

**COMMUNITY DEVELOPMENT AND JUSTICE
STANDING COMMITTEE**

**INQUIRY INTO THE METHODS EMPLOYED BY WA POLICE
TO EVALUATE PERFORMANCE**

**TRANSCRIPT OF EVIDENCE
TAKEN AT PERTH
MONDAY, 15 FEBRUARY 2016**

Members

**Ms M.M. Quirk (Chair)
Dr A.D. Buti (Deputy Chair)
Mr C.D. Hatton
Ms L. Mettam
Mr M.P. Murray**

Hearing commenced 9.32 am

Dr KARL JOSEPH O'CALLAGHAN

Commissioner of Police, Western Australia Police, examined:

Mr ANTHONY KANNIS

Executive Director, Western Australia Police, examined:

Mr CRAIG WARD

Assistant Commissioner, Workforce, Western Australia Police, examined:

Mr NICHOLAS ANDREW ANTICICH

Assistant Commissioner, Professional Standards, Western Australia Police, examined:

Ms RENAE LAVELL

Human Resources Director, Western Australia Police, examined:

The CHAIR: Good morning, everyone. As you are all familiar, we have some preliminaries before we commence questions. Thank you for attending. We will just let the media in while we are doing those preliminaries. On behalf of the Community Development and Justice Standing Committee, I would like to thank you for your interest and appearance before us today. The purpose of this hearing is to assist the committee in gathering evidence for its inquiries into methods employed by WA Police to evaluate performance, specifically performance measures related to the management of personnel. I would like to begin by introducing myself and the other members of committee present today. I am the chair, member for Girrawheen, Margaret Quirk. On my right is Dr Tony Buti, member for Armadale, who is the deputy chair. On my left is Ms Libby Mettam, the member for Vasse; on her left is Mr Mick Murray, member for Collie–Preston. On the far left is Mr Chris Hatton, member for Balcatta, and that far left does not in any way represent his political position! The Community Development and Justice Standing Committee is a committee of the Legislative Assembly of the Parliament of Western Australia. This hearing is a formal procedure of the Parliament and therefore commands the same respect given to the proceedings in the house itself. Even though the committee is not asking you to provide evidence on oath or affirmation, it is important that you understand that any deliberate misleading of the committee may be regarded as a contempt of Parliament. This is a public hearing and Hansard will be making the transcript of the proceedings for the public record. If you refer to any documents during your evidence, it would assist Hansard if you could provide the full title for the record.

Before we proceed today, I need to ask you all a series of questions and if you could indicate in the affirmative or the negative orally rather than nodding your head, for the purpose of Hansard. Have you completed the “Details of Witness” form?

The Witnesses: Yes.

The CHAIR: Do you understand the notes at the bottom of the form about giving evidence to a parliamentary committee?

The Witnesses: Yes.

The CHAIR: Did you receive and read the information for witnesses briefing sheet provided with the “Details of Witness” form today?

The Witnesses: Yes.

The CHAIR: Do you have any questions in relation to being a witness at today's hearing?

The Witnesses: No.

The CHAIR: You have drawn the short straw, Mr Anticich. You have had two bites of the cherry because your position has changed.

Mr Anticich: Blessed, Madam Chair.

The CHAIR: Commissioner, before we start, I do not know if you want to make an opening statement.

Dr O'Callaghan: No, I do not.

The CHAIR: As you are aware, we have been conducting this inquiry for over a year and this is the first time we have had the privilege of your appearance, so we might start with some general questions we have not had the opportunity to put to you, before we get on to the specific terms of reference for this particular inquiry. I understand, commissioner, that there has been a change in operational strategy and that is due to commence today.

Dr O'Callaghan: That is correct, yes.

The CHAIR: Can you maybe outline what those changes are?

Dr O'Callaghan: That is the change to the operations of the local policing teams in terms of an increased or elevated focus on volume crime. The four areas of volume crime that are being targeted are—we are classing family violence as volume crime as well these days, but apart from that—burglary, vehicle theft and theft generally. There has been an increase, as has been well published, which is a sort of sustained increase if you look at year to date compared with last year. As from today, all of the local policing teams in the metropolitan area—that accounts for about 870 police officers give or take a few—will be coordinated from the major incident centre at Maylands and the focus will be on a more urgent response to particular aspects of volume crime work around priority prolific offenders, bail curfew checks, linked crime files, and a whole range of activity that will provide a quicker deployment of the information and the tasking to the local policing teams. I guess what the local policing teams lose by being drawn into that is some of the proactive work that they were previously doing in the districts—not all of it but some of it—so that we need to gain some capacity to control it as one body.

The CHAIR: Would it be true to say that the initial model was flawed or was unable to cope with the volume of crime?

Dr O'Callaghan: I think that when you introduce a model or an idea nothing is cast in stone, so you make changes and adjustments as you go along. Since the policing model has been introduced—I prefer to call it an operational strategy rather than a model now—there have been several changes to it. As recently as December we increased the size of the proactive crime teams by moving some officers into detectives' offices to assist those, so it is an iterative process. I am on the record as saying there are many complex factors affecting crime in Western Australia, and some of those are still emerging, and trying to get empirical evidence on that is sometimes quite difficult in Western Australia given that most of the research arms of any university have closed down and stopped providing stuff for us. The Crime Research Centre at UWA, the Australian Institute of Criminology, all of them have lost capacity over the last few years, so some of the detail that comes to us about what is going on in the public domain is not as good as it used to be. It is useful information for us. There are a number of complex factors. As you move to try to assess what the impact of those complex factors are, I have to make sure, as police commissioner, that we are doing the maximum amount we can to address the things which are in the scope of police. There are some things which are outside the scope of police, and I think everyone understands that, but I have to be satisfied, and the community have to be satisfied, that the police are doing as much as they can in their remit.

The CHAIR: Would it be true to say that the main catalyst for changing the model was the unfavourable crime statistics?

Dr O'Callaghan: I think there has been also a change in the type of crimes we are seeing, which is sort of worrying us a bit. For argument's sake, we are concerned about increases in family violence, and we need to adjust our capacity to address some of those things. Family violence is particularly difficult because some of it cannot be influenced by police and some of it can be influenced by police. Some of the statistics we see, and trying to interpret those, there is a question as to whether what we are seeing in family violence in terms of an increase in reporting and victimisation is actually a reflection of a better approach to family violence. What we are trying to get to is to work out what are the actual upward drivers of that. Is it that the incidence of family violence has increased or is it that the incidence of reporting has increased? What role does some public advocacy, like that done by Rosie Batty, have in that? It is not just about the crime statistics; it is about changing crime types and trying to best position the police force to deal with those things.

The CHAIR: Are there any other measures that influenced you in changing the policing model?

Dr O'Callaghan: There are a whole range of measures that we look at. Crime is just one aspect of it. For argument's sake, we look at total prosecutions and total types of processes issued. What we did see—these are quite interesting stats but they do not give us any better answers—is that although we have had an increase in crime, we have had a significant increase in prosecutions as well and a significant increase in police-rated detections of drugs, for argument's sake. There are a range of things going on at the same time, some of them positive and some of them negative.

The CHAIR: You see, we have been told for the last year in a series of these hearings that police did not measure performance on the basis of crime statistics. It appears that you have actually acted in relation to performance or your lack of capacity solely on the basis of the crime statistics.

Dr O'Callaghan: In terms of formal performance, there are KPIs, obviously, and there are government initiated —

The CHAIR: With all due respect, not “obviously” because we have found in the previous three reports that we have done that there was a lack of relevant KPIs.

Dr O'Callaghan: The police force is not required to—it does not have a KPI to reduce crime; it is not a KPI, but it is something that I am concerned about and it is something which I use as a personal measure.

The CHAIR: You did mention in terms of changing the role of the LPTs—so that means, effectively, response teams responding to immediate requirements for police to attend rather than this collecting local intelligence or understanding the neighbourhood or the district to which they have been assigned?

Dr O'Callaghan: A great part of their work is actually still proactive crime work and inquiry, not so much response. We want to keep the response teams separate and we want to make sure the response teams have sufficient capacity to do their work without drawing on the LPTs. What we have seen over the last few months is the LPTs putting their shoulder to the wheel in terms of response, when in fact we do not want them to do that; we want them to be free to do other things. A lot of work around priority prolific offenders, bail management and parole management is proactive; people have to go and check curfews, people have to understand where priority prolific offenders are and where they are moving, and they have to have the right intel. It is not as if they will be responding to calls for assistance from the public all the time; a lot of their role is still proactive but it is proactive around the volume crime stuff that we have been talking about. If I go back to the issue of family violence, we know that there are 700 key offenders in Western Australia who cause the bulk of the harm, or about 50 per cent of it. They will be required to focus on those people as well.

The CHAIR: We were told in our inquiry on family violence that that was not being done. You are now saying it will be done.

Dr O'Callaghan: Yes. As of December last year, we commissioned a piece of research around family violence, so some information came to us on the make-up of it—the number of offenders, who commits the harm and in what circumstances they commit the harm—and we are responding to that by rolling this particular piece of work into what the local policing teams are doing. So they will only be tasked with it from this week.

The CHAIR: What will the local policing teams not be doing that they previously were doing?

Dr O'Callaghan: I think the greatest change for the local policing teams will be that they will not be able to make locally based decisions; they will be controlled from a central point. What we saw with local policing teams is a lot of proactive work done with youth and some proactive work done with other parts of the community. They were making decisions about that based on local input, which is fine because that is what we originally set them up to do. Some of that work will go. Some of the work that they did was not all around sitting down with kids and doing things with them; some of it was around trying to manage local suburban drug dealers, and some of that work has been moved back to crime. There will be a movement of some of that work that they do back to some of the centralised units.

[9.45 am]

The CHAIR: Speaking of centralised units, can you confirm whether or not the major fraud squad is closing?

Dr O'Callaghan: No, it is not closing.

The CHAIR: What about the gang crime squad? Is that being closed down?

Dr O'Callaghan: No, it is not.

The CHAIR: They will both remain active and doing those specific roles and not doing any general inquiries?

Dr O'Callaghan: No special units in crime have been closed and there is no intention to close any special units in crime. If there is some consternation which has come back to the committee, possibly with this volume crime strategy, gang crime will be co-opted to help with it and so will some of the other units when we need to and so will the traffic units when we need to. If we are, for argument's sake, flooding or saturating an area to do an operation, it is likely that we will have several different police units, apart from the local policing teams, doing the work.

Mr M.P. MURRAY: Can you explain how your centralised unit will work in country areas, where there is a lot more autonomy for some of those country stations?

Dr O'Callaghan: The difficulty with this is that the operating model or the operating strategy we are talking about is a metropolitan-only strategy. So, it has never been rolled out to regional Western Australia.

The CHAIR: Just finally on the specific units, is the clan lab team still in operation and will it continue to be so or will that be closed down?

Dr O'Callaghan: Meth teams are doing that work now.

The CHAIR: So the actual separate team has been closed?

Dr O'Callaghan: Yes. Can I assure the committee that there was a discussion last week or the week before about whether there was any capacity in crime to assist with this strategy. I made the decision that none of the specialist units would be affected so they would not have to give up resources to resource this strategy. However, it is likely that gang crime and the meth teams in

particular will be co-opted to provide assistance when we are doing saturation work in a particular suburb or area.

The CHAIR: Which will be most of the time, I presume.

Dr O'Callaghan: We will do operations. We will do operations around a series of drug dealers and hit them all at the same time in a suburb. When you are doing that, you would expect gang crime to lend a hand and you would expect the meth teams to be there. They will be brought in and out, but the bulk of their work will still be their daily function work.

The CHAIR: How was the change to the operational strategy developed and what is your plan as to how it is implemented?

Dr O'Callaghan: I have instructed that the implementation is from today, so all the LPTs were advised last week that they would be part of this strategy. The coordination activity starts this morning; in fact, it is starting as we speak at the major incident centre at Maylands. It will take a week or so to crank it up properly so everyone is clear about what they are doing. We intend to provide some ongoing measurement about the success as we move, but we intend to provide a more comprehensive review of the strategy by about midyear—by the end of June.

The CHAIR: What are these ongoing measurements that you are talking about?

Dr O'Callaghan: What we will be interested in, and what I will be interested in in particular, is whether we are seeing a drop in raw crime figures around the volume crime types we are talking about. I am always a bit nervous about coming out and celebrating any change in the year-to-date figures, and I will tell you why that is the case. For argument's sake, in April and May last year, the figures were quite high when you compare them with the previous year. If the crime figures this year remain about the same or they drop, that margin will decrease. You will go from something like 16 per cent down to six per cent just because of a statistical anomaly. The way to actually count this is whether we are seeing a reduction in the raw crime figures—that is, the number of burgs or the number of thefts week by week and month by month between now and June.

The CHAIR: In other words, you will be using crime statistics to manage the performance.

Dr O'Callaghan: Raw numbers, yes. I think the challenge here is not to have all different types of numbers, because it just confuses people. The easiest way to measure success for us is whether we are seeing an increase in the actual numbers of burglaries or thefts or whatever.

The CHAIR: Was it yourself and the senior management team who developed the changes? How did the changes come about?

Dr O'Callaghan: It was a discussion between myself and the senior management team.

The CHAIR: I just have a couple more questions on this area before we go on. The four key areas of volume crime were burglary, family violence, car theft and —

Dr O'Callaghan: Theft generally.

The CHAIR: — theft. Are there going to be any changes as to how those crimes are recorded on the system?

Dr O'Callaghan: No. In what way do you mean?

The CHAIR: For example, the suggestion has been made to me that burglary will no longer be recorded as burglary and that officers have been encouraged to record it as a trespass with damage. Is that something you —

Dr O'Callaghan: No. In fact, that would be counterproductive because you would have two crime types then instead of one.

The CHAIR: Yes, but it would not be one of the key crimes that you are concentrating on; it would be elsewhere.

Dr O’Callaghan: I have never heard of such a thing. There are some national recording standards that states agree to. In a certain circumstance, a crime has to be recorded as that particular type of crime. We need to make sure that we record in accordance with national policy. We will not be any different from anywhere else in Australia.

The CHAIR: Before I let my colleagues ask some questions, one of the problems from the outside seems to be a lack of resources and the fact that resources are stretched and you are having to move people from one area to another to try to address the incidence of crime in a particular area, which then leaves the other areas vulnerable and so on. Would it be true to say that you just have not got enough police?

Dr O’Callaghan: We are in the process of recruiting police as part of the current government commitment between now and the middle of next year when that commitment will be complete. There is no doubt that in the next four years we are going to need an increase in police officers. You get an increase in activity, an increase in population, Perth gets a lot larger and we do not see an increase in police officers and police resources. The question for governments is really what is the best way of resourcing police and how should they think about that. I think, traditionally, everyone has always thought about police officers as blue shirts in raw numbers when in fact we need a combination of different employment types and the flexibility to do that to provide the best on-street response. We really have to move as an agency from counting the total numbers of police employed to the total numbers of police that are actually on the street in the frontline, because that is the thing that makes the difference. Total numbers of police employed is just a nonsense; it does not mean anything to the community of Western Australia, because we have got 600 people who are not on the street and are doing other things in the Western Australian police force. In the end, what you have to get to is a way of measuring how many police are actually on the streets, in police stations and are detectives in vehicles, because that is where you get the best response for the community of Western Australia.

