**Mr GARTLAN:** The jump from 2016 to 2017 went from 6.4 per cent of our total misconduct investigations to 9.2 per cent. Not all of those investigations are undertaken by the internal affairs unit. Many of them are devolved to the district or division where the officer subject to the complaint works. With leave, I could obtain some further information in relation to the type of allegation. They are broadly classified as use of force. They can be use of force used during an arrest. Then we have the other allegation which is assault, which is not connected to the lawful application of force.

**The CHAIR:** While we are on that, you mentioned that internal affairs does not deal with all these allegations and that some go to other units within the police. There is always concern when it goes back to the very area where the officer the subject of the allegation actually works. For example, the traffic enforcement group has dealt with one matter that we are going to canvass later on today. What is the reason for that?

**Mr GARTLAN:** The reason why it is allocated to the district?

**The CHAIR:** Not done by you, yes.

**Mr GARTLAN:** I guess there would be a number of reasons. Some of the allegations come to our police conduct investigation unit, which is part of the professional standards portfolio. They triage the allegation. They look at what appears to be the issues on first presentation of the matter. An assessment is made as to whether or not it should be referred to internal affairs. If it is deemed to be a specific incident or it requires the specialist skills of the internal affairs unit, we have access to investigative methodologies that the districts do not have access to. If it does not meet the criteria that is applied at the police conduct investigation unit as part of their vetting process, then it will be pushed out to a district or division where the subject officer works.

[10.30 am]

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**The CHAIR:** We are going to get onto this shortly, but just so that I can clear this aspect up, in the report that was brought down by the CCC on 31 March, which dealt with a taser incident in Fremantle, you deemed that was serious. Why did that not go to you? Why did that go to the traffic enforcement group? The commissioner might want to answer that.

**Mr DAWSON:** I was not in the employ of WA Police at the time—that is not an excuse. In this particular instance I cannot definitively answer because I was not in the agency at the time. But practice has been the assessment that Mr Gartlan just referred to. We will make an assessment and triage whether it does deserve internal affairs direct investigation and/or it is distributed out. As to why this particular one was left with traffic enforcement group, that decision was made by others. At the same time, the volume of matters that professional standards portfolio do is certainly one consideration.

**The CHAIR:** Maybe I can put it this way: surely allegations of tasering inappropriately are on the serious end of the scale and should they not routinely go to internal affairs?

**Mr DAWSON:** That is a matter that I am considering at the moment. I am having discussions with assistant commissioner Anticich about that very issue because matters —

**The CHAIR:** So he has a return ticket then?

**Mr DAWSON:** He does have a return ticket.

That is why, with your consent, I have invited detective senior sergeant Hunter who in fact has reviewed that matter. It is still on foot because of matters that are publicly known. There are other matters that I have asked about that do get reviewed. It is proper for me to say that I am presently not satisfied that the devolved nature of some of the matters are being adequately investigated. The investigators within professional standards generally have detective or strongly investigative backgrounds. When you then devolve matters out to individual workplaces, the officers to whom that is allocated, my expectation is that they have the investigative skill set required. It is a fact that not everyone has an investigative background amongst the 6 800 police. They have some, but not in a specialised area. I think both publicly and also for the good control and management of the police force, my preference strongly will be that any such serious matters should be investigated only by officers that are competently trained and have the right skill set to ensure that there is a full and thorough investigation, not that the subject matter has been subject to a less than full investigation. I qualify that by saying everything does get vetted through professional standards and indeed by the CCC, but you would rather get it right in the first place as opposed to then review it and have to come back again and review what should have been done correctly in the first place.

**The CHAIR:** Have we got anything else on the stats or the reports at this stage?

**Hon ALISON XAMON:** I want to go into that report.

**The CHAIR:** We might proceed now commissioner to look at the Aviemore report and then we will come back to the tasering incident. The commission recently issued on 4 April this year a follow-up report to its earlier report involving the Josh Warneke case. It reviewed where you were implementing a number of recommendations. You might want to, before we ask you some questions, speak generally to that.

**Mr DAWSON:** I have read that report. I note pleasingly the conclusion of the commission is that the police force is taking this matter seriously. We are making good progress. Of the seven key recommendations, five are complete. The other two matters on are not yet complete but the commission's report does reflect my own assessment of it and that is that we are making good progress on the last two recommendations—they are recommendations 3 and 4. Assistant commissioner Whitely and detective inspector Jackson have both been personally involved in

following through with those particular recommendations 3 and 4. There are matters there that we can provide you with further information on. One, of course, refers to the persons that police interview that may not have English as their first language. Particularly, it turns on the matter of Mr Gibson's literacy and understanding of English, which obviously the court and other matters have borne out about his capacity to understand the interviewer's questions et cetera. That was considered by the appeal courts as well. Our assessment is of the Aboriginal people and diverse groups—if I confine my comments to Australian Aboriginal language groups—our assessment is that there are about 33 language groups. About 20 of those we regard as routinely language groups that we would need some assistance by way of translators and matters such as that. It is not necessarily presently available to us to implement straightaway because we have to make sure that we have the right dialects and skill set to take that recommendation further forward. We are making good progress with it, but that requires us to be able to preload a formal warning and ensure we get the right level of interpreters. I can advise the committee that as recently as within the last week, I have been briefed on a matter that happened in a remote community involving the death of a person. Although we had a language group person available to interpret, they were familially related. What they did in that instance is that they got an interpreter from the Northern Territory to come across, because having a family-related member as an interpreter is problematic, but that is the nature of some police work. You are in a small community. Everyone is known to each other and they may well be related. It is not ideal to only have an interpreter that is related to the person being questioned. They are some of the pragmatic challenges in taking those sorts of recommendations forward. But I have other officers here who have much better information than I have because they are dealing with it on a day-to-day basis.

