

# Inquiry into the methods employed by WA Police to evaluate performance – management of personnel

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**Prepared by the WA Police Union  
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## **Inquiry scope**

The WA Police Union (WAPU) welcomes the opportunity to make a submission to this very important inquiry and appreciates the Committee granting an extension on the due date so that we were able to canvass our Membership. However, it is the opinion of WAPU that each term of reference (TOR) is worthy of its own inquiry, given the topics to be explored by this inquiry are expansive and incredibly comprehensive.

In responding, it is important for the Committee to note that WAPU does not have any jurisdiction over the methods employed by WA Police to evaluate performance, including those measures that determine the management of personnel. Whilst WAPU has a position, informed entirely by feedback from Members, on the management of recruitment, training, police misconduct and employment-acquired medical issues, WAPU does not have jurisdiction over the aforementioned issues, nor is privy to the processes or outcomes arising from these matters.

Within this submission, WAPU has relied on feedback from a survey of its Membership to shape and guide the response. The submission is divided into four sections: each section addresses the four TOR and the results from the Member survey. A discussion section outlines WAPU's concerns about the noted issues and makes a number of general recommendations.

## **Respondent demographics**

WAPU canvassed its Members about a range of questions relating to the TOR in a survey that ran from 14 October 2015 to 9 November 2015. The survey returned 787 responses.

Generally, the respondent demographics can be broken down as follows:

- 82 per cent were male and 18 per cent were female, 96 per cent were full-time employees and 91 per cent were operational;
- Approximately 74 per cent of respondents were from the Metropolitan Region;
  - The majority of Metropolitan officers were from Central Metropolitan District (approximately 52 per cent);
  - Most of the respondents worked in Crime, Local Policing Teams or Response Teams;
- Approximately 26 per cent of respondents were from regional WA;
  - The majority of regional WA officers were from the Great Southern District (approximately 18 per cent);

- Approximately 70 per cent of regional respondents worked in General Duties;
- The majority of respondents were Senior Constables (approximately 40 per cent), followed by Sergeants (approximately 28 per cent) and First Class Constables (approximately 15 per cent); and
- Most respondents had been employed by WA Police for between five and 10 years (approximately 21 per cent), 25 and 30 years and 10 and 15 years (approximately 15 per cent respectively).

## **How recruitment practices are managed, in particular in relation to developing ethnic and cultural diversity within the force**

Recruitment is an Agency issue over which WAPU has absolutely no jurisdiction and an area into which WAPU forays little. As such, WAPU cannot comment on how recruitment practices are managed at WA Police, beyond the following observations.

### **Recruitment practices for transitioning PAOs and re-engagees**

The recruitment process is fraught with opacity, elusiveness and censorship for ex-police officers wishing to re-engage (colloquially referred to as re-engagees) and police auxiliary officers (PAOs) who wish to transition to become a sworn police officer.

WAPU's understanding of the situation for PAOs is as follows:

- Members who are already employed as PAOs and who wish to become police officers apply in the standard manner of any applicant;
- Those PAOs who are unsuccessful in their applications (or, as per the Agency, if they fail to meet the minimum standard) are not permitted to re-sit the evaluation for six months<sup>1</sup>;
- Unsuccessful PAO applicants are not provided with any feedback whatsoever. If there is a single criteria, or a number of criteria, the PAO has failed to meet, no feedback is provided to guide and improve the applicant<sup>2</sup>.

This is incredibly frustrating for our PAO Members. They are already employed by WA Police and receive training, feedback and discipline where it is required in their normal course of duty. As employees of WA Police, they have already satisfied the requirements to work for the Agency, and these requirements do not differ greatly (on face value) to what is required to become a police officer (see Appendix 1). Yet if a PAO wishes to apply to become a police officer and is unsuccessful, they receive no feedback as to what needs improving AND have to wait six months before they can reapply.

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<sup>1</sup> As per WA Police COPS Manual Human Resources Policy, HR-15.03 Police Officer Applications: "If an applicant fails to meet the minimum standard they are not permitted to re-sit the evaluation for 6 months".

<sup>2</sup> As per WA Police COPS Manual Human Resources Policy, HR-15.01 Police Recruiting: "Applicants are not permitted access to their selection file or documentation relating to the evaluation and selection process. Feedback on the process outcomes will not be provided".

WAPU's understanding of the situation for re-engagees is as follows:

- Police officers resign from the Agency for a number of reasons. Some of the non-disciplinary reasons include the need for a career break, full-time study, family responsibilities and other personal circumstances;
- Ex-police officers who have previously been employed by WA Police and who wish to re-engage apply in the standard manner of any applicant;
- Those re-engagees who are unsuccessful in their applications (or, as per the Agency, if they fail to meet the minimum standard) are not permitted to re-sit the evaluation for six months<sup>3</sup>;
- Unsuccessful re-engagees are not provided with any feedback whatsoever. If there is a single criteria, or a number of criteria, the re-engagee has failed to meet, no feedback is provided to guide and improve the applicant<sup>4</sup>.

This too is incredibly frustrating for re-engagees. Ex-police officers who resigned from the Agency on non-disciplinary grounds, having already been employed by WA Police as police officers, have previously satisfied the requirements to work for the Agency. Many who leave under the aforementioned premises do so with a belief that re-engaging will not be too difficult. Yet if a re-engagee wishes to apply to re-engage as a police officer and is unsuccessful, there is a sense that a career path previously available to them now no longer exists. These re-engagees receive no feedback as to what needs improving AND have to wait six months before they can reapply.

This means there is little opportunity for officers to develop personally or professionally away from WA Police, as not only does no formal policy exist to address this occurrence but a lack of feedback and transparency about the re-engagement process hinders a transition back into the police force.

### **“New Recruits in the Western Australia Police” Auditor General’s report**

In June 2012, the Office of the Auditor General released a report as part of its auditing provisions entitled “New Recruits in the Western Australia Police”. The report assessed “whether the recruitment and training of new recruits in [WA Police] is efficient and effective” by focussing on three questions: are WA Police’s recruitment and selection processes effective; are new recruits adequately trained and supported; and is WA Police using its resources to deliver police officers into the force efficiently and effectively<sup>5</sup>.

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<sup>3</sup> As per HR-15.03.

<sup>4</sup> As per HR-15.01.

<sup>5</sup> “New Recruits in the Western Australia Police” Summary, Office of the Auditor General, June 2012.

The report made a number of findings, including WA Police's use of the '22 dimensions of a police officer' to select suitable recruits, its lack of ethnic and gender diversity in recruitment targets and the required skills of a police officer to progress from the Academy to workplace probation.

WAPU is aware that by 2014, a Training Needs Analysis Project was underway at the Academy, yet has received no updates as to the progress of this project. WAPU isn't even aware if Government or WA Police produced a formal response to the Auditor General's report.

WAPU would be interested to know if any changes have been implemented following the release of the "New Recruits in Western Australia Police" report, and believes the findings of that report should shape the direction of this term of reference.

## How training is managed, both for recruits and on an ongoing basis

The WA Police training and education program is based on “[providing] officers with the best training [and ensuring] that training keeps pace with the contemporary environment”<sup>6</sup>. WA Police espouses that it provides “a quality training and education program”.

Recruits are in training at the Academy for six months before they are released to a station and remain probationary constables for 18 months. Throughout an officer’s career, they are expected to maintain a critical skills set to operate within a dynamic policing environment. These skills run the gamut from emergency driving to firearms, first aid and use of computer systems. It is necessary for these required skills to be refreshed and upgraded on a regular basis. Professional and personal development through “comprehensive training courses [and] further education” is encouraged by WA Police<sup>7</sup>.

### Recruit training

Respondents were divided in their perceptions of the adequacy of training and support for recruits. Only 49.14 per cent of respondents felt that WA Police adequately trained and supported new recruits. Whilst many Members expressed they were unsure about the recruit training at the Academy (because of a lack of recent experience at the Academy or with new recruits in the workplace), there were mixed feelings about the training recruits received at the Academy. Overall, the following was generally noted:

- Given the nature of policing and variety of roles and situations officers face, it would be impossible to learn every inherent requirement of a police officer in the Academy;

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<sup>6</sup> As per WA Police COPS Manual Human Resources Policy, HR-13.01 Police Training and Education Program: “The WA Police Training and Education Program has been developed to replace the WA Police Development Program. This change is in response to the need to provide officers with the best training; ensure that training keeps pace with the contemporary policing environment; the partial removal of rank lockstep and the removal of educational prerequisites for promotion to the rank of sergeant and above. It is in line with the frontline 2020 service philosophy”.

<sup>7</sup> As is espoused by the “Step Forward” website: “Enjoy access to our comprehensive training courses, further education and professional development:

- A range of training programs and qualifications;
- Up to five hours of paid study leave per week;
- Commissioner's scholarship and other paid study programs;
- Access to and payment of membership fees to relevant professional associations;
- Opportunities to relieve in senior positions with increased remuneration;
- Attendance at industry-related seminars and conferences;
- Access to prestigious fellowships;
- Interstate senior level development programs; and
- Leadership development”.

WA Police, “Step Forward”, Government of Western Australia, 2015.

< <http://www.stepforward.wa.gov.au/benefits/> >.



- There is a total lack of mentoring once a recruit has left the Academy;
- Many recruits are ill-prepared and ill-equipped to face real-life situations;
- Many recruits do not have sufficient knowledge of the necessary and applicable legislation they frequently use;
- Recruits are virtually left to their own devices upon leaving the Academy;
- Limited training is provided in important areas of learning; and
- Some Members feel there are recruits in the workplace who should not have graduated from the Academy.

For those Members who expressed praise for the recruit training, the following was noted:

- “The quality of recruits that arrive at the stations I have managed seem to be of a high standard”;
- “I found the Academy training environment professional and supportive”;
- “The training is to a very good standard. However, I believe recruits would benefit from time out at stations shadowing officers on patrol”;
- “Probationers are sufficiently equipped with the knowledge required of their rank”;
- “WAPOL does a good job training, it’s a diverse job and impossible to cover every situation”;
- “Speaking only from my own personal experience going through the Academy as a recruit, WA Police provided excellent quality of training for its recruits, though courses did seem slightly rushed over those six months”;
- “I believe our training can always be improved but I believe the resources, planning and support provided within the recruit training programs is both contemporary and of a very high standard”; and
- “Recruit training is comprehensive but cannot be reasonably expected to teach everything that a new police officer will need to know... The failure more often occurs in the level of on-the-job training and supervision... How much Academy training is enough?”.