The CHAIR: Under this change in operational strategy, are you contemplating different roles for auxiliary officers?

Dr O’Callaghan: We have not broached that. The auxiliary officers are there to take the pressure off response officers and LPTs in the front line—so, property recording and management of things that take police off the streets. We are not necessarily thinking about changing those roles, but there is no doubt there will be a conversation in the future about increasing the number of auxiliary officers we have got so that fully trained police officers spend less time inside police stations.

The CHAIR: On the property recording, I understand that property holdings have almost doubled. Are there not enough auxiliary officers or are they not doing that job as they are taken off to do other things? Why is it that property holdings have now almost doubled?

Dr O’Callaghan: That is the first time I have heard that figure. I do not even know what categories of property we are talking about. One of the things that will be driving up the amount of property in police custody, if I can put it that way, is the sheer number of exhibits that the forensic officers now take—because it is all property—into our custody. Twenty years ago, you would go to a major crime scene and take 50 exhibits; these days, you go to a major crime scene and take 2 000 exhibits, because the potential for DNA from those exhibits has grown so much. I think you will find—my executive director can correct me if I am wrong—that when it comes to property, our growth has been in crime exhibits rather than just general property on hand.

Mr Kannis: Yes, that would be the case.

The CHAIR: Have those crime exhibits actually been processed or are they just sitting there?

Mr Kannis: The intention is for them to be processed. I cannot account for any backlog that there might be, but the intention is for them to be processed.

The CHAIR: At some stage?

Mr Kannis: I have not got the data on me at the moment to identify what has and has not been processed. In fact, I am not sure we keep it as an agency.

Dr O'Callaghan: I think one of the things is the processing speed through PathWest for forensic material. It is a lot slower than we would like. We have been trying to negotiate to try to get extra resources into PathWest to deal with it. We think they need something like 10 extra analysts to cope with the load. Because there is potential to resolve a crime with much less DNA than we used to have, we seize much more property, but it has all still got to be analysed.

The CHAIR: Just on that, can you give us assurances—it is hard if you do not know the situation—that there are not exhibits, for example, in relation to sexual assault that are just sitting there and not being disposed of by way of sending to PathWest for analysis?

Dr O'Callaghan: We have done a lot of work on trying to make sure that the exhibits are properly prioritised, because they have to be, and they are sent to PathWest as soon as they come into our control. There are a lot of historical things. We have got a project going through a lot of historical material to make sure all that material has been properly dealt with and, if necessary, sent to PathWest as well. So there is quite a bit of work to be done there.

The CHAIR: Just before I let my colleagues have a go—please, if anyone else has got anything to add, give the commissioner a break and chip in—police was one of the few areas of the public sector that was not subject to a recruitment freeze. You have mentioned detectives. I understand there are around 30 positions for detectives that have not been filled. Can you tell us what the reason for that is?

Mr Kannis: First of all, in terms of the freeze, our public servants were subject to the freeze. It is only sworn police officers and PAOs that are not subject to the freeze. In terms of vacancies at the moment, the last report I received only the other day was that we had about 47 detective positions vacant. However, it is not unusual for a number of positions to be vacant at any point in time. We have created, I think, 50 positions since October. Those positions that have been advertised generally would relate to the ones that have been recently created. We will have vacancies where new positions are created.

The CHAIR: I understand there have been consistent vacancies over some period of time.

Mr Kannis: I might pass to Craig or Renae to give us a bit of a summary of that.

Mr Ward: Yes, certainly. There have been some vacancy considerations, particularly in metro, and we have gone through a process to fill those. We have done some priority decisions around places like Armadale. Based on the detective constable numbers in those areas, we have made sure that those were filled as quickly as we could. There were, as a consequence, a number of places that were not previously holding significant vacancies which are now carrying a few vacancies, but the considerations by the group that met were that those areas traditionally have had low vacancy rates and perhaps did not have the workload issues that the other areas were experiencing. We have done an exercise in moderating the vacancies so that the areas that cannot carry them have not got vacancies and those areas that perhaps can carry a few vacancies are carrying them.

In terms of some of the sergeant and senior sergeant positions, those vacancies are being addressed through a promotional process. We still have some officers sitting in pools for promotion which we are drawing from as and when required, so those are not a particular problem, albeit on paper there may appear to be some vacancies at the moment. As the executive director alluded to, the majority of the vacancies have been self-inflicted, if you like, in so far as they are growth vacancies. So we have created these positions and we are now going through the process of filling those.

Dr A.D. BUTI: Are there any positions still vacant at Armadale?

Mr Ward: Not in terms of detective constables, no. We have managed to fill those.

The CHAIR: I understand there was a public statement in the last couple of days that detectives were moving from Clarkson to Armadale, and I have a particular interest in that cohort of detectives, because they were moved from Warwick to Clarkson and now they are moving to Armadale. That seems to me to be evidence that there is a major problem that the more serious and complex crimes are not being given the attention they should be because there are that number of detectives short.

[10.00 am]

Dr O'Callaghan: I am not aware of that. One of the things that I did instruct very recently—this came up in terms of Armadale, actually—was that they were not to carry vacancies, the reason being that if you look at some of the areas of Perth that probably have higher crime rates than others, you cannot afford to be carrying vacancies in those places at the expense of places that have lower crime rates. So, places like Armadale and Clarkson, I would have thought, should be kept at capacity all the time. Some others have some flexibility, but they do not because of the pressure that is occurring in those areas.

The CHAIR: You see, in *The West*—I will hand you this article—of 23 September last year, the front page was “Police Caught Short”; I will hand this over to you so you can look at it. The minister herself comments on that at the time and says that “This is in no way shape or form linked to any resourcing issue of Government”. So, clearly, as of September last year, I would have thought police were on notice to fill those ASAP.

Mr Ward: Yes, certainly that was the catalyst for getting together a group that looked at those vacancies around the metropolitan area, particularly in terms of getting them where they needed to be. We have done a considerable intensive effort to make sure that those particular vacancies in places like Armadale were addressed, and the numbers now are not nearly where they were. Some of those that I have mentioned were actually growth numbers. So, included amongst that were positions that we had actually created and were in the process of filling. Again, I think the numbers of vacancies were addressed looking at the advertised vacancies. What is being advertised on a week in, week out basis does not actually reflect what is the vacancy at the time because there is a flow-on effect of people moving to and from places. It is not an exact science to say that the number of adverts equals the number of vacancies. From recollection, I think that is where some of that information came from.

The CHAIR: Is there any restriction as to who can apply? What is the set-up and who can apply? Are uniform people under pressure to stay out on the streets or are they given a free rein if they have the relevant qualifications to apply?

Dr O'Callaghan: As long as they qualify, they can apply like anybody else; they are not held back.

The CHAIR: There are no restrictions to their career path?

Dr O'Callaghan: No.

Dr A.D. BUTI: Firstly, the LPTs—local policing teams. In the changes that you announced last week, from what I can gather—please correct me if I am wrong—the two major changes are more centralised operational coordination now and that they are going to focus on those high-volume crimes that you announced. Does that mean that they can also now cross over to other areas, so if they are a local policing team that has generally been assigned to a particular local area, they now may move to other geographical areas?

Dr O'Callaghan: No. I think the intention is to use the local policing teams to address the local volume crime issues. The principle of a local policing team is that they have a better understanding of who their priority prolific offenders are, where they might be, where you might find them and those sorts of things. Although we might co-opt other groups to come out and assist them, I do not envisage local policing teams moving from any police station to another police station. There is no intention. Everyone will be staying, basically, in situ where they are now.

Dr A.D. BUTI: Their role will not change, so they will not become part of the operational team. They will not be responding to an emergency or crime.

Dr O'Callaghan: Yes. Currently they are, so there is a percentage of response work that is done by the LPTs as fallback. If all the response teams are busy, often the LPT will move into that role. What we have done to try to free the LPTs up from doing that is to add 80 new people to the response teams. What we are not going to do is just split that 80 amongst the whole metropolitan area; we are going to find out where the highest demand for response is and move bigger numbers into those places. We estimate that we probably will need to move more people into response teams over the next 12 to 24 months to make sure that the LPTs are free to do what they have been tasked to do.

Dr A.D. BUTI: Late last year the WA Ombudsman released a report in regard to 30 family violence and domestic violence murders. He made the point that I think no VROs had been issued in regard to those 30 murders, even though there had been over 170 reports of crime to the police in regard to those 30 murders—before the murders happened, obviously. Why do you think that is the case? Have you made a response to that report? You are now saying that you know the 700 worst offenders, but you have known that for a while and I am just wondering why it has taken this long. As we know, domestic violence and family violence has been increasing substantially over the last few years. Why are we now at the stage where you are finally doing something in regard to this when it was quite obvious that this was a major issue that affected Western Australia?

Dr O'Callaghan: We have been doing a lot in regard to this. I suppose what we are actually doing now is controlling some of their work from a central location. If you look at the numbers of police orders issued by the Western Australian police, it is actually going up exponentially. There have been many, many more orders issued—I do not have the numbers here, but I am happy to provide them for the committee—in the last few years around family violence than there ever have been before, so there is an upward swing in that. I do not have the details of the Ombudsman's report to address any of those 30 that you are talking about, but I can tell you that our numbers, which can be provided, show there has been a significant increase in orders.

Dr A.D. BUTI: Have the police made a response to that report?

Mr Kannis: I believe there is going to be a government response to it, which we have contributed to.

Dr A.D. BUTI: The Chair asked a question about whether the definition of a crime is changing, and you said you use national standards.

Dr O'Callaghan: Yes.

Dr A.D. BUTI: But in regard to domestic family violence, you have changed that, or the government or the police have changed what you consider to be family violence a number of times in the last few years. Is that a Western Australian initiative or is that a national initiative?

Dr O'Callaghan: No, it is being done nationally. The basic descriptors for family violence are intimate or close relationship in a family. If it is outside of that—I think before the police nationally were trying to capture any type of violence in a residential building as family violence when it clearly is not. I think the community, if you asked them what family violence is, would expect that it is either violence between people in an intimate relationship or a close relationship inside a residential place.

Dr A.D. BUTI: I totally agree with you; it is just that your minister actually did not realise the difference when I asked her in Parliament, which is interesting.

Mr M.P. MURRAY: I will probably go back to the start. It is my view that you have been a bit reluctant to attend to our committee after quite some invitations. I think at one stage it was about you had a press conference you had to go to that was probably more important than this, so

I certainly have some concerns about a commissioner who takes that road. Also—I think it is something I have got to say—the last time we met on another issue, you gave us some advice and then came out publicly and criticised your own advice that you gave to us. I am a bit perplexed by some of your actions in that case, because the last time we were talking about do not interview the two junior officers, and then in your letter to the government you said that our committee was flawed because we did not interview the two junior officers in the Buswell case. You can understand my —

The CHAIR: Scepticism.

Mr M.P. MURRAY: “Scepticism” is probably the word I am chasing—thank you, Margaret—about you appearing here today. But the question I will ask is: you had a roadshow around the countryside with the minister, promoting your last changes to policing. Will there be another roadshow with the minister around to country areas promoting the changes that are happening as from today?

Dr O’Callaghan: Look, one of the things that we want to do is make sure that the public is as informed as possible about changes in policing. There are significant changes in the metropolitan area, so as we put those into place, we will need to explain that to the community. I think there is value in going to regional Western Australia not just to tell them about policing, but listening to the people about what the issues are facing their communities. We got valuable information in that process, and we were only talking about restarting some of those visits during this year. For me, it does not matter whether I go with the minister or whether I go on my own; I want to contact the community and talk to them.

Mr M.P. MURRAY: Why I came out and asked that was about the resources that were used. When the Bunbury forum, if you like to call it that, was held, if you took away the amount of staff who were there, you probably only had about 30 people who turned up. I think I counted something like 20-odd people who were with the roadshow. I see that as sometimes a waste of resources. I understand that we must communicate, but the way that was done, I think it could have been done far better.

Dr O’Callaghan: I think you are correct in terms of the fact that people do not turn up to these things. There was a lot of advertising done. I think the community are apathetic about it. Also, we had the same response in Kalgoorlie as we had in Bunbury. So you take the time to go up there. We have had better responses in some suburbs of Perth and worse in others. But, in the end, when you go to those forums, the demographic is nearly always, as you would know, retired people who come along who are concerned about crime. Very rarely is there a spread across different age groups in those community forums. That is an issue for us, but, like anything else, it is just one tool that we can use to contact the community. There are a number of others.

Mr M.P. MURRAY: Can I just say that if I had not read the sign that was out on the road, I would not have known about it being on either. I consider the whole south west as my patch, and, yes, no invitation.

Dr O’Callaghan: I am not sure about that, but I know that certainly I was on radio down there talking about it before we went. We did some stuff with the local community newspapers. It depends how much time, effort and money you want to spend on advertising, but you do your best, I think, in those circumstances.

Mr M.P. MURRAY: Sometimes an email might have helped you out, and I could have represented my community, which was not done.

Dr O’Callaghan: I will make sure, Mick, that you are on the list for the next one.

Mr M.P. MURRAY: Thank you.

Dr A.D. BUTI: To follow up on the meeting, commissioner, I think there was a decision made last year that the police will not attend meetings or events that have been organised by members of the opposition, which I find actually appalling. I went to an event in Armadale that was organised by a councillor who actually works for a minister; no worries, the police could attend that. I am the local member for Armadale—as you very well know, it is a major crime area. Why should I not be able to organise a meeting and invite police to attend and they should be able to attend? I find that absolutely appalling, and I just do not understand why the police force or the government has made such a decision.

Dr O’Callaghan: I just think it has been a policy that has been in place for as long as I can remember. You generally do not do those sorts of things. It is a policy that has been there; it is part of the way things have always been structured. This is not a new outcome; this is a policy that has been around for a long time.

Dr A.D. BUTI: I am not sure that is correct, because you actually made a decision last year. You came out in the press and said, “We will not allow police to attend meetings organised by the opposition members.” I do not know whether that has always been the case.

Dr O’Callaghan: That is not inconsistent with what we have done before; it is not inconsistent.

Dr A.D. BUTI: But do you think it is a good policy?

Dr O’Callaghan: We have to be careful about where and how we appear—that is the thing—and the reasons that meetings are created. We have to be careful about that; that is a fact. We could create exemptions for it, but generally it is not a new idea and it is not a new policy; it has been around for a long time.

Mr M.P. MURRAY: Can I just jump in as well on that. Certainly, in my town of Collie, there was a meeting organised by a local drug action group, and the police were advised not to attend that as well from their district. I spoke there, but certainly there was no political connection whatsoever. I find it appalling that for something that was organised like that, there was not a policeman in the room.

Dr O’Callaghan: I have no problem with them going to a local drug action group—organised meeting.

Mr M.P. MURRAY: I am telling you what happened.

Dr O’Callaghan: Yes, but I have said I would have no problem with that. I do not know why it was made at that level, but I would —

Mr M.P. MURRAY: That was a direction that came out below you, I assume, or I would like to think so. But how can we get that connection between the police, action groups and the community—and there were a lot of young people there as well—if we do not have that?

Dr O’Callaghan: We can obviously do better around that. I certainly do not have any problem with that.

The CHAIR: Just while we are on that—we have strayed slightly—are there occasions when you or people within WAPOL receive directions from ministerial officers that police officers should attend meetings?