**The CHAIR:** Before we go onto those matters, you mentioned cultures other than the array of Aboriginal cultures. You would have seen the documentary on SBS last week —

**Mr DAWSON:** I think I know the one you are referring to.

**The CHAIR:** Beyond the blue line or whatever it was called.

**Mr DAWSON:** Yes, I did see that.

**The CHAIR:** That was set in Mirrabooka, which is one the most multicultural areas in Australia, in fact. Although there was some officers from community engagement, the frontline police officer was not able to tell that the young person involved was Karen and not Korean. It is a pretty fundamental mistake working in that area. That was a matter of some concern to me because I would understand if it was in Nedlands or somewhere where they do not come across a multicultural community, but you are talking about Mirrabooka. I can tell you that there are not a lot of Koreans and quite a lot of Burmese–Karen people. Why they would be looking for a Korean interpreter—I just found that extraordinary. Were you briefed on that after the event or were any questions asked about that?

**Mr DAWSON:** I saw that only on the television. I saw a lot of positive there, of course. We saw African recruits in there with good language skills. I did note the Karen–Korean misinterpretation there. I have got no further information other than what you and I have both seen.

**The CHAIR:** You might also understand why the officer from the Congo got stationed up to Kununurra. This is one of the issues. I am on my bandwagon. I will get off it and we will get back to Aviemore.

This is an extension of the findings of the CCC, but from other inquiries that have happened, there does not seem to be the level of training of officers in dealing with Aboriginal people that there needs to be. Is that your view?

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**Mr DAWSON:** It is my view, because on my return to the police force some 10 months ago, I was aware that some of the cultural training was not to the level that I expect. Several things have happened. Preceding my arrival, there had been commissioned an academic report. Some Aboriginal professors that are within a number of universities—both at UWA and Notre Dame and others—have completed a body of work. I have met with a number of them and I have read some of their recommendations—that will be a much greater improvement. We also had one of those senior educators, an Aboriginal woman, work alongside our curriculum development area within the police academy to better and further improve the level of training for both culturally diverse groups and, in particular, Aboriginals. I would complement that by an overt use that I am employing under the Equal Opportunity Act to positively discriminate to bring in Aboriginal cadets. At the last police graduation we had four young Aboriginal men and women graduate.

[10.40 am]

**The CHAIR:** As sworn officers or auxiliaries?

**Mr DAWSON:** As sworn officers, yes.

**Hon ALISON XAMON:** Are they Noongar or do they tend to be from the lands? Where are these Aboriginals from?

**Mr DAWSON:** Noongar and Yamatji, but we are attempting and making every effort to get a broad cross-section—goldfields with Wongi people and those from further up north. This is not without its challenge. I have commissioned this body of work to assistant commissioner Properjohn. We have to adapt in the way we both recruit, train and modularise because taking people away from land for some 28 weeks of training is a big issue. It is much bigger than it is for other non-Aboriginal persons or other groups. We have to then think through and act on how we can better modularise our training and provide that tutoring support. My overt intent is to not just recruit more Aboriginal people and not just have them in a support or auxiliary role, but to have them as full-strength sworn officers—I openly say that. I know that with the Aboriginal police liaison officers we have only about six left now out of the original cohort. We have transitioned 120 across to fully sworn over the last few years. Because there is a large representation of Aboriginal people in the justice system both as victims, as accused people and those who go to jail, there is a very real reason as to why I want to increase the numbers of Aboriginal officers in a full-sworn capacity. I worked with the late Ernie Bridge for quite a number of years on trying to bring people in. Even with Ernie's skill and expertise, it was very difficult to get people at mature age. We have found that between the ages of 17—when they leave school—up to the ages of 23 or 24, they are a cohort that we are finding much greater success with in actually capturing their interest and attraction. We have been overwhelmed now, pleasingly, with numbers of applications. Yes, the Noongar population is more highly represented in the Perth and south west metropolitan areas, but we also want to extend that to other Aboriginal groups. This is both an exciting opportunity but a challenging one. It is one that I think is being done for the right reasons. We are making good progress and that representation I intend to greatly improve.

**The CHAIR:** I am not quite sure, commissioner, whether you were in the eastern states, but I think you were still here when it happened. There was a large operation a few years ago in relation to child abuse. A lot of those interviews fell foul of the Criminal Investigation Act. It appears from this report that there are still some problems in terms of interviewing Aboriginal suspects. Have we actually made any improvement?

**Mr DAWSON:** Yes, we have, and that is subject to one of the specific recommendations out of the CCC's Aviemore report. I am certain that assistant commissioner Whitely and inspector Jackson can expand, but from a recruitment level through to online mandatory training, which was pitching in

quite low percentages and is now at much higher percentage, is the requirement that officers are mandatorily required to better understand the Criminal Investigation Act through to detective training at a number of different levels where on the most serious of matters routinely—such as child abuse matters—the officers have much better and more complete training about how to treat suspects, how to deal with suspects at the interview and the rights afforded to those people under the Criminal Investigation Act. Certainly at your invitation, the other officers can expand on that.