However, much of the feedback expressed concern about the many deficiencies in Agency training.

The following comments reflected respondent sentiment:

- “I believe when they get out of the Academy – unless you have a good supervisor and good senior staff... - recruits are very much left to their own devices, very much sink or swim”;
- “Can only speak as a transitional officer, however, there was a lot of tedious inputs on frivolous matters and not enough training on things like legal or operational procedures”;
- “We expect too much too soon from [recruits]”;

- “New recruits often land in spots where existing officers know all acronyms, processes and procedures by heart. It seems to me that it’s assumed new recruits know these things when they hit their new station”;
- “The Academy has moved too far away from what I consider ‘hard training’. Too soft in their approach and not fully training or preparing staff for what is [actually] a hard job”;
- “The standard of training the recruits receive is unrealistic when they are being prepared for... real world scenarios”;
- “Recruits are overwhelmed with knowledge... with little to no practical application of the legislation to their everyday duties”;
- “Once a probationer finishes at the Academy here, they are just left to go out there alone. They often get put with a more senior officer who has his/her work load/targets to meet. They may not have the time or will to assist the probationer. Probationers often get snowed under with excessive amounts of paperwork”;
- “I feel that the current level of recruits coming out don’t have the required skills to adapt to dynamic situations”; and
- “There is limited training across traffic and subsidiary legislation. Inexperienced staff are transferred to country locations where significant responsibility is placed upon them and their decisions”.

WAPU was alarmed that Members felt there were recruits who were not ‘up to scratch’, in the sense there was apprehension about how some officers managed to graduate from the Academy. One Member said:

“First and foremost I feel our psychological assessments are of poor quality. We are letting in far too many officers who obviously fall well below the mark. I have actually had staff at the Psych Unit state to me they had concerns but thought they would just ‘see how he goes’.”

This sentiment was reiterated by a number of respondents, who expressed their concern that officers were coming through the Academy without the inherent skill set to be a police officer.

Another worrying theme arising from Member feedback was the perception that Academy training was inadequate and deficient. One Member said:

“I was a trainer at the Academy. I believe recruits are given adequate training but some courses that are important are cut back in favour of other courses that are too long. Drugs and mental health [courses] are too short and there should be more scenario work.”

Others expressed their concern that recruits were inexperienced in a number of areas that are vital for operational policing. A general lack of knowledge by recruits about legislation, computer usage, breath testing operations and traffic was noted. This situation was perhaps most aptly summarised by one respondent who said:

“Do we adequately train our recruits? The answer is yes. We are very good at training – competency-based training ensures that recruits can at least achieve the minimum standard required to be deemed competent (what is ‘competent’ is another matter). The problem however is with the Academy syllabus as narrow and constricted with a focus on job related skills, as there is very little scope for education. As a result, we have probationers who... have little understanding of why things are done, do not know how to think and have little ability to think outside the box”.

Whilst most respondents noted that it was “understood and appreciated” that the Academy has so much to teach new recruits in a short space of time, Members concerns were twofold. Not only was there apprehension that the current course curriculum did not adequately encompass the basic requirements of modern policing, but the lack of supervision and mentoring once a recruit had left the Academy (due to time pressures and the intensified workload of senior managing staff) meant skill gaps were widened.

Members also felt there were inconsistencies in the post-Academy on-the-job training and support provided to recruits:

- “There is no consistent ongoing training once [recruits] leave the Academy”;
- “The training and support once leaving the Academy is really left up to your colleagues, sergeant and station. Probation development unit is a joke!”; and
- “I believe there is too much [for a recruit] to learn..., however, proper mentoring and field training should follow on from recruit training. Field training and mentoring is definitely lacking”.

Concerns about the subsequent impacts of these inconsistencies ranged from how this inadequate training and support will affect liaisons with members of the public, the management of paperwork and the development of skills necessary for the job.

#### “New Recruits in the Western Australia Police” – Auditor General’s Report

The “New Recruits in the Western Australia Police” report, mentioned in our response to TOR 1, made several key findings relating to the training of recruits:

- “For most recruits Academy training is adequate, but some recruits move on to probation from the Academy requiring further development of the skills, knowledge and attitudes required for probationary constables”;
- “The experience recruits gain on probation varies because the number and location of placements are not consistent and levels of supervision vary. Some recruits miss out on spending time in key areas they may later work in. There are often not enough experienced supervisors for all recruits so some probationers are supervised by recently appointed constables. The lack of training and guidelines for supervisors reduces the assurance about the quality and consistency of supervision and training for probationers”; and
- “Communication between the Academy and police stations about probationers is limited. Better feedback and information sharing about the performance of recruits in the Academy and during probation may increase the chance that probationary constables received more effectively targeted on-the-job training, supervision and support”<sup>8</sup>.

From Member feedback, little appears to have changed since the report was released in 2012. Not only are some recruits progressed from the Academy to the workplace with deficiencies in skills and requirements, but there are inconsistencies in the training and support offered to probationers. A lack of appropriate station-centric support and supervision may be a result of inadequate training to those required to mentor, but more often than not this results from the time pressures and burgeoning workloads of those in managerial/supervisory positions.

The four recommendations made by the “New Recruits in the Western Australia Police” report regarding the “effectiveness and efficiency of probationary training” in WA Police are supported by WAPU:

- WA Police to review its probationary placements to ensure all probationary constables are receiving appropriate exposure to all required areas of training;
- WA Police to consider introducing training and guidance materials for supervisors of probationary constables so that they are better supported and equipped to perform this role and supervision is consistently applied;
- WA Police to review how it applies its ‘early-off-probation’ policy to ensure the policy intention is adhered to; and

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<sup>8</sup> “New Recruits in the Western Australia Police” Report 8, Office of the Auditor General, June 2012, pp. 8-9.

- WA Police to implement formal information sharing between the Academy and police stations about the performance and behaviours of recruits to better tailor probationary training<sup>9</sup>.

### **Training on an ongoing basis**

Respondents were asked to reflect upon their general experiences with in-service training offered at the Academy in the last five years. The feedback paints a picture of a training system that is deficient in capacity, timeliness and resource availability due to a lack of available spaces within a course and courses not being offered in a timely manner. This appeared more so for courses that were external to the Academy/Maylands Complex or optional professional development.

#### **Mandatory in-service training for sworn officers**

Mandatory in-service training is necessary to remain a qualified, operational police officer. Examples of mandatory in-service training include Critical Skills 1, 2 and 3 (encompassing firearms, Taser, use of force, first aid, deployment readiness testing and equal opportunity), which require either an annual or biannual re-qualification. Approximately 33 per cent of respondents had experienced an occasion where WA Police had not been able to meet their request to complete mandatory in-service training. The main reasons proffered by WA Police as to why it was unable to provide officers with mandatory training were:

- The course was full (54.91 per cent of respondents);
- The course was unavailable (33.04 per cent of respondents); and
- Course funding was an issue (21.88 per cent of respondents).

For 48.66 per cent of respondents, a lack of staff at the officer's work location prevented attendance. Some of the comments provided by Members indicate the difficulties of being located in regional WA and accessing necessary training, a lack of time and resources to adequately complete courses and attitudes about what constitutes necessary training:

- "Only limited space for regional officers";
- "Low staffing levels making it difficult to release me to undertake the course without creating extra pressure for other staff";
- "Advised regional WA was not afforded the opportunity to attend training";
- "I was told that although I was operational, I worked in an admin role and I would not utilise the skills from the course sufficiently";
- "Due to finances, no replacement could be found to do my job whilst I was away on a course";

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<sup>9</sup> Ibid, p. 10.

- “Courses are held during business hours Monday to Friday, limiting availability for officers working shifts, in particular now as so many staff work similar rosters... [Booking into a course] cannot be managed with the shortages of staff”;
- “The exams WAPOL require constables to finish prior to becoming first class constables are almost impossible to finish at my work location. They require lengthy amounts of study and the actual process of getting 100% correct in 30 ambiguous questions takes hours. I have no time to complete this training unless I do it in my own time”; and
- “There was simply insufficient staff [at the Academy] to provide enough training opportunities in a timely manner”.

More than half of respondents (58.69 per cent) felt WA Police did not provide adequate in-service training for police officers (whereas 17.53 per cent believe WA Police provided adequate training and 23.79 per cent were unsure). The feedback from Members was varied, but generally time restrictions (both in attending courses and for completing courses on Blackboard during work), the inadequacy of Blackboard, being disadvantaged by being located in regional WA, a lack of opportunities and little priority and emphasis on training and career advancement were cited as main complaints. Some reasons as to why respondents feel that training at WA Police is inadequate is noted below:

- “The majority of in-service training is focused on metropolitan officers and regional WA officers frequently have difficulty attending these courses due to financial impacts and local resourcing issues”;
- “In-service training is not about developing people but about providing information to as many people as possible, as cheaply as possible”;
- “I understand it costs money to continually train officers however, the current critical skills training has become shorter and shorter. There are no new drills or techniques learnt and I view the training as a tick in the box rather than gaining a benefit from it”;
- “Not enough courses are available or offered to current serving Members. Unless part of a specialist area, there is almost no chance to participate in further training. This is due to not enough funding, not enough training staff and lack of staff on shift to spare an officer to attend training”;
- “Not enough is done to cater for part-time workers”;
- “An officer has to be quite motivated and supported by their OIC and District Office to be part of in-service training. Of course, there are mandatory courses that must be attended, however there is a perception amongst some supervisors that training is... a bit of time away from the real work, a luxury that is not able to be accommodated. I have heard such terms as ‘course

junkie' be used on more than one occasion. Perhaps more planning/advice around course availability with a benefit analysis being undertaken”;

- “Training such as firearms [and] first aid have been shortened and shortened that they [are] now inadequate for officer safety”;
- “The Blackboard system is difficult to use, time consuming and cannot be run in a busy station where phones and counter are constantly busy”;
- “I believe that our whole approach to ongoing training and development needs to be reviewed and made more contemporary. We need to have a range of learning options available, perhaps through partnerships with other education providers/universities and we need to increase the availability of these to all personnel”; and
- “In my view, ongoing training is not managed at all in certain areas for the following reasons... Academic training opportunities are ad hoc, not linked to job descriptions, not made available equitably and [are] not linked to promotion... Operational training is inadequate – important legislative changes were never delivered adequately such as the CIA, Disclosure (or Criminal Procedures Act) and Identifying People. Critical skills training is inadequate – I have not received driver training since the Academy 26 years ago... There is no formal link between training and specialist positions. There is no formal acknowledgement of on-the-job training (i.e. operational experience) in relation to promotion, transfer or related training opportunities”.