Dr O’Callaghan: No.

The CHAIR: No?

Dr O’Callaghan: Not that I am aware of.

The CHAIR: It is just that Ian Clarke attended a recent meeting that was arranged by a federal member of Parliament, and someone of Mr Clarke’s seniority was obviously required to attend on a Saturday afternoon, along, I might add, with the Road Safety Commissioner.

[10.15 am]

Dr O'Callaghan: I do not know anything about it, but I will be happy to provide advice.

The CHAIR: The irony of that was if any police should have been there, it should have been someone from the local policing team so that they could hear the local issues, but none were present.

Dr A.D. BUTI: Is there also a policy, police commissioner, that police officers are permitted to be photographed with local, government backbenchers—not ministers—but are not allowed to be photographed with opposition backbenchers?

Dr O'Callaghan: No, there is no policy around that. They can make a choice about it.

Mr C.D. HATTON: Back to the essence of today, frontline policing and recruitment training—all those things we will get on to, no doubt—it was rolled out in the Armadale district, or in that region, in 2014. By late 2014 to December last year it was actually in four areas. If we look at the different departments like health, education and police—the three big ones that consume taxpayers' money—and at, say, the education department, when a new model comes in, a new curriculum—I was in education for 30 years doing those things—you give it time to work. Can you give clarity as to whether the Frontline is fully up and running and this is just a tweaking of it; a strategy. Is that what you are saying—that it really has to be given time to work?

Dr O'Callaghan: The model has three main components to it, which is the creation of a separate response team, a separate local policing team and a separate group of detectives, but there is district and state control. All of those things have been in place now since the beginning of 2015. The only thing that has changed in recent times is a part of what the LPTs do. For argument's sake, one of the things the LPTs were doing before this, and will still continue to do, is inquiry work. They have got to do inquiry work—ongoing work to inquire into crime. That has not changed. The part of their role that has changed is the part which gives them more scope over some proactive work; otherwise, the model remains intact and the principles remain the same. I think we have to remember the highlight of the change was that the demand for policing services in Western Australia was increasing quite significantly. If you go back to 2011–12, there was about a 10 per cent increase in calls at the PAC every year, which is a very significant number. We had to be in a position to respond to that. Under the old all-in model, which everyone says was working, it was not working. We were not meeting grades of service then either, so we had to find a different way to tackle some of these problems. The implementation of quite a significant change like this takes time, takes patience, takes resilience, and things have to be changed on the way. Nobody ever said that this was cast in stone. The fact that someone makes a change to it does not mean it has failed; it means it is evolutionary.

Mr C.D. HATTON: That is the point I want to get to here, hopefully, that it has not failed.

Dr O'Callaghan: No.

Mr C.D. HATTON: It is failing in certain areas, but it is a model that will be tested further in its entirety at this point.

Dr O'Callaghan: Absolutely. There are aspects to this which people are concerned about. The union, for argument's sake, raised the issue of fatigue with the response teams. I think that is a fair comment. I have spoken personally to response teams about some of the fatigue issues; some of it is to do with rostering, you would expect. The fatigue issues, let me qualify this: none of those officers are working outside the EBA, which the union agreed to. They agreed to the EBA; they agreed to the rostering arrangements. They are all working within that. Of course the shifts they are working are demand-match shifts. They work at the time when demand for their services is required. It is not the most social of times. Clearly the officers do get jaded with working those sorts of shifts. One way of dealing with that is to increase the number of officers in the response teams to take a little bit of pressure off, which is what we are doing at the moment.

Mr C.D. HATTON: I have a couple of questions on technology and human resourcing: first of all, with technology, you are going to have central control. You have a fair bit of IT out at Midland. Do you think that you have the technology set up to administer central control over the whole of Perth metro, to your satisfaction?

Dr O'Callaghan: We do. We have the state and district control centres which operate quite well in trying to deal with calls that come in—not calls that despatch—mostly to make sure the proper priority is going on and that complainants are contacted. There is a whole range of things that go on at those centres which exercise control. That is working reasonably well. There is always room for improvement but it is working reasonably well.

Mr C.D. HATTON: Lastly, I refer to the human resourcing and the welfare of the officers. Quite often, the officers want to do their training and get out into the real-life stuff; that is what they are trained for. Maybe you could answer some of this, too. Do you think your police are responding positively to this tweaking, or do you expect them to?

Dr O'Callaghan: To the tweaking in terms of?

Mr C.D. HATTON: To getting more nitty-gritty about it and getting right into the crime areas.

Dr O'Callaghan: As part of their training?

Mr C.D. HATTON: Yes; as part of their feeling about what they want to do. Sometimes they are caught up in administration and maybe softer issues to do with community, with the LPTs—do you think they are accepting of and feeling good about this?

Dr O'Callaghan: I think some of the feedback that has come back to us over the most recent changes to the strategy is that police officers there like the clarity of control centres. They like being clear on what they are supposed to do and where they are supposed to go—they like that. I think they position themselves. When we spoke to response teams and the local policing teams, generally people did not want to change over because they enjoy doing the work in those particular areas. When we have said to people, “If you feel fatigued, would you like to go to another team?” they generally refuse because they like doing response work. Clearly, when you talk to police officers, they enjoy the challenge and, as you put it, the nitty-gritty of the work that they are doing. Often, when you give them the opportunity to change roles, they do not actually want to do it.

Dr A.D. BUTI: I want to return to family and domestic violence, commissioner. As you said, you have made some changes because of the issues. There is an article here from the *Canning Examiner* back in 2014, not long after the change to the 2020 issue, and one of the criticisms I had was that as part of that there was the removal of the specialised domestic violence units. There was one based at Armadale. I admit those officers were outstanding and dedicated people. This article states —

Both constables said the removal of the domestic violence unit after the reforms began meant the visiting police didn't have the connection with the victims they once had.

In our inquiry on domestic violence, it was mentioned by Anne Moore from the Lucy Saw Centre —

One of the biggest criticisms I have around DV and the police also is that they move around. All of that intelligence goes with them about those high-risk families and the same with the local policing team. They have only a very short time there and then they move on.

You are tweaking things and you have now identified family violence as a major problem. Will you reconsider the possibility of instigating or reintroducing some form of specialised police domestic violence unit?

Dr O'Callaghan: I think with the rejigging of the LPTs' work—some of it, obviously, will be focused on family violence—we will be interested in seeing how that works. The answer to “Will we reconsider?” is that I never say never. If there is a better way of doing it, we will do it.

I do not know if you are aware, there is now a family and domestic violence directors general group. That is led by DCP, not by the police. There is a whole range of things that will be considered there including what combination of resources it needs to provide ongoing support for the family. Are police always the best for the ongoing support or can that be shared with other NGOs or government agencies? Certainly, we would be looking at that. I am really keen on making sure we provide the best possible response. I think the answer to your question is yes, I am always open to looking at that if the system we have is not working. We will continue to look at it closely.

Dr A.D. BUTI: The “never ever” reminds me of Alannah MacTiernan on the weekend!

The 2020 model, I understand it, has a lot of advantages, but it was based on the UK system. I think Manchester was one of the —

Dr O’Callaghan: Yes.

Dr A.D. BUTI: There is a major difference, though. England, geographically, has much more densely populated regions. The police service has a smaller geographical region.

Dr O’Callaghan: Yes.

Dr A.D. BUTI: For instance, the south east metro area, or even the Armadale region—Roleystone down to Byford—is a much larger area. I am not sure whether the 2020 model in England can actually work here when you have such a large geographical area, unless there is a major injection of police.

Dr O’Callaghan: It works, obviously, in the metropolitan area a lot better than it will ever work in regional Western Australia because regional Western Australia would provide you with much greater challenges in terms of doing a model like that. The model does need the right sort of resourcing levels. When we made the first cut, you would have heard things like the numbers of police going into districts. It is clear now that we need to increase those numbers. As I said to you earlier, there is an extra 80 going into response teams. For me, that is the first tranche of effort that will go into that. We need to keep an eye on those numbers. The other thing is they are also finite numbers. As I said before, the way we were doing things before was not working either and we were getting complaints about that. What we are trying to do is do things better. We are not implementing a strategy to make things worse; we are implementing a strategy to make things better.

The CHAIR: On the crime figures, commissioner, in late October last year, the minister told ABC that there are no immediate plans to boost police resources despite the winter crime surge spilling over to spring. The minister discussed the issue with you and was satisfied that police had the resources to curb the rise in crime. The minister is quoted as saying —

“They are confident they have all the resourcing they need. What they’re trying to do is make sure they are putting that effort where they need to put that effort, to drive down this crime rate,” ...

Between the end of October—which seems to suggest that it was business as usual—to 15 February, what has occurred to make these operational changes?

Dr O’Callaghan: At the end of October we implemented Operation Sweep, which you will be aware of. If you go back to the crime figures around mid-2015, they were up around 20 per cent. At the end of Operation Sweep they were down at 18 per cent. That is the year-to-date difference. After Operation Sweep finished, we made increases to the proactive detective response teams. That was in late November, early December. By the end of January and the beginning of February we were making these changes. There have been a lot of changes along the way.

In terms of increasing resources, with all the goodwill in the world you cannot increase all the resources tomorrow. You cannot just get 100 police officers from nowhere and inject them into the police force. They have to be brought in and they have to be trained. There is a program to do that.

One of the things that we have been talking about doing—I am sure Mr Kannis can explain this a bit better—is bringing our recruiting program forward. We are working on that at the moment.

Mr Kannis: At the moment we are suffering the—not suffering—we have the benefit at the moment of low attrition. If we wanted to maintain the current profile, we would have had the capacity to remove some schools. We are going to maintain those schools so that we continue to be slightly above where we planned to be.

The CHAIR: Commissioner, are you saying the same thing to the minister now as in October last year when you gave assurances to the minister that you have the capacity to curb crime rates with existing resources?

Dr O’Callaghan: The conversation we have been having with the minister is exactly the one that Mr Kannis has been referring to; that is, keeping the schools up so we have a larger number of police in earlier rather than towards the end of the four-year cycle.

The CHAIR: That is not what I asked you, commissioner. I said are you giving the minister the same assurances today as you gave her in October that police have the capacity to curb the rise in crime rates?

Dr O’Callaghan: We have the capacity to influence the crime rate based on our recruiting profile; the number of police who are coming in.

The CHAIR: That is probably a good segue to talk about recruitment.

Mr M.P. MURRAY: My question is about your early announcement of retirement. It will be interesting to see how you are going to not be seen to be putting your feet on the handlebars and rolling down the hill to the end of the line. I would like some comment, because that is what happens in the public perception. I am not saying it is happening now, but how are you going to manage, “He’s going to retire next year”? There is going to be that perception out there and it will be very difficult to manage in the public arena.

Dr O’Callaghan: One, I do not believe so. Let us put this all in perspective. When I signed my last contract, I made it clear that I was not going to sign another contract. That is it—it does not mean retirement or anything like that. This business that I have announced my retirement is just nonsense because I made it clear to the government that I would not be seeking another contract after this one. It does not mean because you are in your last contract you sit down and do nothing. In the end I can sit here and talk to you for an hour about why that is not the case, but you can judge based on the sort of work that is going on, based on the changes that are coming and based on the results that are achieved. I think the judgement has to be made at the end of the process, not at the beginning of the process. I am not intending to go out and manage public perception. It is being created by one or two journalists, and that is it, you know. I am just going to get on with the job, and I intend to be here come August 2017, and I intend to work up to the wire.

[10.30 am]

Mr M.P. MURRAY: Thank you.

The CHAIR: Now if we can get on to the issue of recruitment, the first question I want to ask is: a lot of people who are unsuccessful in being accepted into the recruitment training may go down the auxiliary officer path instead, and a lot of them then try to transfer laterally across to become sworn police officers. How many are successful in doing that and, if they are unsuccessful, are they given any feedback as to why they were unsuccessful? What are the reasons that they are not successful?

Ms Lavell: I do not have the exact figures on the rates of success, but if we look at the recruitment process, when they have come through, if they were suitable at the time during the assessment process to go to police officer they would have gone that way. So when they are going to an auxiliary officer role, we know that there are areas that require improvement. Some of those areas

are things that they can, through experience of working in WA Police, work on, and they will at some point in time then potentially be able to meet the assessments. There are some of them, though, that will never be able to meet a physical standard, or will always have this particular thing that means that they are not suitable for the role of police officer.

The CHAIR: Can you maybe expand on that? What sort of things do you mean?

Ms Lavell: If they cannot meet a component of the physical test —

The CHAIR: I understand about that. What are the other issues, not related to physical factors?

Ms Lavell: For example, if they had an issue with conflict avoidance, it is not going to be a position for them. If they had, say—I am trying to think of the key differences.

The CHAIR: And these are then people that might be put in the watch house.

Ms Lavell: No, we have a range of auxiliary roles. For example, a property auxiliary would not have a need to be in that sort of role with the community, but if you went into the watch house you would definitely have to work in the environment that the watch house has.

The CHAIR: But they do not have something stamped on their file saying, “This person is to avoid conflict management.” They would be put where they are needed, surely.

Ms Lavell: It depends on what they were applying for as they came through. If you are applying for a police role you will go through a psychological assessment that will look at all those aspects in terms of your suitability to work in the role of a police officer and what operational policing involves.

The CHAIR: No, no I am just saying that if they are considered unsuitable for a police officer role because they have issues about conflict resolution, they could be placed anywhere within the system where auxiliary officers are needed. Right?

Ms Lavell: No, so then they go into—“Are you applying for auxiliary custody; are you applying for auxiliary forensics; are you applying for auxiliary property?” The auxiliary people are not moved about or transferred within auxiliary positions. They are recruited to a specific type of auxiliary. The telephone intercept unit, for example, we have auxiliary officers in there. The fact that you cannot meet the physical entry requirements is not a problem, because you are most likely sitting at a desk. Each of the auxiliary roles has slightly different selection criteria, so we then have the opportunity to divert people into a role that is more suitable to their skill set, if we have vacancies.

The CHAIR: Right, okay. Just to get back, then, to the people that are unsuccessful transferring from auxiliary to fully sworn police officer, what feedback, if any do they get as to why they are unsuccessful?

Ms Lavell: The people that work for us at the moment as auxiliary, and then are unsuccessful to be a police officer, receive feedback around five criteria. Other applicants, from the general public, do not receive feedback, but the applicants that work for us, we believe we need to provide them with some feedback, because some of them are applying time and time again, so they need to be provided with a little bit more information.

The CHAIR: Are they provided with feedback and the capacity to maybe do some remedial training or whatever to address the issue that is blocking them from transferring over?

Ms Lavell: We would not provide them with remedial training, because we do not have preparatory courses for meeting assessments, but we would work with them, through their OIC manager, to provide performance management in terms of the things that they can improve. That is why they are provided with that feedback.

The CHAIR: All right. I have seen some ads on television recently which I suspect are aimed at having a more diverse workforce. Is that the rationale for the current ads that are on television?

Ms Lavell: That is always a component of what we include in our advertising, to make sure it covers the diverse community.

The CHAIR: So you think just by having an Aboriginal face, or an Asian woman, that that is sufficient message to would-be applicants that their participation or their application would be favourably considered?

Ms Lavell: I do not think that is sufficient. Advertising alone would not be sufficient.