**Ms WHITELEY:** I will just explain my position. I was of the chair for the agency's investigation standards reference group, which worked with inspector Jackson in terms of responding to these recommendations from the Corruption and Crime Commission in relation to operation Aviemore. Over the last two years, we have worked through these recommendations and through chairing that meeting, we worked across the nine portfolios within the agency looking for opportunities to improve our practices and actually make substantive changes in terms of those recommendations from the report. In relation to specifically what you just asked about child abuse matters, I know that as a consequence of working through the recommendations and ensuring that we apply the CIA, that we have appropriate standards in terms of our investigating and making sure that our officers understand the Anunga Rules and complexities in dealing with Aboriginal suspects, including also vulnerable people as witnesses and victims. We do thematic checks and health checks in regional WA, as an example. Part of the work in response to these recommendations is making sure we are well placed to ensure the continual improvement in relation to our investigation practices. Inspector Jackson might want to talk to some specifics in relation to that, but we certainly are regularly checking those standards and that we are meeting those standards now, and we will then be proactive in terms of providing refresher training, further advice and some oversight in terms of conducting those investigations. But that also needs to be considered against some of the complexities in working in some of those remote locations and the languages and availability of interpreters. I will defer to inspector Jackson to provide you some further details in relation to that.

**Mr JACKSON:** I can inform that in 2016, the Western Australia police conducted approximately 30 000 audiovisual records of interview. In 2017, it was similar. We are on about a parity at the moment for the year to date. Since the CCC's report, we were requested to network with the Office of the Director of Public Prosecutions to get AVROIs that were deemed inadmissible or had significant editing requirements, referred through to the office of investigative practices. Since late January 2017, that network has been in place. We have had 17 referred to us and several of those were pre that actual time frame, so they had captured a couple previous to 2017. We have also implemented a system with our electronic brief preparation system where prosecutors, if they have a failed audiovisual record of interview, they can actually electronically tag a post-prosecution report, which we will then review as well. To date, we have only had four since mid to late last year when that system became operational. In the last three to four months, we have conducted what we call investigative practices health checks. A component of that is to review audiovisual record of interviews. We have limited capacity because a number of these audiovisual record of interviews go for a significant amount of time. We have done 21 health checks thus far with an average of about six audiovisual record of interview reviews for each of those health checks. Compliance with the CIA is not our concern for thematic reviews but we are still seeing some failures to comply with Anunga appropriately—not completely but appropriately. My greatest concern within that small number that we have had the opportunity to review, is the interviewing officers being able to be confident that the interviewee understands the caution, which is one of the key components to the right to silence. That is what we are working quite closely on.

**The CHAIR:** It is fundamental. I think my colleague wants to talk about vulnerable people.

**Hon ALISON XAMON:** Yes, I do.

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**The CHAIR:** I want to come back to training.

**Hon ALISON XAMON:** Absolutely. I want to elaborate on that a little bit more, because, of course, what the CCC report focused on quite heavily, as did the court case, is the issue of language, and we will unpick that a bit more. But a related element to this particular matter was the fact that the suspect had a cognitive impairment as well. That is a particular concern of mine, and what I am interested to know is what is being done to address potential identification of someone who may have a cognitive impairment. What sort of training is happening in this space? Because we have unfortunately seen some really distressing cases that have emerged over history in Western Australia of people with cognitive impairment who have been caught up in the justice system and not been afforded justice as a result. What I am concerned about is that a lack of understanding may be misconstrued as a language issue, when in actual fact there is an underlying problem. That is going to be of particular concern when we are talking about the regions, I think. Could you elaborate a little bit on what you are doing to address people who are suspects who may be cognitively impaired?

[10.50 am]

**Ms WHITELEY:** I will start off, if that is okay. So just in relation to these recommendations, one of the issues we identified was officers having an understanding of foetal alcohol syndrome, and how that may impact on a vulnerable person. So we have worked through with some officers with regional WA, which is another portfolio around requirements for officers in identifying what foetal alcohol syndrome is, what are the implications should someone be subject to foetal alcohol syndrome. On top of that, we have identified a range of vulnerabilities, which inspector Jackson can talk about: the vulnerable person's interviewing regime and a training course that has been developed so that we can address some of those concerns. So, yes, there are issues, firstly, with the Noongar; secondly, with the vulnerabilities; and also with officers understanding legal requirements in applying the survey, and investigative planning so that they are aware of those vulnerabilities early on, before those people are subject to investigation. Inspector Jackson can elaborate on that.

**Mr JACKSON:** Thank you. As you would be aware, identifying cognitive impairment is particularly difficult, so we need to apply things that the general police officer is able to understand and apply without having to be able to diagnose the suspect. Obviously FASD is very prevalent in regional WA, and that is one of the quick fixes that we tried to put in place. We have created an interview guide, which is a resource that interviewing officers can read prior to interviewing someone that they believe may have FASD.

**Hon ALISON XAMON:** Sorry, can I interrupt. Would it be possible to get a copy of that guide?

**Mr JACKSON:** Certainly. I believe so. That is one of the things that we have published on one of our intranet sites, where it talks about some of the cognitive issues that someone with FASD may suffer—that there are particular ways to couch questions and particular environments that someone should be interviewed in if they are suspected of having FASD. That is one of the things that we did very quickly. We have already made an adjunct to the regional Western Australian induction package, so if a new officer goes up to regional Western Australia, they will get an induction package into their business unit. But we have also created a package as an adjunct to that which talks about interviewing people with FASD—people from remote Aboriginal communities. It emphasises the need for Anunga, it talks about the need for interpreters, and it is like a reminder—an aide memoire—in potentially a new environment for these people that have just started into those regional WA areas.