Interestingly, there were a number of respondents who expressed their concern about the infrequency of firearms training which includes Glock requalification (currently, this occurs once a year at Maylands). Australia’s heightened terror alert for police officers was cited as the reason why firearms training should occur not just with more frequency, but for a longer duration than is currently devoted to the requalification.

#### In-service training for police auxiliary officers

Of the survey’s auxiliary officer respondents, approximately 71 per cent felt that WA Police did not provide adequate in-service training for PAOs. Respondents lamented the fact that more hands-on training at the Perth Watch House during their time at the Academy would have benefited their job understanding, that they leave the Academy with a minimal understanding of many WA Police processes and procedures and that they are not trained for working elsewhere other than the Perth Watch House.

Their sworn officer peers had a number of concerns about PAO training, namely that PAOs have a limited knowledge of WA Police processes and procedures, that they could be provided with more skills for other areas of WA Police business and that there are opportunities to be better mentored in the workplace.

#### Optional (internal or external) training

Unlike mandatory in-service training, optional training (run by both WA Police and external agencies) is not necessary to remain a qualified, operational police officer. However, optional training is important to career and professional development and is not only viewed as desirable by WA Police but is encouraged. Examples of optional training include Mental Health First Aid and Microsoft training (in Excel, Word, Access et cetera). In this instance, approximately 64 per cent of respondents had experienced an occasion where WA Police had not been able to meet their request to complete optional training. The main reasons proffered by WA Police as to why it was unable to provide officers with their desired training were:

- The course was full (48.35 per cent of respondents);
- The course was unavailable (30.19 per cent of respondents);
- WA Police did not think the course was relevant to the officer's position (32.55 per cent of respondents); and
- Course funding was an issue (37.97 per cent of respondents).

Again, for more than 50 per cent of respondents, a lack of staff at the officer's work location prevented attendance. Some of the comments provided by Members indicate the difficulties of being located in regional WA and accessing desired training, a lack of time and resources to complete courses, competition amongst officers to access courses, Districts' financial constraints and attitudes about what constitutes 'beneficial' training:

- "Limited positions available and positions allocated on a corporate need versus an individual want";
- "Inability to provide relief staff to perform the functions required at the office";
- "There are a number of optional courses conducted at the Academy at no cost if you are from the Metro area. If you are from regional WA, your respective district is responsible for all travel and accommodation expenses. Each district has a training budget which does not necessarily account for optional courses";
- "Competition for places in a limited (by budget) number of courses being run";



- “Staffing is generally the main reason given and often we are told that ‘we are here to work and not take courses’ or similar even for high value courses such as Breath Operator or Forensic courses”;
- “Insufficient places, lack of instructors, insufficient number of courses run to allow all who are interested to get a spot on the course. Insufficient flexibility of course, i.e weekend/evening to account for shift rostering... and child care issues”;
- “I have been in a position where, being a year out from maximum tenure, I was not allowed to attend a job specific course as I would have been leaving and the training would have been ‘wasted’ on me”;
- “[WA Police] don’t take upskilling of staff seriously and will use any excuse not to take staff from their day to day duties to train them”;
- “Lack of resources and courses deemed as junkets”;
- “Several reasons supplied from being ‘too qualified’ for the course or unable to fund regional travel”; and
- “Verbally advised that the training sought had seen those trained depart the Agency. As a result, request to attend was declined in case I might consider departing Agency. [I would not] have thought I was too much of a flight risk after 25 years commitment. Manager rejecting training did agree the training had relevance to my role and business unit”.

### Blackboard training

Online training commenced at WA Police in 2006, developed in conjunction with Edith Cowan University and the first of its kind anywhere in the world. Dubbed ‘Blackboard’, the online training package includes self-marked exams and video and audio streaming of training packages and lectures. At its inception, Blackboard was envisaged to replace most paper-based training activities and offer all in-service training material online, to be accessible by all within the State<sup>10</sup>.

WA Police rely heavily on Blackboard to deliver a number of mandatory training programs to its staff. Appendix 2 outlines the compulsory training that is listed on Blackboard for sworn police officers. WAPU asked a series of questions pertaining to Blackboard to ascertain how efficient and effective officers feel training is delivered via this medium.

Respondents were asked how they felt about a range of statements pertaining to Blackboard, and the following was noted (majority responses have been highlighted in red):

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<sup>10</sup> “ECU Dialogue”, an Edith Cowan University newsletter, edition 2/2006, Perth, Western Australia, p. 8.

	This is very true	This is somewhat true	This is not true	I am unsure
Blackboard training is offered in a timely manner	25.08%	57.34%	14.53%	3.06%
Blackboard training is readily available	46.26%	47.33%	6.26%	0.15%
Blackboard training is comprehensive	5.97%	45.94%	47.17%	0.92%
I find Blackboard training too easy	8.13%	38.34%	51.84%	1.69%
There are not enough courses offered on Blackboard	2.76%	16.39%	75.19%	5.67%
I am provided sufficient time to complete Blackboard training in work hours	12.37%	35.11%	51.91%	0.61%
There are too many courses offered on Blackboard	43.21%	30.99%	22.29%	3.51%

Overall, just over 65 per cent of respondents do not believe that Blackboard is an effective way to train officers. Some of the reasons why they felt this way included:

- That training in a police environment is dynamic and demanding, and online training does not adequately cater for such a learning environment;
- Blackboard does not allow for discussion and feedback (such as that which occurs between an officer and a trainer), which concerned respondents who believed material could be interpreted differently amongst officers;
- That the courses can be repetitive and Blackboard courses often do not feel meaningful and engaging, thus limiting the learning experience;
- That insufficient time was allocated during work hours to review and learn the material;
- That it was not conducive to learning new materials;
- That Blackboard only assesses an officer's knowledge on a subject, not the practical application of a skill;

- Compulsory Blackboard training is perceived as merely a risk mitigation exercise by WA Police; and
- Interestingly, it was noted that Blackboard removes the opportunity for officers to come together in a dedicated learning environment, where they can network and information share.

However, for respondents who felt Blackboard training was effective, they believed so because it meant training could be completed at any time of the day, it meant officers did not have to travel to Maylands or Joondalup for training and that Blackboard was sufficient for some requalifying training where the subject matter was already understood.

Respondents were asked if, in their opinion, there were any courses that were **not** suitable for Blackboard training. Of the 76.20 per cent who agreed, the following courses were noted for their unsuitability for Blackboard:

- The majority of respondents felt most strongly that driver training or pursuit courses (PP, P1, P2) should not be undertaken online;
- Detective training;
- First aid;
- Firearms;
- Promotions training to a senior rank (First Class Constable, Senior Constable et cetera); and
- Australasian Inter-service Incident Management Systems training (AIIMS).

Generally, it was felt that any course which required a practical application of a skill should not be assessed on Blackboard.

One respondent noted that “Blackboard should only be used... to provide resources, ability to complete and submit assignments, pre-course introduction and post-course follow-up. It should NEVER NEVER NEVER be used as an exclusive training tool”. WAPU concurs with this sentiment.

## How police misconduct is managed internally

WA Police has a policy statement and summary of protocols that outlines to all Members the internal management of police misconduct. This COPS Manual policy runs for more than 30 pages and provides a detailed overview of the Managerial Intervention Model, how WA Police manages unprofessional conduct and guidelines for police complaints.

The policy generally espouses the following:

- WA Police adopts a “managerial approach to the resolution of demonstrated and identified unprofessional misconduct”. Within WA Police, “the managerial approach is known as the Managerial Intervention Model (MIM)”<sup>11</sup>;
- The MIM is a “remedial/developmental approach which recognises that officers will make honest mistakes and provides for a ‘fair go’ to change behaviour and conduct to achieve improvement in both individual and organisational performance”<sup>12</sup>;
- All managers/supervisors must first adopt a managerial approach to the resolution of complaints of unprofessional conduct, the management of which they must also accept accountability and responsibility<sup>13</sup>;
- WA Police sees that “complaints management mechanisms need to be linked to and integrated with other initiatives including training, professional development, performance management, corruption prevention, risk management and performance reporting” as the intent of the policy is to “embody and maximise the Agency’s commitment to valuing and developing all employees in order to maximise potential and commitment to performance”<sup>14</sup>; and
- The policy acknowledges that whilst “managerial intervention may be appropriate for most incidents of unprofessional conduct”, the MIM also recognises the need for more serious incidents to be addressed using criminal/statutory charge(s), disciplinary charges under section 23 of the *Police Act 1892* or Loss of Confidence proceedings.

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<sup>11</sup> As per WA Police COPS Manual Human Resources Policy, HR-31.01 Managerial Intervention Model.

<sup>12</sup> Ibid.

<sup>13</sup> Ibid.

<sup>14</sup> Ibid.

## The Managerial Intervention Model policy – an overview

The MIM is based on the premise of a “fair and equitable application to achieve behavioural modification”<sup>15</sup>. Within the MIM, though primary onus is on the **subject officer**<sup>16</sup> to change behaviour and address **unprofessional conduct**<sup>17</sup>, all managers/supervisors are to be held both responsible and accountable in facilitating change for behavioural modification and professional and personal development<sup>18</sup>. The MIM is characterised by a number of features, which are outlined in Appendix 3. Important to note is that the policy stresses that the MIM takes a “remedial/developmental approach with fairness and equity to all parties being key”, and that procedural fairness is paramount<sup>19</sup>.