The CHAIR: So what other measures are being taken?

Ms Lavell: Some of the things that we do with the diverse groups, it is more face-to-face that we need to do with Aboriginal community groups and culturally and linguistically diverse groups. It is about our networks with them, so it is not something that you can put an advert out and you will fill your need and desire to attract diverse groups. Some of the things we have done are information sessions with different community groups, visiting local community groups, and getting more of that face-to-face with them.

The CHAIR: Some of the material I was reading yesterday said that many Aboriginals, for example, performed badly in some of the testing. Has there been any look at whether or not the structure of the questions is appropriate or needs to be modified? If so, who examines the current testing regime?

Ms Lavell: The entrance exam is the component that they are most likely to have issues with. The entrance exam itself is a combination of assessments. Some of these are well-known assessments, like the abstract reasoning is a pattern test that most people would have seen. These are things that are not made by WA Police; they are things that are internationally available and tested. Then there are other components of the testing which would look at your comprehension and literacy. That, as well, is an international test, so it is not things that we have created. We do some audiovisual testing. In terms of, can the assessments be changed, no because they are assessments that we use. However, we bear that in mind, and that is why if an Aboriginal person or somebody with a culturally and linguistically diverse background does not pass those assessments, we do not then say that they did not meet a benchmark and are not in our process anymore. We put them through the next stage of assessment, because we want to see them in an interview and test whether there are cultural reasons or language reasons that have prevented them from moving through the assessment.

The CHAIR: How are those tests undertaken?

Ms Lavell: There are interviews with a sergeant and a level 5 public servant, where they then go into in-depth conversation with the applicant around areas that they need to clarify with them.

The CHAIR: What training does that sergeant have, in implicit biases, for example?

Ms Lavell: What we do is we run training with a group called SAFESELECT, and they administer testing to police organisations around Australia. TRAIT interviewing is what they call it. I can get you some more information on that if you require it. They are based in Melbourne and they come to Perth and conduct training with anybody who is doing the interviewing of applicants.

The CHAIR: Do you think the people who are doing the assessing of people applying for positions have a knowledge of substantive equality principles?

Ms Lavell: They do.

The CHAIR: We have received advice from the—I understand WA Police in the early 2000s was part of a pilot project in terms of your recruitment processes. You probably were not with the organisation then.

Ms Lavell: Early 2000s—no.

The CHAIR: We have received advice from the Commissioner for Equal Opportunity that, since 2004, I think, there has been no request for advice on training for any individual in WAPOL on substantive equality.

Ms Lavell: No request for advice, but we work closely with the equal opportunity commissioner. We have a diversity consultative group, and she has come in and spoken with us, and we have a relationship with them in our substantive equality. We have equal opportunity training that has to be renewed every two to three years, so everyone in WA Police is subject to training in that area.

The CHAIR: They might be subject, but they are saying that there has been no request for substantive equality training since 2004.

Mr Kannis: I should add that, as Renae was suggesting, we do have a substantive equality group; we have a diversity group, and at the last meeting of that group, the equal opportunity commissioner of the time actually attended the meeting, so it surprises me to hear you say that we have had no contact with them over that period.

The CHAIR: No—no request for training since 2004.

Mr Kannis: I assume we conduct our own training.

Ms Lavell: We do.

The CHAIR: You assume? Maybe you can give us some advice on that.

I will go back to the recruitment in a minute, but, once recruited, it appears that, once they are actually trained, very few people are dumped off, if you like, or fail once they are in the recruitment stream. Have you got any figures that you can give the committee on how many people are found to be unfit as the training goes along—not necessarily physically but possibly to do with the psychological or other aspects of their personality?

Ms Lavell: I can just say that the Office of the Auditor General did a performance audit in 2012, so we have figures in there, and recently—Mr Ward will be able to explain in more detail—following those recommendations there has been some changes made. We see the recruitment process as the first stages of selection. Probation is the final stage in that recruitment and selection process. So, through probation, the use of the Police Act 505A is something now which has been done probably differently, which is difficult in a competency-based training environment.

Mr Ward: I quite agree. It is a good opportunity in recruit training to have a look at how people respond to certain things. As an example, to pick up on an earlier question from the chair, we spoke to how we might look at people who have got certain attributes while they are going through recruit training that are better suited to being a police auxiliary. As an example, we have recently had an officer who did not meet the grade when it came to some of the conflict aspects of the training, particularly when it came to firearms training, but showed enough ability to be able to be directed more into the auxiliary or even the cadet program. We do constantly look at how the recruits travel in terms of their attributes and their psychological wellbeing. We have also introduced recently some activity with family groups early on in the piece, so we start consulting with the families about some of the issues that recruits are going to face going through the training, and when they are finally employed into the workforce. So we have got a fairly holistic view around the wellbeing of recruits, and we consider that very seriously as they progress. It is not just about your competency, and whether you can pull the trigger and aim at a target; we look at the whole package. So if people have shortcomings in the way they deal with people, deal with conflicts, deal with diversity, for example, then we address that pretty rapidly. It is a pretty rigid regime.

The CHAIR: You mentioned the probationary period. That has actually been shortened, as I understand.

Ms Lavell: No.

The CHAIR: How long is it?

Ms Lavell: Two years.

The CHAIR: Can you give us some percentages of females and those from culturally and linguistically diverse backgrounds, or Aboriginals and Torres Strait Islanders currently in WA Police? Can you give us those figures?

Ms Lavell: Certainly, I have some here. The female percentage rate has increased over the last couple of years to around 22 per cent.

The CHAIR: Before you go on, do all of these figures apply only to sworn officers, or does it include auxiliaries as well?

[10.45 am]

Ms Lavell: That is only sworn, including auxiliaries.

The CHAIR: So it includes auxiliaries?

Ms Lavell: It does.

The CHAIR: So it is 22 per cent?

Ms Lavell: For females. Indigenous is around 1.4 per cent. I do not have the CALD here on me; I will be able to get that for you.

The CHAIR: That is based on self-identification, I gather, the CALD; is that right?

Ms Lavell: This is about people volunteering their own background information, so we cannot—they are not entirely accurate, because people volunteer their cultural background.

The CHAIR: I notice from previous graduations that sometimes if someone speaks a second language, is that included as being of CALD origin?

Ms Lavell: No, it would not; that would just be language.

The CHAIR: The progress is a little slow, don't you think? Given that there is the will to do something about this, in which area are you most disappointed, or what are the reasons for not making better progress?

Ms Lavell: We would have to say the Aboriginal employment is the area where we are most disappointed with our representation, and it is currently something that we are investing a lot in. The current labour market is presenting us with a lot more opportunities than it has done in previous years, so it is not as competitive at the moment in terms of employment that is around. It is obvious to us that in our application rate, which is still small numbers but nearly doubling—well, it is doubling—that Aboriginal people are now more readily accessible in the labour market, so we are trying to seize that opportunity at the moment, and we have got a number of initiatives that we are working on.

The CHAIR: Could you maybe tell the committee what they are?

Ms Lavell: One of them that we are aiming to launch in August this year, or around that time, is a cadet program for Indigenous youth.

The CHAIR: Is it based on the one at the Department of Fire and Emergency Services?

Ms Lavell: We have definitely looked at theirs and at others. We are working with West Coast Institute on a preparatory program where we would employ the youths from day one but then they would go work with West Coast Institute on their, for example, literacy, get them a driver's licence—anything that they would require to get them to the grade where they would be able to pass recruit entrance and perform successfully in training.

The CHAIR: That is one.

Ms Lavell: That is one.

The CHAIR: How many would you have: 12 or something?

Ms Lavell: Around 10 is what we are aiming for.

The CHAIR: Okay.

Ms Lavell: Another one that we have trialled in the last couple of years are the community relations officers in the Kimberley. That is where we quarantine some roles, using section 50(d) of the Equal Opportunity Act, for Aboriginal people. That is something that we need to evaluate and determine whether it can be rolled out further.

Dr A.D. BUTI: I do not know—this is probably a silly question: if you have got a criminal record, can you still become a police officer?

Ms Lavell: You can. It would depend on the severity, the “recency”—a number of things that we would take into consideration to determine your risk. There are obviously some things that will knock you out indefinitely, but there are others where we have some discretion.

Mr C.D. HATTON: Since about 2011 to 2015, Aboriginal employment in WA Police, of sworn officers, has hovered around two per cent and less—but around two per cent, I believe, of sworn officers. It is my understanding, probably of the committee, too, that it is not a total police job to employ more Indigenous people because it is complex, and they as people find it hard to join the force, too, because there are cultural pressures on them when they do that. Can you comment on that?

Ms Lavell: There is a long history there —

Mr C.D. HATTON: There is a long history.

Ms Lavell: — that affects the desire to be a police officer, and that is definitely something that impacts on our application rate.

Mr C.D. HATTON: So it definitely impacts?

Ms Lavell: Yes.

Mr C.D. HATTON: The CALD employment, that has been around five per cent since 2011 to 2015, so given that we are a unique multicultural society and one of the countries of the world—and states—that invest in multiculturalism, do you think you need to have a much greater investment in the CALD employment, of sworn officers? If it has hovered around five per cent for the last five years—maybe the commissioner can comment on this, too—just how urgent is it to get more culturally and linguistically diverse backgrounds into policing?

Dr O’Callaghan: It is quite urgent, because as we get different communities emerging we need to be able to better police them. If you look around Perth, there are actually areas where there are different communities growing and they are of a particular ethnic or cultural background, and we certainly need to get representatives from those communities working with us in some capacity to be able to provide a better response. We had a big meeting with—and I know when you talk about the African community, Africa is a continent and you cannot lump everyone into it—central and east and west African communities, at least, a couple of months ago, and it was one of the issues that I raised with them about trying to get their young people to develop an interest in policing and for us to work with them about how we could get more of them applying for the WA Police, because they have had particular problems in the communities they are living in in Perth and we need to be able to manage them a lot better.

Mr M.P. MURRAY: I may have missed it or got it wrong in saying that if you are fluent in, say, Sudanese, the language, that does not count; it does not give you an extra boost to be able to get into the force. What I am hearing you say, commissioner, is that, yes, we need those people in there but we are not giving any dispensation for a person who has a skill such as a second language?

Ms Lavell: I suppose the first thing to be a police officer that they need to be able to do is speak English with the community of WA, so the fact that they have a second language would be very useful in a role where they can use that language. But if they are applying to be a police officer, they will then be put into a metropolitan district. If Sudanese is the only language or the first language —

Mr M.P. MURRAY: No; as an extra one, I am talking about, that there is no sort of help—“help” is not the word—no extra tick for saying, “Look, I’ve got this second language and I could be handy within this community.”

Ms Lavell: That is definitely something that we would think is excellent; if you came through and you could meet the police officer requirements and you have got a second language, it is something that we note.

Mr M.P. MURRAY: Okay.

The CHAIR: Commissioner, you would know from your years of experience that one of the incentives for people to become a police officer is their having been exposed to positive role models and a kid’s respect of a particular police officer, and they are then encouraged to join. Do you concede that maybe the negative relations between WA Police by a vast range of the Aboriginal community may well act as a deterrent to those kids wanting to apply to become police officers?

Dr O’Callaghan: I think wherever there is a negative relationship, it is going to affect police. I would not like to generalise by saying that there is a negative relationship between Aboriginal youth and police because it really depends on where you are in the state as to what sort of relationship people have got.

The CHAIR: Where do you think it is good?

Dr O’Callaghan: For argument’s sake, if you go to some of our remote communities, there are very positive relationships between police and Aboriginal kids; in many places where we have YCIOs now—youth community officers—the relationship between Aboriginal kids and those officers is good. Sometimes you get a breakdown in those relationships in the operational area of policing, so it depends and it varies. It is not about just Aboriginal kids; there are negative relationships with all sorts of groups and there are positive relationships. I do not think we can generalise on it.

Ms Lavell: Can I add to that, chair? It is the youth group for Aboriginals that mostly apply; so we find that the youth group have the least deterrence from wanting to enter WA Police. It is the older generations who are most unlikely to apply to WA Police.

Mr M.P. MURRAY: Can I also ask: do you think there has been any change in attitudes due to the change of the PCYC model, where now the focus is not on the general public but on kids at risk?

Dr O’Callaghan: Look, I just do not have any data on that. What PCYC have done—what I need to emphasise again is that PCYC is not a Western Australian body; it is an independent body and we provide resources to it. They have their own plans, but we work with them, obviously. We have tried to focus them more often in recent times on youth who are at risk or youth who are in trouble with the justice system. In doing that—maybe this is what you are saying—they are spending less time with what I term colloquially the “good” kids, so they are providing less opportunity to interact with the good kids. That potentially could be a lost opportunity to get some of those good kids into policing. But, again, it is how best to use those types of resources, and the work we really want done at the moment is on kids who are in the justice system or who are in danger of getting into the justice system, to keep them out.

The CHAIR: We will give you a comfort break in five or so minutes, but before that, we talked about language skills and how that was useful in some of our emerging communities. Isn’t there the problem of the tenure policy, though, where you have an officer developing a relationship with

particular groups and then they are moved on, so there is no consideration given to the specific skills that that officer has, and maybe being a bit more flexible on tenure?

Dr O'Callaghan: Are you talking about regional Western Australia?

The CHAIR: Just generally.

Dr O'Callaghan: I think there is a misnomer that the tenure policy is always moving people around. For the most part, officers choose to move around; they choose to apply to change locations, whether that is in regional Western Australia or Perth. There is some times when people are moved at the end of their tenure forcefully, but for the most part—I will stand corrected by these guys—most of the movements are voluntary movements by people wanting to either get on with their careers or do something different, or to return to the metropolitan area.

The CHAIR: Certainly, my experience in the Kimberley is that officers who have had particular relationships with communities were moved on and they were very reluctant to do so, and then, frankly, the next tenure was not something that was particularly suitable to them either.

Mr C.D. HATTON: Can I ask two very quick questions. Do you have targets for increasing cultural employment, diversity? If it has hovered around five per cent for employment of officers in the last five years, do you have any targets?

Ms Lavell: Currently, we do not have targets for culturally and linguistically diverse.

Mr C.D. HATTON: How do you measure your employment and uptake of those employees? Have you got a measure of how you have done it in the past, and what works well and what does not?

Ms Lavell: There are lots of things that we look at in the recruitment process in terms of the application rate and success rate.

Mr C.D. HATTON: I am just wondering how you measure your recruitment practices—or do you?

Ms Lavell: We do. We look at each component of the recruitment process and we look at the rate that people drop out of that assessment. So we determine is it the integrity test upfront—we know that takes out about 10 per cent of people. Then we have the entrance exam; we know that is around 30 per cent. Then we have the physical. So each component, we analyse to see which are the ones that are taking our applicants out of the system, and then we look at is the proportion of any particular group greater within that and then we make adjustments to the process if required. So we have seen changes to the physical assessment over time because of things that were unintended consequences for female applicants. So if a large number of them were not able to do a certain component, we look at is that something that we can change. After we have looked at each individual assessment, we are then looking at the total success rate overall. We are also then looking at, like I said, application rates for various groups and comparing application rates and success rates and success rates against the different groups so we can tell the impact of our recruiting processes.

Mr C.D. HATTON: So you would say it is fairly robust?