One of the other initiatives we have in place is we are leveraging off some IT capacity. As I said, interviewing people with cognitive impairments is particularly difficult, and a lot of the information

that is related to that comes from various sources. If you can imagine, this information comes from legislation; there are case law references; there is WA police policy; there are other guides, manuals and information that we publish. So there is a raft of different areas that the information required to interview someone that may have a cognitive impairment would come from.

We are currently having quoted an IT solution that will allow an interviewing officer to fill in some minimal information, identify some vulnerabilities, and then the application itself will build an interview plan specific to the person—the interviewee—that they have sitting in front of them. So it will not cause them any time to do it, so there is very little impost to the interviewing officer in regards to the creation of it, but it will give them front-end information about the person, about the application of the Anunga rules, particularly. There is some information if they select FASD as a potential vulnerability, some information about FASD. Then the second part will be a guide —

**The CHAIR:** How far is that program along?

**Mr JACKSON:** This is being quoted now.

**Hon ALISON XAMON:** Is it a business plan being developed?

**Mr JACKSON:** No, a business plan has been approved. It is being quoted by our business area at the moment.

**Hon ALISON XAMON:** When would you expect that to be online?

**Mr JACKSON:** I am led to believe that the quotation plan, between two and four weeks to get a quotation, and they believe it is about four weeks' worth of work to create it. I imagine we will then beta test in a particular group. Most of the information, our team have been working on the creation of all the different pieces of information that need to be collated. That is probably 95 per cent complete, and we will be putting that out to a group of stakeholders to get their input once that is ready to go.

**Hon ALISON XAMON:** So when would you hope to have that online? When would you hope to have it in use?

**Mr JACKSON:** I would anticipate around about October would be my estimate.

**The CHAIR:** It occurs to me that in all these cases that we have, commissioner, there seems to be some sort of gap in terms of supervision. It is all very well to say, "It's a complex area", or, "People have not observed the rules", or, "There are some difficult circumstances", but in all these cases there seems to be some sort of hiatus in what supervision those officers get.

**Mr DAWSON:** I do not disagree with you that supervisory and management of our staff is fundamental to shifting culture and ensuring that we have the best possible supervision of particularly young officers. It is fair to say, though, that a recruit graduating—and I regularly and personally speak to each recruit before they graduate—this is not on graduation day—and remind them that you will be told, most likely, "Forget what you have learnt at the academy, because this is the way we do things out here." That is a cultural thing. Now, I reinforce to them, "You have the most contemporary training because we ensure that you get the best possible training." Training just in time for an agency that has 9 000 employees spread across the largest jurisdiction in the world. Not an excuse; that is a pragmatic reality.

There are supervisory matters that I have asked our training development portfolio to further increase, despite our budget situation. We have a real desire to further the eight-odd courses that we provide at different levels to our officers presently, coupled with some online training as well. But I do not disagree with you, Madam Chair, that a fully briefed-up supervisor with the right skill set, there is no better way of ensuring that we have supervisory matters.

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If I could add to my response on both matters that the committee has asked us about. In terms of the identification of cognitive impairment, often, sadly enough, the people that we are interviewing, we are not clinicians, and you will find clinicians can, of course, debate whether in fact the impairment is of whatever level. So it is a big ask for a police officer to have the skill set, and I do not think anyone reasonably expects—I certainly do not—that they can accurately get that right every time. But we have provided training and we are complementing that with clinicians that we now have working within our state operations centre. I have personally spoken to them; I want to again continue that. I have expanded the metropolitan base to statewide operations, so we have mental health clinicians that, when we are interviewing or interacting with people, we have someone have direct access to the mental health database. We previously did not have that. So now we can actually check and say: Does Christopher Dawson appear on your database? Is there something that the police need to be aware of? Is the person under medication? Are they under care? Are there matters that we need to take an awareness of? Again, that is a better step than what we have had previously. I do not want people left guessing. So that is an improvement.

[11.00 am]

**Hon ALISON XAMON:** Can I just ask, is that happening through Graylands, or where is that happening?

**Mr DAWSON:** It is happening with our clinicians from mental health who actually physically are situated at our communications operations centre. They personally sit at a desk there, they have direct online access to the mental health dataset.

**Hon ALISON XAMON:** But they are effectively part of the Department of Health?

**Mr DAWSON:** Yes, they are. We have an arrangement with them so they are embedded within our centre. That is on an after-hours basis; we can call them direct, and they can actually access it. So that is a great improvement, which I want to continue.

**Hon JIM CHOWN:** If I could just interrupt, commissioner, what would trigger such an inquiry from an interviewer?

**Mr DAWSON:** Well, there are two things, member. The interviewer themselves may identify some obvious impairment that they are uncertain of, or at the initial call, we will require, at times, if we are getting called to a matter that, on our judgement, the person may be affected with some mental health issues, we can check with that clinician. We obviously do not do it with every job; we get a million jobs a year, literally. Again, it has to be a pragmatic assessment of those matters. Often these people, sadly enough, are also substance-affected. So you may, in fact, have three things going on. You may have substance-affected, mental health, and cognitive impairment, and, of course, you are then presented with a matter —

**Hon ALISON XAMON:** Cultural differences.

**Mr DAWSON:** Cultural differences and language differences. It is also fair to say that resources in regional areas are not the same as in metro areas, so that then aggravates the acute situation that at times we are in. That is the reality of the situation, I think, sadly enough, with Mr Gibson, in a very remote community—one of the most remote places in the world, literally. I am not making up excuses; I am simply saying that these matters are not free of complexity. We are making every endeavour to make sure we can improve that.