The MIM stipulates a number of considerations that are key when deciding upon the most appropriate form of managerial intervention. Several of importance to note are:

- Whether any deficiency in supervision and/or management contributed in any way to the demonstrated or identified unprofessional conduct;
- If applicable, whether any health and welfare issues contributed in any way to the demonstrated and identified unprofessional conduct; and
- Whether the managerial intervention/behavioural modification action being considered is reasonable, fair and equitable<sup>20</sup>.

The management of police misconduct is escalated through a series of steps as follows (from lowest level of managerial intervention to highest):

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<sup>15</sup> As per WA Police COPS Manual Human Resources Policy, HR-31.01.1 Introduction.

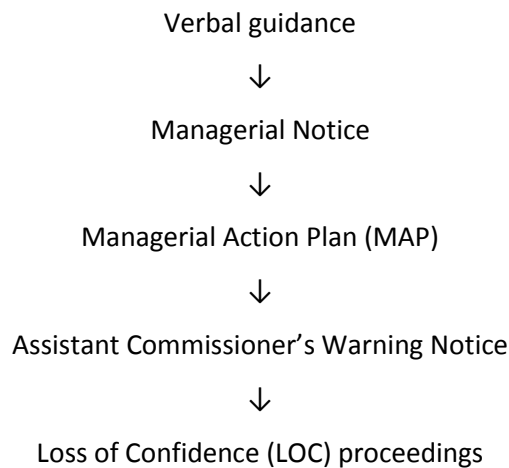
<sup>16</sup> As per the definitions within the policy, this term refers to an officer against whom a complaint is lodged or an investigation conducted.

<sup>17</sup> As per the definitions within the policy, this term refers to behaviours, actions and conduct as defined in the *Corruption and Crime Commission Act 2003*, conduct which contravenes the WA Police Code of Conduct, conduct which is (prima facie) criminal conduct and conduct which has the potential to cause damage to Agency reputation and/or erosion of public confidence in WA Police.

<sup>18</sup> As per HR-31.01.1.

<sup>19</sup> As per WA Police COPS Manual Human Resources Policy, HR-31.01.4 MIM Principle.

<sup>20</sup> As per WA Police COPS Manual Human Resources Policy, HR-31.01.5 Managerial Intervention Outcome.



*At any stage within the MIM model an officer may be required to Stand-Down or Stand-Aside*

### Verbal guidance

According to policy, “verbal guidance is the lowest form of managerial intervention and is intended to bring to a subject officer’s attention the identification of unprofessional conduct, the remedial action required and to remind a subject officer of the required standards of behaviour and conduct”<sup>21</sup>. This action does not require a process for review as “the delivery involves communication, consultation and agreement”.

### Managerial Notice

According to policy, “a Managerial Notice is the first level ‘high end’ form of managerial intervention action... [and] is neither a punitive remedy or outcome, rather an instrument to encourage and promote professional conduct into the future”<sup>22</sup>. Generally: a Managerial Notice can stand alone or be part of a wider solution involving disciplinary offences or behavioural modification; is approved and personally delivered by the subject officer’s Commander, Superintendent or Branch head; and is a written record of a subject officer’s unprofessional conduct and is attached to the officer’s various employment files<sup>23</sup>.

The **delivery officer**<sup>24</sup>, in delivering the Managerial Notice, is expected to engage the subject officer in discussion about their behaviour and paths of behavioural modification<sup>25</sup>. The subject officer may not accept a Managerial Notice, but then a delivery officer is to consider interim management of the

<sup>21</sup> As per WA Police COPS Manual Human Resources Policy, HR-31.01.14 Verbal Guidance.

<sup>22</sup> As per WA Police COPS Manual Human Resources Policy, HR-31.01.15 Managerial Notice.

<sup>23</sup> Ibid.

<sup>24</sup> This term is not included in the definitions within the policy, yet its implied meaning is the officer who liaises with the subject officer and who presides over that subject officer’s managerial intervention.

<sup>25</sup> As per HR-31.01.15.

officer, including possible Stand-Down/Stand-Aside or other behavioural modification actions<sup>26</sup>. Within the Managerial Notice process, “review is not provided for as the delivery involves communication, consultation and agreement”<sup>27</sup>.

#### Managerial Action Plan (MAP)

A Managerial Action Plan (MAP) refers to an “instrument to record and manage a behavioural modification action as recommended and agreed following an internal investigation where unprofessional conduct is sustained”<sup>28</sup>.

A MAP is formulated following a “decision to progress management intervention by way of behavioural modification action(s)”<sup>29</sup>. A MAP can arise from a:

- Local Complaint Resolution (LCR);
- Local Dispute Resolution (LDR);
- Short Format Investigation; or
- An Internal Affairs Unit investigation.

The senior officer who engages with the subject officer is to explain the MAP decisions and seek the subject officer’s agreement to participate<sup>30</sup>. Senior officers are advised within the policy that without a subject officer’s agreement, behavioural modification is not to proceed and another form of managerial intervention is to be considered, as to proceed would be a “wasted effort” without a willing participant<sup>31</sup>. The overall responsibility and accountability of a MAP is incumbent upon the Commander, Superintendent or Branch Head of the subject officer, and is filed by Police Complaints and kept on an employee’s record<sup>32</sup>.

WA Police policy outlines that a MAP:

“Does not have a punitive intent and/or purpose and accordingly, should not be considered and portrayed as such. They merely provide the mechanism to record and manage a behavioural modification action”<sup>33</sup>.

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<sup>26</sup> Ibid.

<sup>27</sup> Ibid.

<sup>28</sup> As per the definitions of the policy.

<sup>29</sup> As per WA Police COPS Manual Human Resources Policy, HR-31.01.6 Delivery of a Management Action Plan.

<sup>30</sup> Ibid

<sup>31</sup> Ibid.

<sup>32</sup> Ibid.

<sup>33</sup> As per WA Police COPS Manual Human Resources Policy, HR-31.01.13.2 For Commanders/Superintendents/Branch Heads and Others who deliver Managerial Intervention.

The MAP's delivery officer is expected to "engage in open and honest discussion with the subject officer in a non-threatening environment and manner"<sup>34</sup>. The delivery officer is required to communicate to the subject officer when significant milestones in the MAP have been achieved<sup>35</sup>. Once all behavioural modification actions have been successfully completed, the delivery officer is to advise the subject officer of the MAP's discharge<sup>36</sup>.

#### Assistant Commissioner's Warning Notice

According to policy, "an 'Assistant Commissioner's Warning Notice' [a Notice] is the highest level of managerial intervention, [whose] primary purpose is a formal warning notice to reinforce the premise that a subject officer has to correct and address any identified unprofessional conduct and should there be a failure in this regard, continued employment and engagement with the Agency may be at risk"<sup>37</sup>. A Notice may also be issued "in circumstances where a subject officer refuses to discharge a previously agreed managerial intervention" or in repeated circumstances of unprofessional conduct<sup>38</sup>.

The issue and service of a Notice is a formal and documented process, whereby a subject officer formally presents before the respective Assistant Commissioner to fully discuss the issues outlined within the Notice<sup>39</sup>. Throughout the process, it is imperative the subject officer is made aware of the magnitude of the unprofessional conduct they are said to have engaged in, and the subject officer is encouraged to acknowledge and sign the Notice during delivery. The policy notes "a process of review is not provided for as the delivery involves communication, consultation and agreement"<sup>40</sup>.

#### Loss of confidence (LOC)

Whilst Section 8 of the *Police Act 1892* confers upon the Commissioner the power to remove members, Sections 33A-33Z outlines the process of removal. Under Section 33L of the *Police Act*, if the Commissioner "does not have confidence in a member's suitability to continue as a member, having regard to the member's integrity, honesty, competence, performance or conduct, the Commissioner may give the member a written notice setting out the grounds on which the Commissioner does not have confidence in the member's suitability to continue as a member"<sup>41</sup>. The

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<sup>34</sup> As per HR-31.01.13.2.

<sup>35</sup> As per WA Police COPS Manual Human Resources Policy, HR-31.01.7 Management of a MAP.

<sup>36</sup> Ibid.

<sup>37</sup> As per WA Police COPS Manual Human Resources Policy, HR-31.01.16 Assistant Commissioner's Warning Notice.

<sup>38</sup> Ibid.

<sup>39</sup> Ibid.

<sup>40</sup> Ibid.

<sup>41</sup> *Police Act 1892*, p. 21.



member has 21 days from notice before the Commissioner will make a decision about removal action, during which time the member may appeal the decision<sup>42</sup>. The Commissioner may revoke his/her removal action or the member can resign from WA Police within this 21 day period<sup>43</sup>.

Under this Section 33L process, members have a right of appeal against the LOC action<sup>44</sup>. The appeal is heard by an impartial third party in the WA Industrial Relations Commission, who makes a decision based on the Commissioner's decisions for removal and the member's case as to why they believe the removal is "harsh, oppressive or unfair"<sup>45</sup>.

### Stand-Down/Stand-Aside

These actions are to be considered "in all instances where serious unprofessional conduct has been exhibited and/or demonstrated" and can be exercised at any point during the MIM<sup>46</sup>. During Stand-Down and Stand-Aside, the subject officer is subject to regular reviews by their District/Divisional head<sup>47</sup>.

Stand-Aside means the assigning of duties other than a subject officer's normal duties and includes the transfer of a member to other duties within or outside of their current portfolio/region. Employees subject to Stand-Aside are bound by managerial oversight and intervention (documented on a MAP)<sup>48</sup>.

Stand-Down means the standing of a member down from normal duties, with full pay entitlements, until directed to report back to normal duties. An application for Stand-Down is progressed through the chain of command to the Commissioner of Police (or his delegated authority)<sup>49</sup>. Officers on Stand-Down are to be appointed a welfare officer, who is to maintain regular weekly contact to guide and manage the subject officer<sup>50</sup>.

The Commissioner's power to Stand-Down/Stand-Aside a member is enshrined in the *Police Act* at Section 33Y<sup>51</sup>.

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<sup>42</sup> Ibid, pp. 21-22.

<sup>43</sup> Ibid, pp. 23-24.