Ms Lavell: The recruiting process, yes; it is analysed and pulled apart and criticised continuously. It is something that we are always having to make sure we are evaluating and continuously improving.

The CHAIR: We will come back at 10 past 11.

Proceedings suspended from 10.59 to 11.08 am

The CHAIR: Before we get off recruitment, there was a time when you were recruiting pretty actively in the UK. I gather that is not now happening?

Dr O'Callaghan: No. Well, I think that was a lot to do with the labour market in Western Australia at the time. Particularly when the minerals and resources sector was heavily recruiting, we were

having trouble getting people into, I think, the whole public sector, not just policing. We used that strategy to bring in direct entry officers from the UK. It turns out to be quite an expensive strategy because they do not start at year one wages; they start at whatever level of experience they have so your on-costs are higher than bringing in recruits. At the moment we do not need to do that because I think our applications are up there.

The CHAIR: The CCC, I think, recently had a finding in relation to an inquiry that it undertook that there was a lack of understanding in some of the recruits from the UK about issues relating to Aboriginal culture, and that may have contributed to some of the issues that they were investigating. Has there been any attempt to go back with some of the people recruited through that process to get them additional training in that regard?

Dr O'Callaghan: I am not aware of any, unless you guys are.

Mr Ward: It is usually a case-by-case situation. If a particular finding comes out from an investigation and someone needs some remediation around particular training, that will be part of their management action plan, so we will then put them into those training courses as required.

The CHAIR: It is a given, is it not, that those who are recruited from the UK are likely to have less of an understanding of issues relating to Indigenous Western Australians?

Mr Ward: I suppose it depends on how they individually play that out. Some of them are actually very good in terms of their relationship building and getting them to translate that from an English environment to a local environment is not always a problem; sometimes it is actually quite beneficial. It often manifests in different individuals differently, so to have a blanket situation where we had to draw everyone back in for some mediation training would be cost prohibitive and I do not think it would be that effective in actually targeting those individuals at the greatest need.

Dr O'Callaghan: I think it is fair to say, though, that some of the direct entry officers who went out to the more remote locations did not work that well.

The CHAIR: No. In fact, I sat in the recruit training for a few days and I was desperately hoping that a couple of them did not end up in Roebourne, I remember.

Just to go on to training, it seems to me that a lot of training options are now done by Blackboard. Is that an accurate assessment? I, for example, have had a lot of complaints recently in relation to traffic management in the various fire emergencies, and I note that that training is all done on Blackboard. Is there any consideration to maybe having some more hands-on training in that area?

Dr O'Callaghan: A lot of areas are covered by Blackboard. Maybe I will hand over to you guys again to talk about the extent of it.

Mr Ward: Yes, there are quite a large number of training courses now available on Blackboard—I think something to the tune of 400 or thereabouts. Not all of those are compulsory. The compulsory numbers were supplied, and I think about 30 is the final number. Blackboard training is great in getting a message out very quickly and being able, as an agency, to say that we provide a degree of information to the workforce. In terms of judging the efficacy of that training and how well it sticks, that is another piece of work we have to do. We have to strike this balance between just-in-time training for the workforce using a Blackboard environment as well as more classroom-based learning and in situ learning that allows us to test whether that training is effectively being delivered and it is actually being received. How well does that training stick? That is a piece of work we need to do. We have recently changed our contractual arrangements around Blackboard where it was hosted at Edith Cowan University. We now own it, so we have more autonomy about how we look at that training and how well it works.

As part of the reform process, we now have a training evaluation, design and delivery area. TEDD is the acronym; I am not quite sure what one of the Ds is. Part of the agreement is to look at training and to evaluate it. Before we deliver a training outcome, we actually look at what is needed, how

best we could deliver it, what the target audience should be and how we evaluate that training. At the moment we are in the process of putting people against positions around TEDD. We have recently appointed a level 8 into that role, who has taken that responsibility to build the team. Going forward, we will be in very short order looking at our whole raft of online training options and trying to establish whether it is applied still, whether it is actually training or whether it is just familiarisation, because a lot of information we call training but it is just information packages, and what is really truly learning and development and not just training events. There is a lot across the whole gamut of training that we need to look at from familiarisation of the workforce right through to what sort of higher education levels we need. There is a lot of work to be done. We have recently completed a training needs analysis around a recruit training component, for example, and we are looking at how we best implement some of the findings that have come out of that to establish whether the recruit who walks out the door of the academy is actually a fit-for-purpose product to allow them to do what the basic requirements of that role need.

The CHAIR: So you have finished that review.

Mr Ward: That analysis is done, yes. We are now in the process of —

The CHAIR: What are the conclusions?

[11.15 am]

Mr Ward: There are a number of things in there. Some of the key takeaways are about the context we apply to training. It is not education 101, but to put someone into a training environment without context is somewhat pointless. One of the big takeaways for me out of the report is how well do we do scenario training? We have started looking at problem-based learning solutions. Do we need to do in-field deployments more often? It is something that we have not done as well or as much as we have in the past. Partway through the course we will deploy recruits into a real environment and test them in that environment and give them some context around the things they have learnt, and then go back to the training environment and once they have that contextual experience, then training against it. That is one of the big takeaways around those issues.

The CHAIR: You can see that Blackboard is probably better than nothing, but face to face is optimal.

Mr Ward: Yes, for sure. Blackboard is a good option when you need to get the training done quickly.

The CHAIR: You need to tick the box and say it has been done rather than to ensure that the matters imparted are fully retained.

Mr Ward: A high degree of work goes into looking at whether that training is appropriate and it is getting the right messaging across. Having done that course, you will have a greater degree of knowledge around that subject had you not done that training course. That is probably the important piece. I would concede that if we can afford it, where and when appropriate, face-to-face training and, more importantly, on-the-job contextualised training is the best way to go.

The CHAIR: I notice here, for example, “Operation of road closures during emergency—once”; it needs to be done and it is 30 minutes on Blackboard. Certainly, that is consistent with a lot of complaints I have had about lack of awareness of a situation, flexibility, lack of autonomy for people operating those road controls and emergencies in recent times.

Mr Ward: Sorry; what is the question?

The CHAIR: I am saying 30 minutes on Blackboard clearly has not been sufficient to iron out all the issues relating to traffic management during emergencies.

Mr Ward: That is one component. There is the supervisory role as well. Some personal responsibility has to be taken when you are putting yourself in risky situations to understand the

dynamics. So there is a training component in Blackboard, there is obviously an employer responsibility to make sure that the right set of instructions are given and the support is there from supervisors and, if required, perhaps there needs to be some follow-up and some back-up training. If a supervisor has decided that is not working, it needs to be taken to another level.

The CHAIR: In previous reports, commissioner, we talked about the need for more consistent training about, for example, culturally and linguistically diverse groups and understanding some of the cultural issues there and likewise with Aboriginal communities. Are there any trainers at the academy that are either Indigenous or culturally and linguistically diverse?

Mr Ward: No, I could not say off the top of my head in terms of the ethnicity of the training in the workforce but, as required, we bring in experts. We will have people from culturally and linguistically diverse communities coming to deliver components of training. But in terms of your actual question, I am not sure of the numbers or do not know the number of actual trainers that we have employed.

The CHAIR: Commissioner, do you concede that more work needs to be done with the whole workforce in terms of liaison with the Aboriginal community?

Dr O'Callaghan: Yes, I think there is the capacity to do more.

The CHAIR: I think Assistant Commissioner Ward has already talked about how you assess the adequacy of training. That is a work in progress and you get some feedback as to whether the training generally is adequate.

Mr Ward: A number of things are happening in the national environment where we are moving towards practice standards. We have something like 30 guidelines now that are being translated into standards. Some of those are around the requirements of a general police officer, a supervisor, a manager, and others are much more specific. It might be a bomb disposal expert as an example. We are using those national guidelines to look at how well we deliver our training and ensure that they are based against those competence criteria. Following on from that as part of our current registered training organisation status, we have an obligation to go through some assessments to validate a competency framework. The third piece is to make sure we have enough training to allow for certain potential failure rates to meet our obligations to meet the numbers, so there are kind of three layers in that adequacy of training environment.

The CHAIR: Has the Blackboard training been necessitated by financial constraints? Is that why you are moving more to Blackboard training?

Mr Ward: It can be a cheaper option than face-to-face training and classroom time and dragging police officers off the front line to go into a classroom is obviously not optimal, but every jurisdiction in Australia is moving towards some sort of technological learning management system which would include that sort of online training activity, so it is the way we are moving in policing.

Dr O'Callaghan: I think also it is to do with the proliferation of mandatory training that is imposed on organisations. There are a whole range of things which are compliance based and these compliances are increasing over time, so you get inquiries and reports and as another level of compliance is added, you have to make sure that that compliance-type information goes out. It does not always require a discussion in the classroom in a group situation. Sometimes it is a matter of getting simple information and dot points out to people. As a greater number of compliance-type training is required, Blackboard is one way of managing that. I guess if you got people together in a two-week course, you could not possibly cover all the stuff that is covered in Blackboard, so you would be doing things where the workforce could most benefit by interacting in group situations.

The CHAIR: What is the approximate cost of training a recruit?

Mr Ward: I do not have that.

Mr Kannis: We could probably get that.

Ms Lavell: I do not have that on me but the OAG's report has a 2012 figure. We would need to do an update.

The CHAIR: And also for auxiliary officers as well. Thank you.

When a committee like us recommends that there be training in a particular area, you then wait for a government response as to whether or not the government considers it necessary. What happens?

Dr O'Callaghan: It does not necessarily require a government response. We would look at recommendations. We look at recommendations of lots of organisations and committees all the time. If it makes sense and there is capacity to do it, we will do it. If it makes sense and there is not capacity to do it from a resource perspective, yes, it will require a conversation with the minister or Treasury about how that approach might be funded.

The CHAIR: From time to time there are inquiries or suggestions that, for example, investigations have been flawed because investigative procedures have not been followed or the person conducting the interview had an incomplete understanding of legislation and the requirements. These tend to come out in the context of more serious investigations. I am just wondering, is that an issue which pertains particularly, say, to detectives—that they are not given enough training? Is that partly why you are not recruiting as quickly as you should because you need to also upskill personnel?

Mr Kannis: I think it is fair to say that detectives have to apply into a training school. Perhaps Craig could expand on that better than I can, but they must have gone through that training school before they could be considered for a vacancy, obviously.

Mr Ward: The detective training regime is fairly complex. Coming out of Anticus some years ago, we have an investigative doctrine that determines certain I-levels around policing. It effectively starts as a recruit walks through the door; they are at I-1, if you like, and once you have done your frontline investigative training and you are a frontline officer, you are an I-3. Should you decide to become a detective, we go through a process. We have now introduced a workbook where we have the competencies that are listed within a workbook that allows you to build up a set of experiences. We have kind of gone back to the future a bit around making sure there is more onus put on the OICs and detective officers to identify and nurture individuals they think would be good detectives. Once you are in that probationary period, you become an I-4 detective, and on completion of that you go to your I-5 status, up to I-7, which is your senior investigating officer. It is a pretty well structured regime around investigative requirements. It is considered by other jurisdictions as being almost a benchmark that they are reaching towards, and we invite other agencies to participate in our higher end courses. So we have the building blocks to make sure we have the appropriate level of competency around training for investigative knowledge for detectives, but often the matters that fall over are the big ticket ones where they are heavily scrutinised and they are not necessarily in a very sterile environment where things are cut and dried; it is not an exact science.

Whilst, with the best of intentions, we provide as much training as we can and information around the legislative requirements, in a cut and thrust investigation, things do not get done well. Should those things become systematic, we will constantly build them back into the "I" courses. Some of the best speakers we get on the I-7 courses, for example, are those who have been involved in failures. We have a pretty solid regime around learning from those things that do not go well. So we will bring those people back into the environment and talk to their peers and colleagues around what went wrong. We are often rebuilding on top of that. Should it be a bigger agency problem, then things are put in place around online training, if required, to bring people back up to speed around their requirements around perhaps the CIA or dealing with vulnerable witnesses or whatever the particular thing that has come out of a high profile case may be. It is a constant, continuous improvement process through the I-levels, but the scaffold that we build on is the investigative doctrine, and it is a pretty sound piece of work.

Dr A.D. BUTI: The union has told us that their members often have trouble accessing either mandatory or non-mandatory training. Is that a resource issue?

Mr Ward: I am not sure what specific training. All our training is available to anyone who can log into a computer.

Dr A.D. BUTI: Training at the academy.

Mr Ward: Having a requirement to put through X number of recruits, and we have mandatory training, particularly around critical skills, and we have recently introduced critical skills 3 training or active shooter, in response to recent terrorist events around the world. That is taking up a large amount of training time and resources. I am not specifically sure what training they are missing out on, but we have a pretty tight timetable in terms of training and most of the training courses are well subscribed, so we do not have a situation in which we have empty desks.

Dr A.D. BUTI: Are they overprescribed? In other words, is there not enough? I mean, are there more people wanting to come to the training than you actually have positions for?

Mr Ward: Yes, in some cases, and we have to be pretty targeted about who we deliver that training to, so it will be delivered at particular parts of the organisation as they are coming up for promotion, for example, having just achieved promotion. The requirement to bring them back in and do some management accountability training or some leadership training or whatever it may be is targeted towards those individuals.

Dr A.D. BUTI: What about ongoing training? The problem there, from my understanding, is that for ongoing training, the police have to be relieved from their duties—someone has to take their duties. And also, if I have this correct, if they are coming from the country, the country budget or that station or whatever, they have to pay for accommodation and transport. Is that right?

Mr Ward: Yes, in some cases that is the case. It is a matter that the local area has to manage their resource. If they do not have the capacity to release that individual for training, they may not get that training.

Dr A.D. BUTI: Do you not factor in a country increase allowance for training because of the increased cost of them coming to Perth for additional ongoing training?

Mr Ward: That is part of their budget. The budget is apportioned to the particular districts to account for their training. It is not necessarily sitting within the academy.

Dr A.D. BUTI: Yes, but do they get a larger budget?

Mr Kannis: They get a budget that is appropriate for their circumstances. If they need to include accommodation and travel for training, their budget settings would have taken that into account.

Dr A.D. BUTI: Is it appropriate? The union is telling us that many of their members are not able to access ongoing training. You mentioned firearms. That was one of the areas that they put in their submission. I would have thought that is very important ongoing training, obviously, for police officers. Is there a problem for members to be able to access ongoing training; and, if so—that is what the union is telling us—is that because of a resource problem?

Mr Kannis: There has not been a problem that has come to our level that has been identified that budget is constraining them from doing that.

Dr A.D. BUTI: But is there a problem? Has the union or members complained that they have not been able to access ongoing training?

Mr Kannis: I have not seen that recently.

Dr A.D. BUTI: What do you mean by “recently”?

Mr Kannis: I have not seen correspondence that has come to me that has said that there is a problem.

Dr A.D. BUTI: So are you telling the committee that you have not received correspondence in the last year saying that there is a problem?

Mr Kannis: I cannot go back that far. I would have to check for you. I will take that on notice.

Dr A.D. BUTI: Would you do that, please?

Mr Kannis: Yes, certainly.

The CHAIR: Is that an issue that you are familiar with, commissioner?