I was going to add something to your broad question to me about supervision.

**The CHAIR:** I can be more specific if you like, commissioner.

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**Mr DAWSON:** I would be happy for you to, but in terms of the other matter that the committee was asking us about, accessing datasets, and, as Mr Gartlan said, there are some 300 million accesses a year, I am pleased to say to the committee that the Auditrac system that the WA Police Force use is the best that I have seen in Australia. I have had four years' experience in another place. We have keystroke auditing. I can tell you, without specifically naming which agencies, they did not have that, within the commonwealth. So I am satisfied that the auditing-type process—and you asked a question earlier about the technology—yes, we can check every single transaction when someone signs on, and what letters or what numbers or addresses they search.

That, of course, is a supervisory matter as well. It should not be reliant upon a managerial process that goes into a disciplinary matter; it should be a day-to-day thing that a supervisor should be able to then make sure that the officers under his or her management are using our assets and our datasets correctly. So there are a whole lot of managerial steps which, I agree with you, is one of the key fundamentals.

**The CHAIR:** Can I go back to training. In the report, there is an issue, paragraph 30, where it says —

In 2016, Police advised the Commission that evidence available to the Police did not support a conclusion that there was a widespread lack of knowledge in this area, and that cultural diversity training was already being delivered to recruits.

Can I ask: how long does that last for within the 28 weeks, is it?

**Mr DAWSON:** It is 28 weeks. I do not know the exact number of hours or modules concerned, but I do not think it is sufficient, on what I have been briefed. I think we do need to expand it, but of course that comes at a cost as to what you do not train within that time frame. But I think it is so fundamentally important that we have to make sure it is right. It is complemented, as inspector Jackson said, by induction training, particularly in the country, because what a diverse group and/or elders may be able to further complement what is done and delivered in Perth can be radically different in regions because of the cultural differences that apply. What lands are you able to go on with or without permission; what are the places that we expect that our officers know who to deal with within the community. They are best delivered on the ground in partnership with elders. I am seeing good evidence of that, where we had some very good initiatives, that is growing. I want to normalise that, to make sure that we can have that as an embedded routine matter, that our officers get the best possible induction.

To be candid, if you are getting a particular group who may deliver something here in Perth to a recruit, for instance, they transfer to the Kimberley or in the lands and they will say, yes, but that is different from what they know in Perth, and it is true. So what we then do is complement that with some on-the-ground induction whenever officers are deployed and transferred to regional areas.

**The CHAIR:** From my observations, just from afar, certainly superintendent Adams is doing some good work up there, but I found it just risible that as late as two or three years ago, police were relying on the Department of Education cultural briefing for the Kimberley. I think that is appalling. I have also sat in on the diversity training for police. Admittedly, it was five years ago. I think it was, in total, about two days at that stage, but I was, frankly, praying that some of these recruits did not get stationed to Roebourne or Port Hedland. I was very concerned about the level of training. Diversity training includes the elderly, LGBTI, CALD communities, Aboriginal communities and people with disabilities. It is a lot to have to deal with.

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The other issue I have just raised, and you might want to comment on it, is, yes, this is all very resource intensive, but if you have a matter like the Gibson matter or the Cunningham matter, what does that cost the organisation in terms of having to defend yourselves after an event?

**Mr DAWSON:** I will take that as a statement, Chair, but I can add comments.

**The CHAIR:** Yes, if you would like to.

**Mr DAWSON:** The level of training we do, I do not think any of it is wasted. It is a matter of being able to balance everything that is required. While you raised with me the matter of tasering, we spend three to four weeks training to make sure that the application of force is done lawfully, justifiably and at the right measure. So, yes, we have both the physical, the cognitive, the investigative, the procedural—a whole host. Again, this is not free from complexity. It is actually a complex business, policing, and is getting even more complex. So we must ensure that it is not just finished at the 28 week graduation date; it is complemented through first class, senior constables, general investigators, detectives, and right through to commissioned officers, and make sure that no training is wasted. You have to make sure it is done right, for the right reasons. In other words, I am agreeing with you.

**The CHAIR:** I would really like to see a copy of the curriculum of that diversity training, if possible. I am hoping it has changed since I did it, but I have actually heard that it might have been compressed in time, which is a worry.

**Hon ALISON XAMON:** If we can just move to the other report. Just by way of explanation, I have to go to council estimates in a matter of moments.

Obviously, this report raised a number of concerns. The first concern I would have would be the failure to identify that there had been a problem in the first instance internally within the police proceedings. I just wondered if you wanted to make any comment in relation to that? Because I think this shows an overt failure of the devolution of those internal investigatory proceedings.

**Mr DAWSON:** Member, thank you for the question. Obviously, on arriving as police commissioner, I was aware of this matter being on foot. I was briefed by Mr Anticich on the current matters that are being investigated. I do not disagree that the initial investigation was below par; that is why Mr Hunter and others have been tasked to reinvestigate the matter, and he is able to further expand on that.

I can advise that presently—only within a matter of hours—we received a 46-page advice from the State Solicitor's Office regarding this matter as to matters that the CCC have published, of course, the outcome of their oversight of this particular matter, turning on whether there is any unlawful and/or criminal matters that we may need to further pay our attention to. That has only just been received, as I say. I have not personally seen it. Mr Hunter has only just got it. We will digest and assess that matter as to whether in fact there are further matters that we have to deal with.