<sup>44</sup> Ibid, p. 24.

<sup>45</sup> Ibid, p. 25.

<sup>46</sup> As per WA Police COPS Manual Human Resources Policy, HR-31.01.10 Stand-Down/Stand-Aside.

<sup>47</sup> Ibid.

<sup>48</sup> Ibid.

<sup>49</sup> Ibid.

<sup>50</sup> Ibid.

<sup>51</sup> State Law Publisher, *Police Act 1892*, Government of Western Australia, Department of Premier and Cabinet, Perth, p. 35.

### MIM's Right of Review

COPS Manual policy HR-31.0.17 No Right of Review espouses the following:

“The MIM is premised on fairness, equity and professionalism and outcomes are premised on communication, consultation and agreement. Accordingly, a right of review is not provided for and issues with respect to non-agreement and concerns are to be communicated, considered and dealt with during the delivery process”.

The policy attempts to mitigate “perceived concerns in not providing a review mechanism” by deferring “all deficiencies in the QA process” to Police Complaints<sup>52</sup>. Police Complaints are said to consider, amongst other things:

- “Whether the internal investigation complies with and has been conducted in accordance with relevant legislation and/or the established Agency investigative protocols/standards”;
- “Whether the managerial intervention action is supported by real and sustained facts” and if “there have been other issues that have influenced the investigation outcome”; and
- “Whether the managerial intervention action is fair and reasonable considering all circumstances”<sup>53</sup>.

### The role of Commanders/Superintendents/Branch Heads in the MIM process

The overarching task for Commanders/Superintendents/Branch Heads who identify the need for managerial intervention is to “conduct a risk assessment and general analysis on receipt of a complaint... or allegation of unprofessional conduct” and to “appoint a suitably skilled and experienced investigator”<sup>54</sup>. COPS Manual policy HR-31.01.13.1 stipulates the roles, responsibilities and accountabilities of the appointed investigator.

COPS Manual policy HR-31.01.13.2 goes on to outline the conduct of those who deliver managerial intervention (be it Commanders/Superintendents/Branch Heads or others). The delivery officer is expected, amongst other things, to:

- Inform the subject officer of the findings and investigation outcomes;
- Make clear that managerial intervention is not a punitive remedy whilst ensuring a consultative and collaborative approach is undertaken;

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<[http://www.slp.wa.gov.au/pco/prod/FileStore.nsf/Documents/MRDocument:18557P/\\$FILE/POLICE%20ACT%201892%20-%20\[14-00-01\].pdf?OpenElement](http://www.slp.wa.gov.au/pco/prod/FileStore.nsf/Documents/MRDocument:18557P/$FILE/POLICE%20ACT%201892%20-%20[14-00-01].pdf?OpenElement)>.

<sup>52</sup> As per HR-31.01.17.

<sup>53</sup> Ibid.

<sup>54</sup> As per WA Police COPS Manual Human Resources Policy, HR-31.01.13.1 For Commanders/Superintendents/Branch Heads.

- Take into consideration and resolve concerns that may be raised by the subject officer, concerns of which might relate to the conduct and integrity of the investigation and its outcome, the professionalism of the investigator and the appropriateness of the MIM recommendations; and
- Make a record of any concerns raised and where necessary, consider another managerial intervention action<sup>55</sup>.

#### WA Police Investigation Doctrine

In November 2012, the Investigative Practices Unit at WA Police released a document entitled *WA Police Investigation Doctrine* to “provide practical guidance and instruction on [the] investigative process to facilitate common standards for all WA Police investigations”<sup>56</sup>. The doctrine is based on the CRIME Model and the Five Key Investigative Strategies model, whose principles are designed to standardise the investigative practices for all police officers and assist those investigating to “make logical, structured and accountable decisions”<sup>57</sup>. The doctrine espouses four guiding principles specific to investigations: fairness; accountability; commitment; and transparency<sup>58</sup>. Timely and professional investigations, whose outcomes are clearly communicated, are the cornerstones of the doctrine<sup>59</sup>.

#### **Section 23 of the *Police Act 1892***

Section 23 of the *Police Act* affords the Commissioner (or whoever acts in his delegated authority) the power to investigate any disciplinary offences<sup>60</sup>. If any member of the police force is found to have committed a disciplinary offence, then that officer may be cautioned or may have imposed upon them a punishment, such as a reprimand, a fine, demotion, reduction in salary, suspension from duty or discharge/dismissal from duty<sup>61</sup>. The officer against whom the charge is alleged will be examined under this section by an officer of the rank of Superintendent or above<sup>62</sup>.

Disciplining an officer under Section 23 provides the member an avenue of appeal to the Police Appeal Board, should that officer wish to appeal the “punishment and... any decision or finding on which the

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<sup>55</sup> As per HR-31.01.13.2.

<sup>56</sup> *WA Police Investigation Doctrine*, Investigative Practices Unit, Western Australia Police, 13 November 2012, p. 4.

<sup>57</sup> *Ibid.*

<sup>58</sup> *Ibid.*, p. 5.

<sup>59</sup> *Ibid.*

<sup>60</sup> *Police Act 1892*, p. 10.

<sup>61</sup> *Ibid.*, pp. 10-11.

<sup>62</sup> *Ibid.*, p. 10.

punishment was based”<sup>63</sup>. The Police Appeal Board is made up of three individuals: a Magistrate (who acts as Chairperson on the Board); a person appointed by the Commissioner; and a member of WA Police appointed by the members of WA Police<sup>64</sup>. The Police Appeal Board has the power to “confirm, modify or reverse any decision, finding or punishment appealed against or make such other order thereon which the Board deems just”<sup>65</sup>. The decision of the Police Appeal Board is final.

### Member experience with the MIM

All survey respondents were asked to indicate how they felt about a range of statements regarding the MIM. Each statement was formed based on the statements and language used within WA Police policy. The following was noted:

	This is very true	This is somewhat true	This is not true	I am unsure
<b>MIM outcomes are advised in a timely manner</b>	1.81%	23.34%	51.31%	23.54%
<b>The MIM process is fair and equitable</b>	3.01%	28.06%	45.29%	23.65%
<b>Each stage of the MIM process is transparent and open</b>	2.42%	26.01%	47.38%	24.19%
<b>All aspects of the MIM process are clearly communicated</b>	2.81%	29.72%	43.98%	23.49%
<b>The MIM follows procedural fairness</b>	4.40%	35.60%	36.40%	23.60%
<b>The MIM is unbiased</b>	3.61%	24.50%	47.19%	24.70%
<b>The MIM allows for natural justice</b>	2.21%	25.10%	49.80%	22.89%

<sup>63</sup> Ibid, p. 16.

<sup>64</sup> Ibid, p. 14.

<sup>65</sup> Ibid, p. 18.

Of the survey respondents, 62 per cent had been subject to a criminal or managerial investigation during their careers. Those respondents indicated that their lives had been adversely affected in the following ways:

- 46.69 per cent indicated the investigation(s) had adversely affected their health, with many citing stress, loss of sleep and feelings of anger, despondency and a lack of motivation;
- 33.13 per cent indicated the investigation(s) had adversely affected their relationships;
- 28.92 per cent indicated the investigation(s) had adversely affected their career prospects, with several noting their reputation amongst colleagues had been destroyed; and
- 18.07 per cent indicated the investigation(s) had adversely affected their finances, as they had not been able to earn their normal wage (salary plus benefits, such as overtime and shift penalties) when they had been stood down or aside.

Some of the comments respondents made when noting how their life had been adversely affected as a result of a decision or outcome made under MIM are noted below:

- “The process is daunting, we are expected to carry out our business as normal, however, we have this massive cloud over our head. How can you carry out our business as an investigation is underway... I found myself constantly questioning all my decisions and lacking in self-confidence to carry out my business. Officers rarely hear about the ‘success’ stories of investigations and this plays on your mind, will I be reprimanded for this, how will this look for future promotion”;
- “Stress caused by the investigations and the outcomes have had a compounding effect, along with day to day stresses of work”;
- “I was stood aside for a presumptive positive urine test for medication that WAPOL reimbursed for me. It was humiliating and achieved nothing”;
- “Mental health [was affected], attitude towards WAPOL changed, motivation declined, work performance suffered”;
- “Stress, made to leave the town and regional area I was working in even though the investigation had not been completed. Guilty until proven innocent (which I was). Found to have behaved as I should and not done anything wrong... Not notified of this 6 months later. Bullied at next work place and treated like I could not be trusted. Having to defend myself for the next four years at that station”;
- “Loss of confidence with the organisation and an effect on personal health resulting in marital problems at home due to pressure of investigations and length of time they take. Also lack of [wanting] to apply for further promotion”;

- “It affects your health as the investigations are never timely so you panic for a long time regardless of outcome. You become [disenchanted] with the Agency... You take this anger home so it affects household relationships”;
- “Severe financial impact, significant health [issues] both mental and physical, relationships strained severely, significant impact upon career opportunities and promotional opportunities. Lost overtime, higher duties, shift penalties. Public embarrassment, public denigration and no right of reply”;
- “Falsely accused and stood down for 18 months, missed out on 18 months’ worth of [higher duties allowance], overtime, shift penalties and during that time was hounded and harassed by [Internal Affairs] to resign”;
- “The investigation impacted my family, work friends and health. I was also made non-operational for a period which hampered my shift penalties and in turn, my finances suffered”;
- “Investigation conducted with a hidden agenda and manipulated to arrive at a ‘likely’ result. Policy was not followed, no right of appeal. Placed pressures on relationship, sleepless nights, feelings of anger, frustration, betrayal and being devalued by WAPOL”;
- “It is a laborious process that unduly impacts on your mental health, work life and personal life. It puts pressures on the family environment. It reduces your earning capacity, especially when you have young kids and are on one income”;
- “The process is very long and generally there is no feedback provided along the process. This puts a lot of stress [on the officer] and causes anxiety”; and
- “The stress caused by the entire process makes you wonder why you put your life on the line to be criticised for a split second decision”.