Dr O'Callaghan: No, not directly. I guess that with training in any organisation, demand will always exceed supply. There are lots of people who want to access training courses. You cannot have an open-ended budget for training and say it is done on a priority basis. So, yes, people will apply and be told they cannot have it at the moment because there is a priority for these other things. I will give you an example. Recently—you sort of half alluded to this already, Madam Chair—the outcome of Operation Aviemore, which was the Warneke investigation, listed a whole range of potential deficiencies in training, not the least of which was the interviewing of vulnerable witnesses, particularly Aboriginal people. So the response to that quite rightly will be to increase the amount of training you give to people to interview vulnerable witnesses. But the people who are going to get that first and not the people who put their hand up and say, “I would like it”—they are the people who are the most likely to be sent into remote communities to do serious homicide investigations, sex crime investigations, so they will be the first cabs off the rank, and there will be lots of other people who will say, “I want to do this”, but they cannot, or they cannot yet. There is always more demand than supply in training.

[11.30 am]

Dr A.D. BUTI: There is a difference between mandatory and non-mandatory obviously, so there is certain training that is mandatory. I will assume therefore, the certain group has to do that, but it is mandatory. In those cases, are there people that you have deemed that that is mandatory for, that are missing out?

Dr O'Callaghan: With the critical skills training, they have to have it otherwise they cannot operate, so they have to get through.

The CHAIR: There are certain things that you need to requalify for—for example, driving skills. Do officers have to re-sit that or a particular test, or do they have to attend the training course as well?

Mr Ward: Only the highest level. If it is top level priority pursuit trials, they will have to requalify, otherwise it is an online component.

The CHAIR: We have got two other areas that we need to deal with, we might deal with medical issues first, I think, quickly. We have got some information that suggests that from an earlier inquiry we looked at the desirability of most supervisors having psychological first aid training so that they can identify PTSD in their officers. That does not seem to have been widely rolled out; I do not know if anyone wants to comment on that.

Dr O'Callaghan: I think we can refer to the mental health first-aid course that we have done a lot of work around in recent times, maybe Mr Ward can talk to that.

Mr Ward: Yes. We have put something like, from memory, 10 per cent of the agency has now done the mental health first aid course at the academy.

The CHAIR: Sorry, that was 10 per cent?

Mr Ward: I think that was about the number I have seen in the papers that were provided. That is a two-day course, face-to-face, 16 hours at the academy. And the feedback from that has been fantastic; it has actually been very well received. That is designed around those issues around both workforce and the public and how we deal with mental health issues in the public. It has been

delivered in the academy. We have got some specific trainers who have been trained in that discipline and it is getting on pretty well.

Dr O'Callaghan: I think it is also important to note that that course actually has officers who come along who have PTSD or who have left the police force with PTSD to talk directly about their experiences to the supervisors. It is the supervisors that we are focusing on at the moment.

Dr A.D. BUTI: Police commissioner, I would just like your view on this issue about the workers' compensation coverage. As we know, police officers are not covered or under the workers' compensation act, and I will ask the union this, I do not think the union are supportive of it, I am not sure. From a management point of view, would you prefer police officers to be under the workers' compensation scheme if they traded off the sick leave entitlement? What would you prefer?

Dr O'Callaghan: I do not think they need to trade off their sick leave entitlements. I think there needs to be a compensation scheme that provides clarity for police officers who can no longer continue with work. We have seen some very public debates about officers who are physically disabled and generally what happens in a process like that is that there is an ex gratia payment at the end of the day, probably because there is a lot of media around it. The gap for us is what happens to officers who leave with PTSD. Mostly, they are not represented well in the public domain and there is not a lot of profile. I think we can get a compensation scheme together which deals with those sorts of issues without the union or the workforce having to trade off anything significant in terms of their existing sick leave entitlements. They both can be preserved.

Dr A.D. BUTI: Would you also like them to have coverage under the workers' compensation act?

Dr O'Callaghan: I think my focus is to make sure they have got clarity for long term illnesses and for medical retirement. Whether we need to have the full ambit of that or not is another thing, given that already the police force is covering quite a bit of that stuff for them while they are employed.

The CHAIR: You have reminded me, commissioner, you talked about ex gratia payments. Am I correct in assuming that the payout for Ryan Marron has not been finalised yet? What is the current status of that?

Mr Kannis: Current status of that is that it is not WA Police's responsibility. That is handled by the Attorney General.

The CHAIR: Are you aware of what the current status of that is?

Mr Kannis: Not at this point in time.

The CHAIR: Are you aware of what possible sticking points there might be?

Mr Kannis: No.

The CHAIR: No. And you will just wait until such time as the Attorney General sees fit to make a decision?

Dr O'Callaghan: That is true, but I have given a public undertaking that until the Attorney makes a decision that he will remain an employee of the Western Australia Police on full wages.

The CHAIR: In terms of PTSD, is it currently the case that some are dismissed under, effectively, the loss of confidence provision?

Dr O'Callaghan: Yes. Section 8 is the provision of the Police Act, which provides for removal of officers. It does not necessarily refer to loss of confidence specifically. Not all loss of confidence is about—it is the process of removal of a police officer, whether it is for performance transgressions or illness, it all comes under section 8.

The CHAIR: I mean, it is not a good look, is it? Someone who has acquired PTSD in the course of their duties serving the public effectively gets drummed out in that way, irrespective of what it is termed.

Dr O'Callaghan: That is right. Section 8 gives the power for the Commissioner of Police to remove police officers from the Western Australia Police. I think, over the years, section 8 has started to become associated with removing police officers who have committed offences or committed transgressions. I think it is the perception of what section 8 means that is the problem. In fact, we have had recent discussions about modifying that so sick leave removal comes under a different section.

The CHAIR: This committee in an earlier inquiry called "The Toll of Trauma"—there are a couple of recommendations so that you could track exposure to highly traumatic critical incidents and there were two recommendations. One was the development of a computer system for tracking the number of traumatic events staff attend, because there is an issue about—I think it is generally accepted that if there is an accumulation of exposure it is problematical; also, using information on exit interviews to improve trauma management procedures. Firstly, do you conduct exit interviews of people who leave in those circumstances?

Dr O'Callaghan: Yes we do.

The CHAIR: You do?

Mr Kannis: Yes, and perhaps Renae or Craig can expand on it, but I believe we actually look at the data that comes from that and deal with it as is appropriate.

Ms Lavell: We do. Exit interviews are voluntary though. It is up to the individual if they want to participate. Then we do collate that information and look at it.

The CHAIR: In terms of computer system tracking exposure to traumatic or critical incidents, is there any work being done in that area?

Ms Lavell: That is being looked at as part of a case management system overall for our health and safety area and being something that is further investigated under our workforce optimisation project at the moment.

Mr M.P. MURRAY: Have you seen any increase in—I think the words are—criminal compensation claims, under the existing health system or compensations system you have within the police, such as a dog bite and then the officer then goes off on sick leave, comes back to work then claims criminal compensation over and above his wages. Do you notice any increase on that at all?

Mr Kannis: They do not claim those criminal injuries through WA Police. That goes to the Department of the Attorney General. We will provide assistance in terms of medical care and sick leave; however, criminal insurance claim goes to another party.

Mr M.P. MURRAY: They do not have to report that they are claiming outside? To me, it is a bit of, in some cases, a minor injury. In inverted commas, and I do not mean that in any disrespect, but it could be seen as double dipping?

Mr Kannis: They are not required to, but generally they will come to us for information on the injuries, and what we have paid in terms of medical benefits. I am not sure about issues of double dipping. I am not sure if it is one that has become prominent for us.

Ms Lavell: All I know is we provide information on what entitlements we have provided. The officer making the application has that information. Because we are not involved in the assessment, I could not tell you how it is used.

Dr O'Callaghan: It is just a civil process, so we just provide the information and so I am assuming that the civil court would take into account any support that has been provided to the officer by the agency or by government, which is getting to what you are talking about. That needs to be taken into account and then you pay out.

The CHAIR: Commissioner, or perhaps someone can assist: how many cases formally acknowledge PTSD cases where people have been forced to retire? Do you know how many there have been in recent years?

Ms Lavell: We do not have a PTSD category. We have one that we class into physical or psychological, because generally the PTSD does not exist on its own. It is comorbidity with a number of other related things.

The CHAIR: You are joking, aren't you?

Ms Lavell: It is very hard to narrow down to the one thing. Somebody may be medically retired that has elements of that but also, other things.

The CHAIR: If the PTSD increases for example substance abuse, they will be categorised as an alcoholic or a drug addict, is that right?

Ms Lavell: No, we would not look at those sorts of categorisations. They are more things like they might have had a back injury, so they have got a physical component as well, or they have got elements of depression. There is a range of things that the person will be presenting with at medical retirement.

The CHAIR: But, you are not contending are you, that clinicians cannot actually make a specific diagnosis?

Ms Lavell: A specialist can make a specific diagnosis to PTSD, yes.

The CHAIR: What is the issue with having a specific record of that?

Dr O'Callaghan: I think that the issue is that the advice that is received from the board is often not clear. The letters that are written to us often list a whole range of different things. It is not just, "This person is suffering from PTSD and can no longer continue as a police officer." It has got all sorts of stuff through it.

The CHAIR: But, don't you need that information to be adequately able to manage your personnel, generally?

Dr O'Callaghan: I think the question that was asked was, Renae clarified, they are classified as a psychological issue, in terms of their retirement, or a physical issue. The thing is that what comes back from the medical board is often a letter which has got lots of elements of different things in it.

Ms Lavell: Sorry, if I can interrupt, Chair. We also, on the individual, have all the information about them, so if, in terms of what treatment we are providing, we know the things that we are dealing with, but when it comes to how do we provide data and stats on it, it would be very complex to go into all of the individual things that people have at medical retirement at that high-level reporting. From that basis it is psychological or physical. Underneath that, we can pull a file and we can tell you—we could not, but we know exactly what these people are.

The CHAIR: What about people that are not retired but are currently serving officers and you are managing a diagnosis of PTSD. Have you got any indication of numbers in the existing serving officers who have got PTSD?

Ms Lavell: We would know who they are and who we are treating, but we would not have numbers to provide.

Dr A.D. BUTI: Why?

The CHAIR: If you have not got names, surely you can count up the number of files and they can tell you the number of people who are currently serving with a diagnosis, surely?

Ms Lavell: We could do that, but we do not have a reporting system that would put out a report for us saying, "This is the number." We would have to manually go through files to work it out.

The CHAIR: Commissioner, do you think that that is an inadequacy? Do you not think that is important to—I mean, it goes with fatigue management and all the other things which you have a duty of care to manage your personnel in a certain way.

[11.45 am]

Dr O’Callaghan: I think what Renae is saying is that we know which officers are being treated and we know that we are managing those officers. What we do not have is an automatic reporting system that can just tell you there are 15 officers who are suffering from PTSD at the moment. But we can certainly find the information out. Individual managers know and health and welfare know and the division knows.

The CHAIR: You would not know, for example, if there was a spike or alternatively a drop in the number of reported cases so you could say you were doing something correctly now.

Dr O’Callaghan: That could be worked out manually.

The CHAIR: But it would only be if there was some event and you had to go and look it up—that is, us asking you—as opposed to part of your general management practice to ask how you were going in that regard: are fewer people being exposed, or are we in a situation where we are redeploying people who have previously been involved in a critical incident and we have aggravated their condition? All of those things, I would have thought, have systemic implications, not only personal implications.

Dr O’Callaghan: The advice that I have got is that we do not have an IT system that can turn that information out; it is a manual system.

Dr A.D. BUTI: Surely, though, when you are going through a file and you are working out the various health issues or disabilities et cetera, the person involved could tick a box on a computer that says PTSD? Surely, from a systemic point of view, as the chair said, you need to know if there is a spike or a decrease, or how you are going to change the whole system because there might be an increase in this disorder. I just find it really strange that you would not actually record this issue.

Ms Lavell: They do some level of recording into Excel spreadsheets but that is not an automated reporting system in itself. The people who are dealing with these files do have a level of reporting but in terms of prevalence, we know from close working with the unit, or health and safety division, what their workload is like. So if there are a large number of files coming through, it is something that I would be discussing with them. If there were spikes, or after certain events things were prevalent, it would be something that they would report up. Whilst we might not have a sophisticated reporting tool, our daily and weekly interactions mean that we know what is going on.

Dr A.D. BUTI: Everything is manual to an extent. You cannot just get a file and it automatically goes onto the computer, so people are actually putting data into the computer. I just cannot understand why you would not have something for this, which seems to be an issue especially for many retiring officers that have had to retire due to PTSD. I am wondering if this is a deliberate policy decision not to record it so people cannot say there is an increase in this disorder in the police force. I just find it really, really strange.

Mr Kannis: That is not the case. We are not deliberately not reporting it. The point is around we do —

Dr A.D. BUTI: You are deliberately not reporting it.

Mr Kannis: We are not doing it for any other reason other than —

Dr A.D. BUTI: Okay, that is a different thing. You are deliberately not reporting it but you do not agree with my possible purpose.

Mr Kannis: If you are suggesting we are misleading, no we are not.

Dr A.D. BUTI: No, but you are deliberately not reporting it.

Mr Kannis: Yes, we are not —

The CHAIR: It is a sin of omission rather than anything else.

Mr Kannis: The people do understand that they have files to deal with. Can we produce statistics out of the system for you tomorrow? No, we cannot. But I am sure that, given the case files that our officers are dealing with, yes, they can. They can go and have a look and identify how many people are suffering from psychological issues. It is another issue if we start having a tick box called PTSD. We do not do that. We have psychological or physical; that is what we will have.

Ms L. METTAM: What sort of feedback does the health and safety office provide to you regarding the issues that we are dealing with?

Ms Lavell: I have a regular fortnightly meeting with them and they go through all of the issues that have been raised over the last couple of weeks so that I am kept abreast of things that they are dealing with. It is a general update that you would do with a direct report in terms of what work is on hand and are there any issues or any things that I need to take up to the board for their knowledge.

Ms L. METTAM: Is that an avenue where you get a sense of the number of people that have psychological illnesses?

Ms Lavell: It is something that we discuss regularly. What we more discuss is what are we doing in that space and what are we going to be doing into the future with all of our other emergency services organisations, and what are we doing at a national level. It is something that exists in a very broad scheme of work being done in PTSD. It is a topic of conversation that does not just come up every now and then; it is constantly on the agenda and there is a lot of work that we are doing at the moment with beyondblue and others in the space of emergency services and first-line responders in the space of PTSD.

The CHAIR: Commissioner, or assistant commissioner, we have had evidence that more supervisors are being trained in mental health awareness. Has that resulted in sooner identification of PTSD, for example, or a greater frequency than it had been initially thought?

Dr O'Callaghan: I think it is too early to tell. The program has not been running long enough to get any decent data out of it, I do not think.

The CHAIR: The police union put out a very comprehensive document, Project Recompense. They had a number of recommendations. I just want to go through them to see where you are at with implementing them.

Dr O'Callaghan: Or if we accepted them.

The CHAIR: Yes. Agency acknowledgement of trauma experienced in the line of duty?

Mr Kannis: Can I just go to my notes on that? I will be able to give you an answer because we have responded to the union so I will tell you what response we have provided. We have acknowledged to the union that there are members who have suffered trauma as a result of attending critical incidents. There was a statement made that the agency has failed to provide appropriate support so we have particularly said that we do not agree with the general statement that the agency has failed to provide appropriate support.