I am also briefed and aware, and my colleagues can further expand on this, that at times, while there may be a principal officer that may be subject of the most serious matters, another officer present at that matter is also subject of some disciplinary considerations. That is a matter on foot as well.

In summation, I agree that the first investigation did not meet the threshold that I expect should be met, and we still have the matter presently underway.

[11.10 am]

**Hon ALISON XAMON:** I suppose it is particularly alarming because the question has to be asked whether the victims had actually taken the footage, whether this would have ever even come to

light in the first place. It is not often, although I recognise it is increasingly happening, that you will have direct footage being able to capture that sort of incident.

I am going to flag also that I think this is particularly concerning considering the similarities between what happened with the Cunningham matter as well, in terms of a failure of internal process, and in terms of what happened to them. Unfortunately that has not gone away for the Cunninghams. That is an ongoing matter in terms of a lack of justice for them. I thought that I should make some commentary about that, because I have to go.

**The CHAIR:** If I could continue on that, commissioner.

**Mr DAWSON:** Yes.

**The CHAIR:** We have to say, when this matter came before the committee, our thoughts were that it is déjà vu all over again, or groundhog day. We are concerned about the lack of process that when these allegations come to light, it is not ringing major bells and saying: this is on all fours with an earlier matter that we looked at.

**Mr DAWSON:** My comment resonates with your concerns. This rings bells for me as well, as Commissioner of Police. It invites me to advise you further that—again, I have used my language deliberately—it is like watching halfway through a bad movie. You are not seeing the first half of the movie. I say that because we do not have body-worn video. I see that as a really important addition to both accountability and actually capturing the truth, and I think that is really important, because we have seen this globally across law enforcement, where officers wearing body-worn video are required, and there is technology available which can, in fact, capture all of what was not captured on a smartphone or something like that. That gives rise to both officers' behaviour, but, of course, it also gives rise to the people we are dealing with to know that they are being recorded as well.

**The CHAIR:** And good officers being exonerated as well.

**Mr DAWSON:** Correct, yes. I am a very strong advocate to wanting to introduce that. As Inspector Jackson said, we are in a business case position with that. In fact, within days, I have a committee meeting on that particular matter. The technology is very good. We have trialled it already in Western Australia while I was away for my four years, but we know the technology works. The cost of procuring cameras is not prohibitive; they are actually reasonably cheap. The cost is both training, but also and particularly the storage and capture and accessibility of all the vision, because by capturing video, there are terabytes of data that get stored, you need access for disclosure reasons through the court process, and so that is where the cost is incurred. I have full intentions, as soon as I am able to complete that business case—I am told it is all but complete—I would want to put that before the state government and say: this is really important, not just for public interest, but I think for accountability and for protection of all parties concerned, that we actually equip our officers with body-worn video. I think that would be a great advancement for all parties concerned that we have that. Our trial, I think, and also the experience in other places demonstrates that that will be an addition—it will not address this particular matter that you are asking about now, because we do not have the full capture of the vision. I am sure Mr Hunter and others would have benefited in their investigation had they had the full vision there.

That is my opening statement, but certainly my colleagues to my right can answer —

**The CHAIR:** Just before you go on to that, your predecessor rejected the idea of cameras on the tasers. I know that they only capture once the taser is activated, but are you considering, when you are replacing tasers as they wear out, actually having that technology on tasers as well?

**Mr DAWSON:** My predecessor hired some subject matter experts from England who had been involved intimately in the rollout within the UK, so Inspector Henshaw is a world leader in that. He



is now in my employ. His advice to me, and that of the assessment, is that the body-worn video will in fact capture sufficiently the incident based on research and practice as opposed to just on the taser itself, because the taser, as you have already outlined, will only be activated on deployment. It is the run up to that, the preceding actions, both language and conduct, which we want to capture. The advice I have received already before seeing the final business case is that the body-worn video will—because also, of course, the benefit for other use of force, be that capsicum spray, the use of a firearm, you cannot put videos on every single bit of kit.

**The CHAIR:** I appreciate that, but what I am saying is if you are replacing a taser, why would you not do one that has more capability?

**Mr DAWSON:** Well, the advice I have from the experts is that the body-video will give us what we need, rather than put it on every piece of equipment.

**The CHAIR:** Yes. I am being told I am sidetracked. My colleague has some questions for you.

**Hon JIM CHOWN:** Commissioner, you voiced your concern in regard to the internal investigative process that took place in regard to this incident, and I assume from that comment that you were also concerned about the outcome of that process through the internal investigation unit within the police, which differed dramatically to the CCC report. Voicing your concern, what steps are being taken in regard to not having this happen again?

**Mr DAWSON:** The need for us to round up the investigations that are presently and have been delegated to matters outside of professional standards portfolio is a matter that will have to, as to Mr Gartlan's comment, make a reassessment of what is triage and what should be retained within a central professional standards remit, and irrespective of volume, you have to do it. That would possibly require some recalibration of what resourcing we put within professional standards portfolio. I think there is more than one case now that demonstrates clearly to me and others that the delegation —

**Hon JIM CHOWN:** Certainly, from our perspective, I would agree with you completely. From my perspective, personally, it brings the Western Australia police to some degree into disrepute, and that concerns me.