Respondents subject to the MIM were asked if, in handing down the MIM outcome, the delivery officer took into consideration and resolved any concerns that were raised<sup>66</sup>. Approximately 72 per cent indicated this did not happen, with the consensus from respondents being that the attitudes of delivery officers was for the subject officer to simply accept the MIM finding(s) and recommendation(s) and move on:

- “[The delivery officer] would not listen [to] or record any of my explanation”;
- “After offering to provide solid evidence that would clear me, I was told by A/C [redacted] ‘This matter has been investigated and the decision made, I do not intend to re-investigate it!’”;
- “Offered no recourse when I explained I did not agree with [the outcome]”;

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<sup>66</sup> As is required per COPS Manual policies HR-31.01.7 and HR-31.01.13.2.

- “[The delivery officer] refused and forwarded the report onto the [Superintendent] who then made me sign off on the outcome”;
- “No explanations or concern was shown by IAU officers. Concerns I raised during the interview to my knowledge were never investigated”;
- “I was told by a Commissioned Officer that the matter had been finalised without a finding of fault but that his initial write-off had been rejected by the CCC. As such, the decision had been made to issue a MAP simply to appease the CCC. I was unhappy with this and requested the matter be reviewed by someone else. I was told that if I continued to make ‘noise’ about the matter, things would simply get worse for me and I should [accept] the MAP and shut up”;
- “I was told to sign it otherwise things would not go well for me in the future”; and
- “In one incident in particular, the delivery officer stated ‘you will be happy to know that all the allegations were found to be false. [You’re] getting a MAP because it’s the easiest way to write the file off’. When I refused to sign I was informed it didn’t matter, it was recorded against my name anyway”.

Only four respondents indicated they had their concerns noted when they were raised with their delivery officer.

According to WA Police policy, following a MIM outcome or decision (and depending on the seriousness of the alleged misconduct), a subject officer should be provided with a variety of initiatives to improve their performance and modify their behaviour (as is required per COPS Manual policies HR-31.01 and HR-31.01.1). Of the initiatives to improve performance and modify behaviour that WAPU is aware of, 73.58 per cent of respondents subject to the MIM process were **not** provided with any of the following opportunities: training; professional development; coaching/mentoring; counselling; improvement strategies; and/or personal development.

Of those who did receive the opportunity to improve their performance and modify their behaviour, 9.36 per cent were involved in training of some sort, four per cent were provided professional development, 4.35 per cent were offered counselling and only two per cent were offered improvement strategies or personal development skills. Several respondents noted that they were required to complete a Blackboard course whilst others indicated they had never received their MIM outcomes, so it would be unlikely they would have subsequently received re-training or guidance.

Whilst most respondents were generally unsure about LOC proceedings (only 17 respondents had ever been subject to LOC proceedings), the perception of the LOC process is a negative one, as noted below:

	This is very true	This is somewhat true	This is not true
All aspects of the LOC process are clearly communicated	2.22%	11.29%	20.97%
The LOC follows procedural fairness	3.83%	14.52%	18.55%
The LOC process is fair and equitable	2.82%	12.70%	20.97%
Each stage of the LOC process is transparent and open	2.02%	11.09%	19.96%
LOC outcomes are advised in a timely manner	1.01%	9.48%	25.00%
The LOC is unbiased	2.22%	11.29%	22.98%
The LOC allows for natural justice	2.82%	12.90%	22.58%

**NB:** The survey had an “I am unsure” option, but given the majority of respondents answered ‘unsure’ (as few officers have had ever experienced LOC proceedings and those who have are most likely to have exited the Agency), the inclusion of the table as it stands above is to illustrate the Members’ general perceptions of the LOC process.

For the 17 survey respondents who had been subject to LOC proceedings, the following was noted:

- 14 (82.35 per cent) said all aspects of the LOC process were not clearly communicated;
- 12 (70.59 per cent) said the LOC did not follow procedural fairness;
- 13 (76.47 per cent) said the LOC process was not fair and equitable;
- 16 (94.12 per cent) said each stage of the LOC process was not transparent and open;
- 15 (88.24 per cent) said LOC outcomes were not advised in a timely manner;
- 13 (76.47 per cent) said the LOC is biased; and
- 14 (82.35 per cent) said the LOC did not allow for natural justice.

Overall, the sentiment from respondents about the MIM process is that it is fraught with a total lack of communication, with many citing examples of months passing between the initial managerial



intervention and the notification of any outcomes (be it a positive or negative outcome). Members felt the process lacked appropriate and timely channels of communication, as those who were subject to MIMs were often not informed of the outcomes in a judicious manner, which exacerbated what is already a stressful event. Inconsistencies in how the MIM is applied was noted, as actions varied depending on who was the delivery officer or local Commander/Superintendent/Branch Head. Respondents feel that Commissioned and non-Commissioned officers are dealt with differently under the MIM model, with Commissioned officers receiving more favourable outcomes. It is felt that natural justice is often not afforded to the subject officer and a pervasive sense of 'guilty until proved innocent' prevails over all investigations, no matter how minor the alleged offence. All of these opinions were evident in the responses Members provided when asked their general thoughts on the management of alleged police misconduct:

- "I don't believe that a lot of Commissioned officers understand the whole MIM process, it is used far too often for minor matters that should in most cases be dealt with by way of verbal guidance. Far too often officers are subject to a MAP for a single indiscretion or error of judgment when the model clearly states that a MAP is to be used as a behaviour modification [tool]. I fail to see how a single incident can be used to define someone's behaviour. Perhaps if we had a more robust and accountable performance model where officers' conduct and work ethics could be recorded and managed we would have less requirement for the numerous... MIMS that seem to be issued";
- "I strongly agree that police officers need to be held accountable for all their actions. However, police officers need to be offered the same rights and legal protections that all other workers and citizens have. We provide these to our worst criminals every day... I personally have been the subject of a groundless complaint and can only praise the Police Union who provided me with advice... As a result, I took part in the internal interview but still do not know the result after 8 months. I just assume the matter has been filed. It is the uncertainty of the process that is a major worry for officers";
- "If used correctly, the MIM is only put in place when an officer requires some form of conduct or behaviour to be modified... The MIM is meant to support an officer and ensure they are provided with training, peer support and supervision to help them overcome the issue and make them a better officer. However, what we are seeing is various district offices using the MIM as a punitive form of punishment";
- "The amount of time spent investigating a matter is often disproportionate to the alleged misconduct and the investigations are not completed expeditiously or with diligence";

- “Time consuming, resource intensive and is extremely stressful for the officers involved. Often, subject officers are left totally in the dark as to what is occurring, and what may occur”;
- “I would like to say if you are looking up your ex-wife’s new boyfriend on IMS or providing information to criminals then I think you should [be appropriately punished]. However, this agency is too keen to throw good staff under the bus... Too often staff are not supported and sometimes criminally charged when it is obvious their actions are not unlawful, this is because it is easier to do and represents no risk... Finally, this agency needs to appreciate that if you make a mistake or breach policy it doesn’t mean you are a criminal. It means you made a mistake. I have seen several good, hard working officers totally demoralised because they made a mistake and were [inappropriately or harshly] disciplined”;
- “There is no consistency with the application of the MIM model between work locations. There is no right of appeal and all decisions are final”;
- “The current process can easily be viewed as a ‘witch-hunt’. Current policy with regards to internal investigations is not compatible with the current policing model, i.e. no governance officer position within the District Office. There is no appeal process with regards to a decision made regarding an investigation and the decided outcome. This does not appear to be fair. Investigations are conducted on a ‘balance of probabilities’ basis. For officers who deal in a world where the standard of proof is ‘beyond reasonable doubt’ and then to find themselves investigated and disciplined on a less burden of proof is demoralising and objectionable”;
- “It appears from my perspective that management keep tenure to move problems on. They do not address ongoing issues. At all work locations that I have served at, workers that work hard are swept away with those that don’t when tenure is enforced to get rid of officers with problems”;
- “The process of investigation is too slow. We do not afford our members the same courtesy that we provide to civilian complaints with processes taking up to 18 months to 2 years before officers receive an outcome, which is appalling as it puts careers and transfers on hold”;
- “As an officer that works within Professional Standards, I am disheartened by the state of internal investigations and our lack of response towards developing a corruption resistant culture in this agency. Investigations are generally conducted (by IAU) to a high standard by investigators, however, when it comes down to ‘managerial intervention’ the approach is highly inconsistent and recommendations are often ignored... People of higher ranks (commissioned officers) are protected and thought to be immune from investigation... Supervisors and persons responsible for the conduct of incidents or investigations are rarely considered, nor are the significant workplace factors (e.g. overwork, [CAD] job to job culture)

that exist as causal factors to incidents... Managerial notices... serve zero developmental purpose and exist purely as a negatively worded censure and official warning document of varying degrees of severity”;

- “There is no uniformity between investigations conducted by different persons. IAU should be expanded and all investigations conducted by those units, rather than imposing on officers who are then required to supervise/coach the officer whom he has just investigated”;
- “My understanding of MIM is that it removes any vestiges of natural justice from the [misconduct management] process. There is no appeal under the MIM process. Once a finding has been made, the [officer] is obliged to accept it. At least under Section 23, there is an appeal process. Any process which does not have the right to appeal is an affront to basic human rights and does not conform to the tenets of procedural justice”;
- “The investigation of police misconduct is vital! We must be open and accountable at all levels. However, the process needs to be clear and transparent to ALL involved. Timelines must be met by ALL involved and not just the subject [officer]”;
- “I don’t feel sergeants should undertake this process. Many times they are then required to work with the investigated officer afterwards and it leads to ill feeling”; and
- “I have probably had to investigate complaints made against officers and despite extensive investigations resulting in there being no evidence to substantiate the complaint or prove the act... even occurred, I have been told by my District Office to change my final report to list the investigation outcome as ‘Not sustained’ (insufficient evidence) rather than ‘Unfounded’ as was recommended by me. From my experience, the agency appears reluctant to allow complaints to be resolved as ‘Unfounded’ or ‘Exonerated’”.

The survey returned so many considered responses to this question that WAPU has included more at Appendix 4.