The CHAIR: Introduction of appropriate interventions and training? I think you have given evidence about that.

Mr Kannis: Sorry, could you repeat that, please?

The CHAIR: Appropriate interventions are administered?

Mr Kannis: There are a number of recommendations that deal with that issue; recommendations 2, 3, and 11 dealt with that issue, I think, in terms of interventions. The health and safety division is currently undertaking a review of our mental health strategy and there are many components synchronised with a number of the recommendations that have been put forward.

The CHAIR: When is that review concluding?

Mr Kannis: I will need to get back to you on the completion of that review.

The CHAIR: Lateral employment opportunities?

Mr Kannis: Sorry, can I just say that we offered the union to contact Fiona Donaldson, our assistant director in that area. So she is available at any time to discuss that with the union. We have offered that to the union in correspondence dated 16 October.

The CHAIR: Isn't it your responsibility to implement some of these things? I know they are their recommendations and not government's recommendations, but what more do you want the union to do?

Mr Kannis: We have offered the capacity for the union and the capacity for Fiona who is planning to liaise with the union on these issues. So, yes, it is in our court to speak to the union about that and consult with them on any developments. At this point in time, I cannot give you when that will happen, but we can provide that information to you.

The CHAIR: Wouldn't the time to be discussing with the union when you have some concrete proposals to proceed with?

Mr Kannis: Not necessarily. We sometimes get involved with the union in developing proposals.

The CHAIR: All right. Lateral employment opportunities?

Mr Kannis: Lateral employment opportunities are difficult for us to deal with immediately. Our police officers, as you know, are employed under the Police Act, as are our police auxiliary officers. We would like the opportunity to be able to consider lateral movement into the public sector award, however, the public sector award does not allow that at the moment. But we will continue to explore opportunities for that to happen in the future. One of the problems that we deal with at the moment is that a group of our employees are employed under a different act and there is no room for lateral movement. At the moment, all they can do is apply for jobs.

The CHAIR: I have had some dealings with veteran's organisations that are providing counselling to police officers because there is no effective organisation. That was one of the recommendations: support organisation for affected members.

Mr Kannis: To say that there is no support, I would say that would be —

The CHAIR: Is it an organisation?

Mr Kannis: Could I ask for Renae or Craig to actually identify what support is provided.

Ms Lavell: We have our own psychology team and we have an employee assistance program. We pay for any—people might not want to come to the WA Police psychologist team, so if they seek their own consults, we reimburse the cost of those as well. So they are free to go externally, to our psych team or to the employee assistance program.

The CHAIR: Is there a limit to how many visits with the EAP?

Ms Lavell: With the EAP, there would be but, depending on the issue, for a police officer, that does not matter because they can still access work and non-work related medical expenses and there is really no cap so they can continue to go as much as they need to.

The CHAIR: That is for a police officer, but a police officer that has retired who has ongoing issues has to reimburse themselves. They do not get reimbursement.

Ms Lavell: If it is work-related, they would, under the former officers' post-separation benefits legislation. If it is a work-related thing, they would. Obviously, if it is not work-related, they would not be reimbursed.

The CHAIR: They have given evidence to us that it is not adequate. They are sometimes on medication for years and it is not adequate.

Ms Lavell: The former officers' scheme is capped at workers' compensation—it is mirroring the workers' compensation legislation so it is the same as what anybody else in WA would receive covered by workers' compensation.

Mr M.P. MURRAY: Having sought that help, is there any stigma or mark put around the place about advancement within the force or anything like that because you have sought that out? What I am looking at is when people become reluctant to go, because there might be something on their file. Is there anything like that?

Ms Lavell: It is definitely not something that is communicated in transfer or promotion, so it is an entirely private matter if that is something you have done.

Mr M.P. MURRAY: Okay, thank you.

Mr Kannis: Can I just clarify an answer I gave earlier when you asked about the Ryan Marron situation?

The CHAIR: Sure.

Mr Kannis: I just need to clarify that I am not directly involved. I have heard nothing directly about the situation of that case. It is not for me to—I am not responsible for that issue. So my answer was given in the context of: have I heard anything directly in an official sense on that? No, I have not.

The CHAIR: Have you heard anything indirectly?

Mr Kannis: Not that I can—no; no more than you would have heard!

The CHAIR: Do you think that is satisfactory? What sort of signal does that give to the troops? There they are doing their darnedest, whether it be a psychological or a physical injury, and it takes years to get an ex gratia payment. It is not satisfactory.

Dr O'Callaghan: I think the process is completely unsatisfactory in that some people are not being considered for ex gratia payments and that is the problem with the system as it exists. The whole system of ex gratia payments for officers leaving the police force because they cannot continue to work is just unsatisfactory; it is cumbersome, it is slow and only some people get it, so it is not fair.

The CHAIR: The decision is being made, effected, by someone who does not understand the exigencies of operational service and the impact that it has on family and life generally, and how it can impact a person's future.

Dr O'Callaghan: I would have hoped that some of that material would have been conveyed to the decision-makers.

The CHAIR: How do you think you could do better in terms of PTSD in the future?

Ms Lavell: There is a whole lot of work that is being done into the future. One, we have our workforce optimisation project and we are looking at adequacy of a workers' compensation scheme. Then, in terms of management internally, we are working with other emergency services and other policing jurisdictions and it is a national priority at the moment to look at resilience and wellbeing. Some of the other things we have been doing and will continue with are, for example, a former police officer from the United States who specialises in PTSD and information for officers was over here just last week. Those sorts of things will continue, but we really are investing not only in recruit training and discussing upfront with recruits and their families the impacts of policing, but

then the whole management structure and resilience framework that we have in place throughout the life of their employment. It is a space where there will be a tremendous amount of work done in the next few years, not just WA Police, but all the other emergency responders in our state and nationally.

[12 noon]

The CHAIR: I have got to say that I think that the Department of Fire and Emergency Services have progressed these issues a bit further than WAPOL has. Do you think it is still prevalent the idea of, “Toughen up, princess”—that there is that stigma, and cultural change needs to occur within WA Police?

Ms Lavell: I do not think there is a cultural—I think it is an individually held stigma, so I do not think it is a collective thing where there is a stigma associated with you. I think it is an individual’s need to identify and feel comfortable to voice that they have an issue. From what I have seen, it is not, like I said, a collective issue; it is one held individually.

Dr O’Callaghan: It is certainly not an issue that you see amongst gen Yers and gen Xers coming into the police force. They do not see things the way that the baby boomers—I guess they would be the cohort that would most likely have that sort of approach, but as they retire from the police force and move on, I think there is an entirely different feeling, a different understanding, about all sorts of mental health issues amongst that cohort, and they make up about 60 per cent of the police force anyway.

The CHAIR: Is it an issue that you care about or have spoken about broadly to your officers? Do you convey the message about fatigue management or looking after themselves often enough?

Dr O’Callaghan: There is a lot of work done around that. Like anything, there is always scope to do more. I have had a lot to do with the medically retired police officers association; I meet with them regularly. They have a whole range of things that they want us to consider as well, both for the future and retrospectively, so we are working through some of those things.

The CHAIR: We had better just get into misconduct because I notice we are short on time. First of all, commissioner, under the Police Act there are the so-called section 23 proceedings. What is their current status? When are they used?

Dr O’Callaghan: We have not used them for quite a while. Coincidentally, we have just commenced to use them again, so I think there are three cases that I know of where section 23 will be applied in the very near future.

The CHAIR: Maybe if you could explain why. The other alternative is, I gather, the managerial intervention model, and then section 23 is under the Police Act and that is a more formal proceeding?

Dr O’Callaghan: I suppose the managerial intervention model is a process whereby there is a series of different levels of warnings or interventions to people who have transgressed. From my perspective, the section 23 process is quite a cumbersome process, because traditionally it has been conducted like a court case, so you have had a sitting assistant commissioner or a deputy commissioner listening to evidence and you have lawyers in the room, and it is a very complex way of getting an outcome to what actually could be a very simple breach of police regulations. So, I have tended to avoid it, because of the cumbersome nature of it, and use the managerial intervention model to modify people’s behaviour, which is consistent, I guess, with what is going on across policing in Australia generally. The difficulty with that is that there are some things that have such a high level of public interest that they are not easily dealt with by managerial intervention because the public generally do not understand what managerial intervention means and they do not see it as an outcome often that is sufficient. So, if you do not use section 23 you are faced with two alternatives: either use the managerial intervention model or dismiss someone under

the section for loss of confidence. For me, section 23 is sort of a midway point between the two and it is a question of getting the balance right, so we have started to go back to it.

The CHAIR: I can see from section 23 that the sort of punishments handed out can be anything from a fine, reprimand, a motion, reduction of salaries, suspension from duty or discharge and dismissal from the force, so it is the full gamut of sanctions. It is not clear from this whether—evidence is taken on oath, but it is not really prescriptive, this section. Can an officer refuse to answer on the grounds of incriminating him or her, for example?

Dr O'Callaghan: Firstly, those proceedings would only be implemented after any other inquiry has been completed, so if there was a criminal allegation against a police officer and that could be proven or was not proven and there was no point going any further with it and there was a breach of the regulations, you would only be dealing with the breach of a regulation in that circumstance. But officers generally cannot refuse to answer questions if they are put to them by a senior officer on the grounds that it may incriminate them.

Dr A.D. BUTI: That is contractual? Are they contractually bound to answer? Is it part of their contract?

Dr O'Callaghan: Yes, it is in the regulations.

The CHAIR: Sorry, I have not looked at the regulations. You mentioned that it was overly technical or adversarial; there is nothing in here that says that an officer can have a lawyer.

Dr O'Callaghan: No.

The CHAIR: Are you contemplating proceeding with these hearings in the absence of lawyers?

Dr O'Callaghan: There is no direction for it, but it is a practice that has emerged over a period of many years, and so the way to get this done is to make the whole process more streamlined and more practical. I do not know that we have contemplated doing away with legal advice or lawyers in the room, but I think you have to find a way of making the process more streamlined.

The CHAIR: It appears that there does not seem to be any requirement, and this again might be in the regulations, that natural justice has to be observed—so procedural fairness. I mean it would be implicit, but there is nothing formal that is said in here.

Mr Anticich: Madam Chair, if I might, it is subject to policy and guidelines that are currently in existence; however, I can tell you that there is a board-sanctioned review of the disciplinary process that will engage stakeholders such as the union and so forth, and, as the commissioner has addressed, the intent is to simplify. It fell into, I guess, disrepair or disrepute because of what occurred—the ancillary processes that seem to be driven by all good intent, but ultimately made the whole process unworkable. The other thing to mention is that during that period, that interregnum when nothing advanced, the Police Appeal Board—because, of course, it is an appellable decision as well, so there is the added protection. That has now been reinstated; we have got a Governor-appointed chair and we have got the police union and a commissioner's representative who are now part of the appeals board.

The CHAIR: I understand there were some reforms to internal affairs that were sent to the minister in 2011. What has happened with them?

Dr O'Callaghan: Can you be a bit more specific?

Mr Anticich: In 2011?

The CHAIR: Yes. I will get some more information on that. That is from my notes that I made yesterday, and I cannot quite remember where —

Dr A.D. BUTI: While we are doing that, can I just ask about the natural justice issue? I imagine that under section 23—of course, it is a statutory provision—you would be loath to get rid of natural justice. I mean, I understand that you do not need to have a lawyer in the room to have natural

justice; is that the case? I assume under the managerial intervention model that you probably have greater discretion not to comply with natural justice.

Mr Anticich: This issue was raised previously at a board meeting with the union I attended. It was never the intent. There seems to be this belief that somehow by diminishing the role of lawyers in the process that we are diminishing the principles of natural justice. That is not the case and it has been misinterpreted or misunderstood, and I hope during the process of this review and the engagement with the union it will be better explained. I think people are making assumptions ahead of where ultimately we might end on this.

Dr A.D. BUTI: But that is not really my question. Under section 23 you are going to probably comply with natural justice because it is a statutory provision; under the MIM, maybe there is more leeway not to comply with natural justice. Now, my question is: is that the situation that you would work under?

Mr Anticich: No. For the MIM to engage, for it to work, there must be an acceptance or contrition on the part of the subject officer that they have done something wrong or incorrect. If that does not occur, the MIM cannot go any further. We are at the point where there is an acknowledgement that they have done something that requires a modified—otherwise, it does not work.

Dr A.D. BUTI: But still you would have a hearing to determine the severity of the penalty, so surely natural justice still should apply, shouldn't it?

Mr Anticich: An MIM does not require a hearing; an MIM is usually the consequence of some sort of review.

Dr A.D. BUTI: Okay, but under the MIM does the police officer not have a chance either orally or verbally to put their side of the case?

Mr Anticich: Absolutely. The MIM will often originate as a consequence of a complaint, of which there is usually an investigation during which the subject officer is interviewed, so obviously he gets his chance to respond. Many of the outcomes are around notices, so maybe an assistant commissioner's warning notice or a managerial notice at a lower form. They are given the ability to examine the content of that and ultimately they have to agree to its content for the system to work.

Dr A.D. BUTI: And the decision-maker under the MIM, do they have to not have any involvement in the case—you know, the actual complaint, the case that led to the complaint? Do they have to be a neutral officer in the sense they have not been affected by the alleged actions of the officer?

Mr Anticich: Yes, as a general principle that is correct.

Dr A.D. BUTI: Because otherwise there could be an issue of perceived bias?

Mr Anticich: Correct.

The CHAIR: You have said that there are some unsatisfactory elements in proceedings of section 23 as it currently exists, but there are some on foot the moment, so my question is: given that you think there is a need to reform, why are you using it at present?

Mr Anticich: It is available to us. It is the most appropriate way, on the decision of the commissioner, to proceed on the matters that have been identified. As the commissioner has pointed out, we had without the use of the 23 process the two extremes, and this is seen as an alternative to loss of confidence.

The CHAIR: What sort of things would, in general terms, be amenable to that process?

Mr Anticich: To the 23?

The CHAIR: Yes.

Mr Anticich: By way of example, one would hope that the managerial intervention would have worked. We may have a subject officer who may be the subject of a second matter and it might be

the same as the previous matter. It may have been an assistant commissioner's warning notice, it seems apparent that it has not worked and it might be a case that a disciplinary outcome, some sort of fine or sanction, will have a greater effect on the individual's performance or behaviour.

The CHAIR: I think MIMs are not subject to review; is that correct?

Mr Anticich: No, you are correct.

The CHAIR: If there are factual errors in the MIM, which found the basis of a decision, there is no recourse for the officer concerned?

Mr Anticich: Again, going back to the process, unless they have agreed and signed up to whatever the notice or outcome is—that situation could not arise after the event. They have got to have been engaged along the entire process to arrive at that point.

The CHAIR: So, if you had a situation where someone had suggested to an officer that they use the MIM process and they were presented with a set of facts, and the officer says they are not correct, that will then escalate to a 23 because there is no agreement?

Mr Anticich: No, in instances where that has occurred my understanding is that there have been discussions or debate around it and ultimately they have come to a position where there is an agreed set of facts. Ultimately, if it is the case they did not, you are right; it could lead to an alternative outcome.

The CHAIR: So, investigation of complaints, I gather some will be done with your people; others will be done at a district level.