**Mr DAWSON:** It is a shared concern. That is why I think the body-worn video will be a great advancement, because we will increasingly see matters—and I am seeing this almost on a weekly basis. Mr Gretton has just been hired as the director of media, and we know that it is almost common practice now: whenever police stop and speak to someone, bystanders will video it. So the anomalous issue I have as commissioner is that I am not getting that video myself. We have plenty of people that are simply standing by and doing that, so we are on the back foot already. They will serialise a whole lot of activities, some of it very serious, some of it quite inane, so there is a volume issue. But in terms of the key matter you are questioning me on, my intent is that the most serious matters must be done by a professional standards portfolio that are dedicated to the most serious matters. I accept that, volume-wise, we will have to continue to delegate some minor matters to those other portfolios. There is a pragmatic reality there.

**Hon JIM CHOWN:** The real skill is in making that assessment, is it not?

**Mr DAWSON:** It is. We do, though. The officer I referred to —

**Hon JIM CHOWN:** Though some independence has to be given to the delegation committee or whatever as to how they assist.

**Mr DAWSON:** Correct, yes.

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**Hon JIM CHOWN:** And who they actually push whatever investigation off to: whether it is internal; whether it is outside; or whether, as your colleague Mr Gartlan said earlier, it goes back to the unit that is involved.

**Mr DAWSON:** Yes, it does, and I do not think it rests even on the initial decision to delegate. It may well be that our assessment of how that is tracking might intervene and then call that back to professional standards if it is not tracking to the satisfaction of those that are doing that as their day-to-day work.

**Hon JIM CHOWN:** You are the Commissioner of Police, and these issues come before your desk in regard to your personal recommendations.

**Mr DAWSON:** In terms of the broader matters or every single matter?

**Hon JIM CHOWN:** No, the broader, larger matters of concern.

**Mr DAWSON:** Absolutely, yes. I take responsibility for that. That is my job.

[11.20 am]

**The CHAIR:** You have given evidence about use of force and there needing to be a report given after the event. I do not know whether someone sitting at the table can tell us how many of those are completed in a year, and what percentage of those relate to tasers.

**Mr DAWSON:** I might add, before I invite Mr Gartlan to expand on it, these are required whether or not there is any allegation.

**The CHAIR:** Yes, absolutely.

**Mr DAWSON:** The actual recording of the incidents is mandated. That is not an option. So we had a high profile matter involving apprehension of four people yesterday. Because they drew their weapons and the subject person was disarmed, that required the use of force form to be filled out and assessed, whether or not there is a complaint.

**The CHAIR:** No, I want to drill down to that in a minute.

**Mr DAWSON:** So the volume will be one thing. As to what translates into a complaint, either self-generated or one from a member outside of the police force, or indeed the CCC, as Mr Gartlan has already expanded on, there will clearly be an assessment on whether in fact that requires further. Now, that also comes from supervisors. It came before such a committee earlier, when I was in a deputy commissioner role, with Mr Kevin Spratt. That was a matter that was generated by our own internal audit and management. That was a matter where one of my inspectors saw that and said, "That requires immediate investigation." It did not come from Mr Spratt, nor did it come from outside of the agency. So that is an example, albeit not a good example, of what took place there, but that tells me that there is a proper managerial process that is required —

**The CHAIR:** A paper trail, yes.

**Mr DAWSON:** Well, that was a videotape required. It was triggered by looking at the videotape and seeing what took place there.

**The CHAIR:** Sorry, I need to be more specific. How many incidents in a year would there be of tasers being discharged?

**Mr DAWSON:** We can get that information for you. I do not think we have it with us now.

**The CHAIR:** What I am trying to explore is if there was a policy that every allegation or discharge of a taser went to internal affairs, would that cause you any difficulty in terms of resources, or being able to respond to that?

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**Mr DAWSON:** No, I am aware that every single taser has an audit capability in it as to the exact time second it is deployed and for how long. We routinely examine that database. One, the use of force report is submitted each and every time. It should be. If there is a reconciliation process with the taser, tasers must be—when you actually take it out of the power charge —

**The CHAIR:** No, I am aware of that, but I am trying to work out the subset of taser usage that results in an allegation. How much of an impost would it be if there was a directive that every allegation involving a taser was dealt with by internal affairs?

**Mr DAWSON:** Every allegation of misuse of a taser?

**The CHAIR:** Yes.

**Mr DAWSON:** As opposed to the application of force?

**The CHAIR:** No, misuse.

**Mr DAWSON:** Yes, every single one of those has to go through an assessment at professional standards portfolio.

**The CHAIR:** But the problem is it did not in this case.

**Mr DAWSON:** There was clearly a decision based on when that occurred that that investigation should go out to the traffic enforcement group. That is clearly what obviously took place at that time.

**The CHAIR:** What I am trying to say, have the processes changed so that that process would never happen again?

**Mr DAWSON:** Specifically with tasers, I would have to defer to Mr Gartlan.

**Mr GARTLAN:** The allocation of that particular matter to traffic enforcement group was prior to my time in internal affairs, and I say that just by way of comment. The triage process undertaken at either the police conduct investigation unit or internal affairs occurs weekly. We have a reduced volume. At the police conduct investigation unit, it occurs daily. They regularly refer matters directly to us.

**The CHAIR:** Is that a yes or a no? It will save you a bit of time. Could that potentially happen again?

**Mr GARTLAN:** Potentially, yes.

**Hon JIM CHOWN:** When did Mr Anticich go on holiday?

**Mr GARTLAN:** Two and a half weeks ago.

**Hon JIM CHOWN:** Commissioner, in regard to your ambition to have police officers in the state have personal video recording cameras, and I think it is a good ideal, would the cost of that come out of the current police budget or would you be going to the government and asking for more funding?