### **WA Police to review how it manages police misconduct**

In a broadcast issued to all staff on 14 November 2015, WA Police noted that:

“Professional Standards have identified inconsistency in the construct and use of MAP’s across the Agency. In general terms, behavioural modification actions should be developmental, not punitive... Since commencement of the MIM, Districts/Divisions have retained flexibility to prepare and deliver MAPs without reference to Police Complaints, however, over time, this has resulted in vastly different applications of behavioural modification actions for similar instances of unprofessional conduct. To establish a level of consistency in the process across the State, all proposed MAPs are to be forwarded to Police Complaints... for review and quality

assurance, prior to delivery... This practice will start immediately and will be subject to review on 30 June 2016”.

On 2 December 2015, WA Police’s “From the Line” newsletter ran an article about the approval of “three major projects to review and make recommendations on the conduct and management of internal investigations”<sup>67</sup>. The focus of the reviews were noted as being:

- The Discipline Review Project, which will include a review of the current MIM;
- The Loss of Confidence process; and
- *Section 440A Criminal Code* unlawful computer accesses, as it relates to police officers who have faced charges under this legislation<sup>68</sup>.

The article noted that

“Consistency in outcomes was a key driver in recent enhancements of the MIM process where all Managerial Action Plans are now reviewed by Ethical Standards Division prior to delivery. It’s envisaged this simple, yet important step will contribute to both consistency and procedural fairness... The re-introduction of Section 23 of the *Police Act*... is one such opportunity that may deliver greater levels of due process and officer rights of appeal, not necessarily available in the current model”<sup>69</sup>.

#### Correspondence between WAPU and WA Police

In a letter to the Commissioner, dated 28 July 2015, WAPU outlined a number of concerns about the MIM:

- The MIM lacks procedural fairness;
- Any outcome imposed under the MIM could adversely affect a Member’s career prospects within the Agency (or any other agency with which WA Police shares disciplinary history);
- Members had experienced situations where they had been pressured to accept notices and sign MAPs, and were threatened with escalated outcomes for non-compliance, which contravened the open, consultative approach espoused by the Agency;
- The MIM did not provide for an unbiased review of decisions made under the model;
- Section 23 of the *Police Act* is an underutilised disciplinary process;
- Investigations under the MIM are often protracted;
- The quality assurance process that each decision goes through is insufficient; and

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<sup>67</sup> “From the Line”, WA Police, Issue 544, 2 December 2015, p. 2.

<sup>68</sup> Ibid.

<sup>69</sup> Ibid.

- The MIM fosters a culture of expectations that an outcome has to be provided in every internal investigation, rather than internal investigators simply reviewing all matters indiscriminately.

WA Police responded to WAPU's concerns by noting the following:

- "The MIM remains fundamental in providing non-punitive and meaningful managerial intervention for subject officers" and the "premise of the MIM is to enable a managerial approach in the first instance";
- "It is conceded... that consistency in approach remains difficult, given devolved responsibility to manage aspects of the MIM" and consequently, "Police Complaints will shortly reassume a central quality assurance role for MAPs prior to delivery";
- It is incumbent "on both the Professional Standards Portfolio and internal investigators at District/Divisional level to better explain to subject officers the MIM premise and objectives, to avoid misconceptions and dispel rumours about the process";
- "The MIM currently affords subject officers' opportunity to raise concerns over the conduct of the investigation or proposed outcomes. If concerns are raised by the officer, clarification can be given and the officer's grievance concerned... Requests to review internal investigations and outcomes are rarely sought by subject officers... Accordingly, the Internal Investigation Guidelines will shortly be amended to clarify that a review component exists, as outlined";
- "The managerial outcome has little effect upon transfers, professional conduct clearances for promotion, issue of security clearances etc, unless clear patterns of unprofessional conduct have been established";
- "Professional Standards advise that it is considered timely to conduct a portfolio communication campaign" concerning various aspects of the MIM"; and
- "Many of the issues raised in [WAPU's] correspondence are not failures of the MIM, but rather application thereof"<sup>70</sup>.

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<sup>70</sup> As per a letter to WAPU President George Tilbury from Commissioner of Police Karl O'Callaghan, dated 19 August 2015.

## How employment-acquired medical issues, such as post-traumatic stress disorder, are managed

As police perform the duties necessary of them “to enhance the quality of life and wellbeing of all people in Western Australia by contributing to making our State a safe and secure place”, they are required to undertake some of the most challenging, dangerous, unpredictable and life-threatening work in society<sup>71</sup>. The duties they perform expose them to inherently traumatic situations; situations in which they are exposed to scenes of abstract horror and violence. Police officers also face intense organisational pressures and stress in the form of emotional dissonance with respect to both organisational culture and perceptions of justice.

Police officers in WA face working conditions that are unique to public sector employees, including other emergency services employees. For example:

- They interact with members of the public from all walks of life, in every conceivable situation, 24 hours a day/seven days a week, across the world's largest single police jurisdiction (covering 2.5 million square kilometres)<sup>72</sup>;
- The powers conferred on a police officer, reflected in the officer's oath of office and subscribed upon their appointment, is an affirmation which attests to the importance of serving and protecting the community at all times (hence where police intervention is required, whether an officer is on duty or off duty, members of the police force will *always* come to the aid of anyone requiring assistance);
- Police officers are specifically excluded from the *Workers' Compensation and Injury Management Act 1981* unless they suffer an injury and die as a result of that injury; and
- Police officers are covered by the *Occupational Safety and Health Act 1984* but, again, are singled out as being unable to exercise Section 26 of this Act when performing dangerous work in a covert or dangerous operation.

Police work encompasses a myriad of different skills to be employed in countless unique situations, but it is ultimately varied, intense, difficult, confronting and dangerous, yet rewarding. The sentiment amongst police officers is that they dedicate their lives (and put their bodies on the line) in order to

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<sup>71</sup> Western Australia Police, *About Us*, Government of Western Australia, 2015. < <http://www.police.wa.gov.au/Aboutus/tabid/893/Default.aspx> >.

<sup>72</sup> Ibid.

protect and serve the community. Police officers see their job as a lifelong career, not a mere stepping stone to work in other industries.

Whilst a police officer is employed by WA Police, should they be injured or fall ill, they receive a range of medical and sick leave entitlements in lieu of the entitlements afforded under the *Workers' Compensation and Injury Management Act 1981*. However, once an officer separates, retires or is medically retired from the Agency, they are only entitled to access a restricted medical benefits scheme, *if* they are eligible. The medical retirement process is antiquated, undignified, protracted and harrowing, and is felt to exacerbate any illnesses or injuries an officer is experiencing. Once a police officer has separated from the Agency, no formal WA Police-centric support, monitoring, rehabilitation or liaison services for retired Members exist (for those Members who are eligible). Police officers, especially those who are medically retired, are severed completely from the Agency to which they devoted themselves.

Physical injuries, especially those that are high profile, are the injuries to which WA Police, the WA Government and the greater public pay attention. However, psychological illnesses, resulting from a culmination of various stressors experienced throughout a police officers' career, are more pervasive and insidious than are acknowledged. Should an officer suffer a psychological illness as a result of their work environment, there is no formal acknowledgement that WA Police has contributed to an officer's deteriorating mental state with inadequate support systems, ineffective monitoring of attendance at traumatic incidents and an ambivalent, "toughen up princess" police culture.

*Project Recompense* was conceived out of the innumerable calls WAPU received from both serving and retired Members seeking assistance and support in the wake of life-changing physical or psychological trauma. WAPU has been so overwhelmed with requests for assistance with ex-gratia applications, that it was deemed necessary to undertake research into not only the Member experience of work-related physical or psychological trauma and Agency response to said trauma, but also the validity of a variety of forms of compensation.

WAPU conducted a Member survey of both serving and separated Members to ascertain the extent of physical and psychological illnesses and injuries and was overwhelmed with the response. Of the nearly 900 responses, just over three quarters of respondents had currently or previously suffered a work-related physical or psychological illness or injury.

*Project Recompense* incorporated a number of Member experiences in order to provide a detailed example of the situations police officers regularly face and the treatment they have withstood from WA Police. There have been, in recent times, a parliamentary inquiry and an inquest into the death of a police Sergeant that have outlined concerns about the daily travails of police officers and the inadequate support they receive from the Agency. The inquiry and inquest depict an organisation that is faced with many challenges when dealing with members of the public, especially the most vulnerable and violent. As pressures increase on WA Police to meet intensifying service demands, police officer health and welfare doesn't just become more important but is somehow becoming more impartial and cost-driven. In canvassing our Membership, WAPU not only supports the recommendations that have arisen from these independent bodies but believes that little is being done to rectify the status quo.

Of concern is that Members who have separated from WA Police are unsupported as no government agency exists to monitor or support these officers. Independent organisations, such as WAPU, the Retired Police Officers' Association and Medically Retired WA Police Officers' Association, are currently the only forms of support and assistance available for retired Members.

*Project Recompense* aimed to encapsulate the experience of medically retired Members, most specifically, Members who had suffered a work-related illness or injury (be it physical or psychological in nature) and were so broken as a result of their police duties they: were unable to work again; could not maintain a normal, healthy, balanced life; were facing financial hardship; and just wanted to have their pain and suffering acknowledged. *Project Recompense* not only captured this but illustrated the shortcomings of WA Police with respect to police officer health and welfare and demonstrated that there will be a new vanguard of broken police officers if something is not done to change Agency processes and culture immediately.

WAPU worked tirelessly on this report for almost two years prior to its release, collating research and canvassing serving and retired Members. To distil the contents of *Project Recompense* in the space of this submission would be a disservice to the report. Consequently, the report has been included with this submission as our response to TOR 4 of this inquiry.

*Project Recompense* was launched in November 2014, to coincide with WAPU's Annual Conference. All stakeholders received a copy of the 212-page report, including delegates attending Conference,



the media, the Minister for Police and the Commissioner of Police. The letters that accompanied a copy of the report to both Liza Harvey and Karl O'Callaghan are attached in Appendix 5.

WAPU has only received two items of correspondence from the Commissioner or Minister since December 2014. The first was letter from WA Police stating that the "correspondence has been referred to the Senior Executive for their attention" (see Appendix 6). The second item of correspondence arrived from WA Police in October 2015, and included a copy of the PricewaterhouseCoopers report on the (formerly) Health and Welfare Services division (see Appendix 7). The letter very briefly, and unsatisfactorily, outlined the response from WA Police to a handful of *Project Recompense* recommendations.