Mr Anticich: That is correct.

The CHAIR: Is it the case that more are being referred to district level than previously?

Mr Anticich: I do not know previously. I understand that it is about 50–50, so it tends to be internal investigations; when you look at top-end investigations, we deal with them, and then about 50 per cent go out to the districts.

[12.15 pm]

The CHAIR: The ones that go out to districts, you are effectively having colleagues investigating colleagues, and it also takes them offline from other operational matters. Is that an issue?

Mr Anticich: It is an issue, but it is a principle that is adhered to nationally. It is felt that the best way to deal with misconduct is for it to be a local matter brought to the attention of those local supervisors working in the local area.

The CHAIR: I have got the answer to that question. The submission of WAPOL to the Joint Standing Committee on the Corruption and Crime Commission in 2012 said that —

In late 2010, with a significant question mark over the value and benefit of pursuing disciplinary offences, the Commissioner of Police requested a holistic review of the hybrid managerial/disciplinary intervention model. The review was completed in late 2011 and the outcome incorporated a legislative reform agenda that would effectively remove all disciplinary provisions moving to the purist Fisher model.

...

The recommendations of the review were approved in early December 2011.

That is where that emanates from.

Dr O'Callaghan: I am trying to remember what the discussion was, but I think there was no real support eventually to move to the Fisher model, which is the AFP model, where there is no capacity to charge a police officer with an internal breach of regulations; everything has to be done by management intervention. I think at the time there was a thought that we could go that way, but

there was not much support, either across the top of the police or within government, to do it. I think it turned out in the end to be the right decision anyway—not to do it.

The CHAIR: Investigative processes: do your officers and those at a district level that are investigating complaints have to observe the same investigative practices as they would do for any criminal offence or are they at a lower level?

Mr Anticich: They do. This seems to be again an issue that has previously been raised on a number of occasions by the union. I think where it gets confusing or misconstrued is the ability under the disciplinary model for us to interview coercively; that is, people need to answer questions. I think it turns on some of things arising out of Anticus and the five KIs and how you go about interviewing a suspect person or witness. Quite simply, some of that requirement, when we are talking about disciplinary matters—not criminal—there is no requirement for us to do it. We go directly to the point and we seek an answer. I believe the union has some dissatisfaction, I guess, on some fronts in relation to that approach.

Dr A.D. BUTI: In a section 23 hearing, what standard of proof are you utilising?

Dr O'Callaghan: Balance of probabilities.

Dr A.D. BUTI: Just one other thing: is the onus on the officer to disprove or the onus still remains on you to prove?

Mr Anticich: That is a very good question and I think it will be subject to the review.

Dr A.D. BUTI: What is it at the moment do you think?

Dr O'Callaghan: I think it is a bit unclear, really.

Mr Anticich: I think so. I would suggest that it is —

Dr O'Callaghan: We have to remember that section—I mean, the Police Act dates from 1898 or something like that, so —

The CHAIR: Yes, when is that going to be amended? When is that going to Parliament?

Dr O'Callaghan: It has only been on the legislative agenda for 22 years so it is early days yet!

Dr A.D. BUTI: So, we do not know!

The CHAIR: The day after I retire, I suspect. There has been a lot of publicity between the CCC's investigation of police and yourselves investigating yourselves and what have you, and I am somewhat confused and I take an interest in this. I am somewhat confused, but it seems to me the CCC is given, if you like, a selection of matters and they cherry-pick the ones they want to investigate and then throw the rest back to you. Is that a kind of layperson's description of what happens?

Mr Anticich: I think that might have been how it used to be, and I think there was a period of time where that was exactly what it was. I would say that would be no longer the case.

The CHAIR: So, now, the CCC has indicated a determination or a resolve to investigate more matters.

Mr Anticich: No, not that I am aware of.

The CHAIR: So what is the case now? What do you say is happening now?

Mr Anticich: I think that we predominantly investigate matters. I have not seen intervention from the CCC more recently, certainly since I have been there, indicating I think they are most probably investigating less matters, but I could misconstrue that. I think that they play a significant role in that oversight in making sure that what we are doing is appropriate and within the guidelines of policy. We report to them daily and they have real-time access to our internal investigation case management system. Their oversight is quite intrusive and real time.

The CHAIR: Commissioner, you have been quite vocal in relation to the CCC's role. Have you noticed any change, improvement, deterioration? What is your current view?

Dr O'Callaghan: I think there has been a significant improvement with the appointment of the current commissioner. One of the issues that I had concerns with under previous commissioners was the excessive use of section 42 notices, where we would be conducting a normal internal inquiry and they would come in and they would stop the process from taking place. Basically, freeze everything and then take the inquiry away and take two years to resolve it, when we had officers still working and we did not know how to deal with them or what to do with it. I took up this issue with John McKechnie when he became commissioner, and I do not know that we have seen too many 42 notices since that time. I think that certainly his influence has been positive on the Corruption and Crime Commission and I think there are more clearly defined lines now.

The CHAIR: Is there going to be any attempt, do you think, to finalise these matters in a more timely fashion?

Dr O'Callaghan: Yes.

The CHAIR: Because that is certainly one of the criticisms that I think is well founded.

Dr O'Callaghan: Yes.

Mr Anticich: Madam Chair, it is one of the priorities in terms of the work we are currently undertaking—run times in some of the cases that have gone on—and we are getting to the tail end of many of them. We have a couple that have gone in excess of two years and it is just totally unacceptable. That is part of the reason we need to review the disciplinary process and make it more refined, less bureaucratic and perhaps less legalistic in order to resolve these matters much more quickly than they currently are.

The CHAIR: From time to time, obviously there are misconduct investigations which raise some great matters of concern and I wonder what formal processes you have in place to ensure the organisation learns effectively from cases that have gone wrong.

Dr O'Callaghan: Are you talking about the Corruption and Crime Commission investigations?

The CHAIR: Anything.

Dr O'Callaghan: All of the material —

The CHAIR: It might be coronial inquest; it might be CCC.

Dr O'Callaghan: It all comes to the corporate executive team, particularly if you talk about professional standards material. We have an audit and risk committee where trends particularly are reported to us, so we can take notice of particular trends. For argument's sake, increased misuse of the computer system has been an issue on our agenda for the past couple of years. We are advised of those trends and we can respond through policy or some other way. The same applies to Corruption and Crime Commission reports or coronial inquiries; they come back to us at corporate executive team level and we consider those and make changes. For argument's sake, with the Warneke matter, Aviemore, there were a lot of changes made out of recommendations that the Corruption and Crime Commission put forward. We do not always agree with all of them, but there were some significant changes made as a result of that.

The CHAIR: Such as?

Dr O'Callaghan: A lot of it to training. So, for argument's sake, increased training in particular areas, the creation of a vulnerable person's interview unit. That is a significant change to some of our operating procedures. The creation of a number of experts who, for argument's sake, when a detective is doing an inquiry in a remote community would have one of those experts go with them because I think the possibility of training all detectives to a high level of interviewing

vulnerable people, particularly, say, Aboriginal people in remote communities, is too difficult, so we are better off actually creating a specialist unit, a little bit like a specialist child sex abuse investigation unit.

The CHAIR: In fact, that issue came up several years ago. Why has it taken this long to do something about it?

Dr O'Callaghan: I do not know what the issue was several years ago.

The CHAIR: Well, a number of child sex abuse cases in the Kimberley—I cannot remember the name of the operation—fell foul of this very issue.

Dr O'Callaghan: So, there was an attempt then to increase the amount of training that every detective had in the interviewing of vulnerable witnesses. But I think what we found is it is probably better to create a unit of people who are experts in interviewing vulnerable witnesses who would accompany the detectives into those communities.

The CHAIR: I just would have thought every person of a certain rank who is involved in a serious matter should have those skills in any event, not fly people around with those skills. That is just silly, frankly.

Dr O'Callaghan: The difficulty is keeping currency. One of the things that came out of the Warneke inquiry is that detectives who do a homicide might only interview an Aboriginal from a community once every five years, so by the time they go the second time, even if you have trained them, they have lost some of those skills, so you actually need to keep a group of people who are constantly doing that. It is not just about Aboriginal people; it is generally about vulnerable witnesses and vulnerable suspects, and detectives are not always interviewing those types of people on a day-to-day basis.

The CHAIR: I have a couple of questions, but I need to look up something, so I do not know if there is anything there.

Mr C.D. HATTON: I can ask about having the provision and foresight to have things in place when there are emerging ethical issues coming. For example, when you know there is something trending or something coming up, do you have preventative measures, very strong? I mean, you discussed some just then, but is there real inertia to have prevention rather than cure?

Mr Antich: It is a subject that is most probably dear to my heart and, again, another emerging challenge for us. You are right. What are we seeing? How is it that we should respond? We have already got some processes in place. Through our case management system we are able to put in—we call them alerts—effectively, certain characteristics or certain types of behaviours that we think are indicative of the individual engaging or potentially heading towards engaging in misconduct, such things like use of force or engaging in pursuits. In those particular cases, it is more about individuals, but it can also be about work areas and, effectively, as a consequence of us becoming aware of that centrally, we are able to get in contact with a particular work area and ask them to address the issues with a particular individual or it might be a particular work area. So, it is a little bit more localised. I suspect you are talking about across the entire organisation

Mr C.D. HATTON: Yes; as a policy, for example.

Mr Antich: By way of example, we are starting to do a lot more analytics with it. The case management system we have got is very rich in data. We collect an awful lot of information. The commissioner has mentioned unauthorised computer use. Looking at the data over the last five years, for whatever reason there is a predilection within our people to look up information that they are simply not entitled to do, not necessarily for any criminal intent, but for a variation of reasons. What is it and how is it we will try and address that? We think it is going to be through communication. We have recently done an article for our internal newsletter. We also think we have got things like an audit of all our recruits. They come into the organisation; we look at what they

look at on their computer and then, before they finish their probation period, we do another audit to make sure that they are on track. Where we identify that they have done the wrong thing, we, of course, deal with it.

The CHAIR: Given the prevalence of that do you think the current sanctions that are being applied are acting as a deterrent?

Mr Anticich: Madam Chair, if anything—we are also, by the way, conducting a review of our response to this as a problem, so that is another indication of how significant it is. We sanction heavily. I think we are one of the very few public sector agencies who charge criminally. I think the realities are—and these are heavy sanctions, often with criminal convictions and fines in the thousands of dollars. It would appear, perhaps on a rudimentary assessment, the severity of penalty is not necessarily working as a very good deterrent and perhaps we need to look at alternatives in terms of how we might treat this. It continues to come back on an almost weekly basis and it is a case of trying to work out why and what we can do about it.

The CHAIR: I just want to ask about sanctions that are imposed. I know this is an ongoing matter before the coroner, but we have heard public evidence already in relation to the inquiry into Ms Dhu's death in Port Hedland. The evidence has been given that there were sanctions issued to various police officers. So, 11 officers at South Hedland lockup were found to have failed to comply with police regulations; one who falsely claimed to make a physical check during her shift. Three managerial notices were issued, and seven officers received letters of correction. I just wonder who determines what level of sanction is imposed. Is that you, commissioner, or how does that work?

[12.30 pm]

Dr O'Callaghan: Not for that level, no.

Mr Anticich: Generally speaking, it is my positional role within the process to firstly examine all the outcomes. Often there are some decisions taken at the local level in terms of many of our matters. We quality assure to make sure there is some consistency across the board so that we do not have disparate outcomes on similar types of events. Where it starts to advance—so where it goes from the managerial intervention model through to perhaps a consideration for a loss of confidence—there is a well-documented process. Often if internal affairs or an external unit considers it appropriate they put a recommendation up to my position, I consider that and I then make a decision as to whether it should advance further. If that is the case, I independently appoint a review officer—inspector rank—and they independently review the case. They compile what is known as a summary of investigation. It comes back before me, and then if further considered that goes to the commissioner, who ultimately makes a decision on whether to lose confidence or not in the particular subject officer.

The CHAIR: I think generally the public was, given the evidence that is out in the public domain, surprised—given there were, I think, 10 or 11 officers involved—that the worst sanction, I think, was a managerial notice or a managerial warning. I am just wondering what is left; what conduct would warrant a section 8, given that those ones did not?

Mr Anticich: Loss of confidence and the dismissal from the police service is really the ultimate sanction, and the MIM is not designed to punish, but to, I guess, rehabilitate, if I can use the term, or modify the behaviours of the officers—officers' errors of judgement or mistakes that need to be corrected. It is a sanction that we do not use lightly—certainly the commissioner does not use it lightly—and it should only be as a last resort.

The CHAIR: In the case of those officers, is there going to be any follow-up? What happens in terms of their ongoing management? Given that they are all ongoing, serving officers in the police service, would there be any follow-up to see whether or not their conduct or attitude has changed or

were they transferred to another station? What actually happens with those officers, or can we expect something to happen in three years' time again?

Mr Anticich: Look, I am not across the specifics of that case and the sanctions as they exist and those officers, but I would almost be certain that they would have been subject to managerial action plans, their supervisors would have been made aware of the context, and there certainly would have been some directions in terms of monitoring their performance over that time. We can only do that for so long. The other thing is that should they regress or there is another event, obviously what has occurred is on their record and obviously that would be taken into account if there was another similar event.

Mr C.D. HATTON: This might have been touched on before. Misconduct: with, say, post-traumatic stress disorder within the force, there has been, to my recollection, some evidence that some officers have felt bullied by procedures in misconduct and where it goes to. Do you have any comment on that? I am not saying it is systemic, I just wanted to see whether there is any feedback.

Mr Anticich: Bullied in the terms of the misconduct process?

Mr C.D. HATTON: I am not saying it is the misconduct process. It might be a perception that it was vindictive procedures placed against them rather than the right procedures.

Mr Anticich: Look, again, my area of professional standards has oversight of all matters, and we, I would hope, would be detached predominantly from most of these things that are out there. I would hope that we would be exercising some quality control, and if there were such issues we should have identified them I would hope.

Mr C.D. HATTON: I guess what I am asking is whether the integrity of the system is in place. I gather that it sounds like it is.

Mr Anticich: That is pretty much our role. What we do is critical for the police service because in many ways we protect the reputation of the organisation. But not only, I guess, in terms of what our people do on the ground on the front line, but the belief, I hope, of the community that we are able to police ourselves and hold those who do the wrong thing to account.

The CHAIR: I have one final question. Some jurisdictions have a civilian police review board. Do you think we are at the stage, with the size of the police force now and the sort of fragmented way in which investigations occur, for there to be some merit in having a civilian review board such as in Northern Ireland? That is the one that comes to mind.

Mr Anticich: Is this sort of like the Police Appeals Board, or is it that they deal with the matters first off?

The CHAIR: No, I think it is an oversight so that people with complaints can go to that board rather than through an internal process that people do not have confidence in.

Mr Anticich: Here in Western Australia there is the CCC, and of course many matters are actually referred to them for inquiry, so there is that independence. I think other agencies are able to take those matters. I do not think it is a requirement; I certainly think there are other avenues if people do not have that faith in our ability to deal with it.

The CHAIR: That is it, you will be pleased to know.

Thanks for your 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. There is some additional material I think that will be provided. 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 your corrected transcript of evidence. Thanks very much.

Hearing concluded at 12.36 pm