**Mr DAWSON:** The latter.

**Hon JIM CHOWN:** What is the time frame for this? Would you introduce this gradually over a number of years or would you like it to be done in a bulk manner, give the officers the training required et cetera?

**Mr DAWSON:** I am speculating what the business case may yet tell me, having not read it, but I am aware from my initial discussions and briefings that we will have a number of options available. That is whether we procure 2 000, for instance, which we then deploy, and it is on a use-by basis, or whether we procure 5 000 and deploy them for your personal issue. Those options are available. We had the same considerations with Glock handguns and tasers.

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I am confident that the procurement process will give us adequate cameras. The nub will be in terms of the storage capability, and that will be the major cost issue. Whether the volume of 5 000 versus 2 000, and what predicates that by way of capital cost. I was in the budget estimates only last night. Our recurrent and capital expenditure, of course, we are contributing to the whole-of-government ideals in terms of that, but I am not confident I have the recurrent nor capital current budget to do this. I caveat that in saying I have not yet seen the business case, but my early preliminary briefing on this is that it may be anywhere between \$5 million to \$10 million. Again, I heavily caveat that, because I have not yet read their report. I am about to chair a committee about digital policing. This is not just confined to cameras itself. We are one of the few—in fact, I think the only—police jurisdiction in Australia that do not deploy with tablets and smartphones as look-ups for those sorts of things to get the right information. So there is a large body of work. I do not want to just buy one bit of technology that is not integrated with a whole platform. That is why we are looking at it strategically: to make sure that we do not just buy one thing and then find it does not talk to the other.

**Hon JIM CHOWN:** I assume this initiative would have the full support of the union?

**Mr DAWSON:** The union are very supportive of this, yes.

**The CHAIR:** I am going to give you some gratuitous advice, commissioner. Maybe you can include the cost of internal investigations, where there is that evidence provided. It might strengthen your case.

**Mr DAWSON:** I will gladly take your advice. Thank you.

**The CHAIR:** The government recently announced a capacity for Aboriginal detainees to be able to contact the custody notification service. Do you think that that will assist in any way with some of the issues that we have had in terms of dealing with Aboriginal prisoners?

**Mr DAWSON:** Yes. Obviously, under the Criminal Investigation Act, we are required and do give people their rights. That is complemented by what is up in our lock-ups and various places, where that is signposted as well, and obviously we require those cautions to be adopted and then the rights to be set out within the process when a person is brought into our custody. There are also requirements in terms of our custody system that we record such matters. I am not certain whether a particular body, I think Aboriginal Legal Service were seeking—I do not know whether there has been any announcement as to who has been appointed as the body to whom they do. I have had direct discussions with Mr Dennis Eggington about this matter.

I would see any additional notification service as welcomed. Again, time and distance is an issue. Certainly making telephone contact is regular, routine; we do that all the time. Whether there is someone available at particular locations, particularly in regional Western Australia, and finding them available of course is a matter that I know the government and others have been concerned about, about the accessibility of lawyers, for instance, that may be available through Legal Aid or ALS.

**The CHAIR:** You might have noticed that I was smiling wryly. There were certainly a number of notorious cases where none of the existing rights have been complied. Are you giving the committee your assurances that this new scheme will be embraced and that officers will be fully advised of the requirement to ensure that detainees have that capacity?

**Mr DAWSON:** Yes. That is the law, and it is also our internal procedure, so my expectation is that they comply with that.

**Mr GARTLAN:** If I may, Madam Chair, I have personally spoken to my counterparts at the Aboriginal Legal Service in relation to the custody notification scheme, and through dealing with an

individual there, working out, if issues are raised to the ALS as part of that scheme, a facility to advise the IAU on-call officer, so that we have an on-call person 24/7 so that notifications to us in relation to a professional standards issue occur very early in the piece, rather than some days, weeks, or perhaps in some cases, months after an event.

[11.30 am]

**The CHAIR:** It is certainly true that in some cases the resourcing of ALS means that they have not been available to be contacted in some situations.

**Mr DAWSON:** Yes, Mr Eglington and Peter Collins have both made that point with me a number of times.

**The CHAIR:** All right. Thank you very much for attending today. There are a couple of matters that you are supplying, I think, some stuff about the cognitive impairment, and also the curriculum for the diversity training and the statistics on tasers, but we will write to you and confirm that in any event.

**Mr DAWSON:** Thank you, Madam Chair. May I add, in regard to the curriculum, subject to consent from the academics, it may be an important body of research that you may be better informed if we get the consent of the academics to you. They have only made their recommendations recently, I believe it is Professor Coffin(?) or others, about the specific matter about the cultural and diversity training.

**The CHAIR:** I hope it has moved on since when I did it.

**Mr DAWSON:** Yes. I think you will find her report informative reading.

**The CHAIR:** Thank you for giving evidence before the committee today. A transcript of this hearing will be forwarded to you for correction of minor errors. Any such corrections must be made and the transcript returned within 10 days from the date of the letter attached to the transcript. If the transcript is not returned within this period it will be deemed to be correct. New material cannot be added via these corrections and the sense of your evidence cannot be altered. Should you wish to provide additional information or elaborate on particular points please include a supplementary submission for the committee's consideration when you return the corrected transcript of evidence.

Thank you very much, everyone.

**Hearing concluded at 11.32 am**

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