WA Police and the Government have had 12 months to digest the report, formally respond to *Project Recompense* and begin implementing the report's recommendations. WAPU is incredibly disappointed that since the launch of this cornerstone project, nothing has been forthcoming from the Government.

## Discussion and recommendations

There are a number of concerns arising from each TOR, all of which are outlined below.

### Term of Reference 1: Recruitment

The recruitment process is fraught with opacity and elusiveness for re-engagees and PAOs who wish to transition and become a sworn police officer. Re-engagees and PAOs who fail to meet the application criteria are provided with no feedback to guide and improve. This is incredibly frustrating for those PAO applicants who are currently employed by WA Police, and who receive training, feedback and discipline where it is required in their normal course of duty. It is equally frustrating for those re-engaging, as a career break can spell the end of an otherwise lifelong policing career.

WAPU would like to see greater transparency with the recruitment process for these two groups of employees, which would necessitate providing clear feedback on the criteria the PAO or re-engagee has failed to meet. Doing this will enable the (current or former) employee to note what requires improving and work towards that goal, especially as they are already in possession of a skill set desired by WA Police (or they would not otherwise be, or have been, employed by the Agency). In conjunction with a more transparent system of feedback, it is imperative that a more appropriate timeframe is applied to these employees, so that they are not waiting an agonising six months to re-apply. This wait time is particularly difficult for re-engagees, whose status of employment may be contingent on the decisions of WA Police.

WAPU would also like to see WA Police develop a policy around career breaks, one that not only will encourage officers to personally and professionally develop themselves away from WA Police, but will clarify what is incumbent of that officer upon their return.

WAPU would like to know if Government or WA Police produced a formal response to the 2012 Auditor General's "New Recruits in Western Australia Police" report and if any of the recommended changes have since been implemented.

### Term of Reference 2: Training

Based on feedback received by our Members, there appears to be a number of deficiencies in how training is managed for recruits. Whilst most respondents noted that it was "understood and appreciated" that the Academy has much to teach new recruits within their six month stint, Members

concerns were twofold. Not only was there apprehension that the current course curriculum did not adequately encompass the basic requirements of modern policing, but the lack of supervision and mentoring once a recruit had left the Academy (due to time pressures and the intensified work load of senior managing staff) meant skill gaps were widened and many recruits were ill-prepared and without the required knowledge to adequately undertake all policing duties expected of them. Respondents also noted there were recruits who were graduating from the Academy who possibly should not have graduated, echoing the findings of the “New Recruits in Western Australia Police” report.

The “New Recruits in Western Australia Police” report made four recommendations regarding the efficacy and efficiency of the training of probationary constables in WA Police. WAPU supports each of those recommendations, relating to training, support, early-off-probation and information sharing. WAPU would like to know if Government or WA Police have addressed or implemented any of these recommendations. If not, WAPU believes these recommendations require immediate actioning.

Training that occurs on an on-going basis within WA Police, whether it is mandatory or optional, is also plagued with deficiencies. A third of survey respondents had indicated that they had experienced occasions where their requests to complete mandatory in-service training had not been met by WA Police. The reasons for this included courses being full or unavailable, a lack of staff at the officer’s work location preventing attendance and being disadvantaged by working in regional WA. More than half of all respondents did not feel WA Police provided adequate mandatory in-service training. This is very concerning for WAPU, as the critical skills required to be an operational police officer are dynamic, constantly evolving with the policing environment and vital to maintaining relevancy.

As such, it is imperative that the following is addressed immediately:

- That Academy/Maylands Complex courses are offered with greater frequency and greater capacity, so as to accommodate increased demand for mandatory courses;
- Increasing budgets as necessary in regional WA to allow regional officers the same opportunities to attend all mandatory courses in Perth;
- Increasing staffing levels, particularly in regional WA, to free up officers to attend all mandatory training as required; and
- Devoting the appropriate work time and resources to effectively train officers across the State.

The fact that so many mandatory training courses are available on Blackboard could partially explain why Members feel in-service training is inadequate. Whilst WAPU acknowledges that some training is appropriate for Blackboard, the majority of courses should be offered in a physical classroom setting, with adequately resourced and educated trainers. Our Members noted the following about Blackboard training, all of which must be taken into consideration when assessing its viability:

- Training in a police environment is dynamic and demanding, and online training does not adequately cater for such a learning environment;
- Blackboard does not allow for discussion and feedback (such as that which occurs between an officer and a trainer), which concerned respondents who believed material could be interpreted differently amongst officers;
- Blackboard courses can be repetitive and often do not feel meaningful and engaging, thus limiting the learning experience;
- Insufficient time is allocated during work hours to review and learn Blackboard material;
- Blackboard is not conducive to learning new materials;
- Blackboard only assesses an officer's knowledge on a subject, not the practical application of a skill; and
- Blackboard removes the opportunity for officers to come together in a dedicated learning environment, where they can network and information share.

Optional training, conducted either internally or externally, is subject to similar shortcomings. Given WA Police expect and encourage their staff to explore professional development beyond mandatory in-service training, two-thirds of survey respondents had experienced an occasion where WA Police had not been able to meet their request to complete optional training. The reasons proffered for not being able to accommodate optional training requests were not dissimilar to those given for mandatory training, which illustrates the shortfalls across training in general at WA Police.

### **Term of Reference 3: Police misconduct**

WAPU has been a vocal opponent of the MIM since its inception. The model, and the way it is applied, disadvantages our Members' rights to be afforded due process. The manner in which the MIM is applied has adversely affected our Members' health, personal and professional relationships, career prospects and finances. Members' have found the MIM does not adhere to the communicative, open, collaborative approach it espouses, as Members' concerns about the MIM process and/or outcomes are rarely acknowledged, let alone resolved.

Officers' subject to the MIM are rarely afforded the opportunity to improve their performance through a range of initiatives identified within WA Police policy, despite the policy adopting a "remedial/developmental approach" with the chance for officers to "change behaviour and conduct [in order] to achieve improvement".

The MIM champions a "non-punitive and meaningful managerial intervention" approach, yet the application of the model is steeped in a 'heads will roll' mentality, with Members feeling that subject officers are 'guilty until proven innocent', no matter how severe the alleged misconduct. The MIM encourages discussion about the alleged misconduct in an open, non-threatening manner yet our respondents' experiences indicate the contrary is occurring. Those who have been subject to the MIM felt threatened or forced to accept MIM outcomes, with delivery officers rarely acknowledging the concerns of the subject officer.

The MIM is unevenly and unfairly applied across Districts/Divisions. Delivery officers, and those in charge of utilising the MIM to discipline officers, receive no training or education in the model – they are left to read (and interpret) the policy on their own accord, in their own time and on top of the multiple other tasks they are required to perform as managers.

The MIM is, most frustratingly, fraught with a lack of communication and transparency. The MIM process lacks appropriate and timely channels of communication, which exacerbates for officers what is already a stressful experience.

WAPU is concerned that WA Police has developed a set of guiding principles for investigative practices, specified within the *WA Police Investigation Doctrine*, which are not being utilised or enforced. The doctrine espouses (amongst others) transparency, fairness, equity, standardisation and communication, principles to which investigators, managers and MIM delivery officers are clearly not adhering. WAPU would like to see a greater enforcement of this doctrine and its principles within the Agency to ensure all Members who are investigated are afforded a fair, transparent and timely process.

Presently, WA Police favours the MIM as a means of managing police misconduct whilst Section 23 of the *Police Act* languishes as an unutilised method of disciplining police officers. Section 23 disciplinary charges have a legislated process which gives Members due process and the right to appeal the

decision to the Police Appeal Board, if aggrieved. The MIM lacks procedural fairness and natural justice and is considered by WAPU to be an inferior disciplinary model.

Whilst WAPU welcomes the reviews WA Police has expressed it will undertake, WAPU believes that Section 23 remains the more desirable method of managing police misconduct and is adamant that it should not be repealed from the Police Act. **If** a model of managing police misconduct is to be used *in conjunction with* Section 23, the model must:

- Not simply espouse values of collaboration, consultation, transparency and openness but actually engender these values;
- Maintain a consistent application of processes across all Districts/Divisions, even if that requires centralising the process to Professional Standards;
- Be timely in its investigation processes and deliver judicious and well-timed outcomes;
- Ensure that if an allegation of misconduct is unsubstantiated or unfounded, it is recorded accordingly and the subject officer does not experience any serious or adverse outcomes that are set to merely satisfy a scrutinising oversight body;
- Provide an appropriate and well-utilised quality assurance process and unbiased, impartial process of review where necessary; and
- Ensure procedural fairness and natural justice is maintained.

#### **Term of Reference 4: Medical issues**

It has been more than 12 months since the launch of *Project Recompense*. WA Police and the Government have had a year to digest the report, formally respond to *Project Recompense* and begin implementing the report's recommendations. WAPU is incredibly disappointed that since the launch of this cornerstone project, nothing has been forthcoming from the Government. It is entirely unacceptable that Members continue to endure, amongst many things:

- A lack of accountability for the unsupportive and often dismissive attitude of the Agency following trauma-related incidents and work-acquired medical issues, particularly those of a psychological nature;
- An ad hoc approach to mental health training and awareness;
- A pervasive police culture that sees illnesses and injuries (particularly those of a psychological nature) as a weakness, combined with a perceived lack of support from management or the hierarchy, which exacerbates the propensity for Members to suffer in silence;

- Insufficient support (of an emotional, mental and financial nature) following medical retirement, particularly as there is no organisation or agency specifically dedicated to the provision of post-service support and care for separated officers;
- Adverse experiences with an understaffed WA Police Health and Safety services, with the confidentiality of officers' medical records a pressing concern for Members; and
- An absence of a satisfactory compensation scheme for police officers who are injured (be it physically or psychologically) in the line of duty.

WAPU requests that the Committee endorse the 14 recommendations made by the report. WAPU also requests that WA Police and (especially) Government formally respond *in detail* to each of the report findings and recommendations, without haste. The response must include detail as to how each recommendation will be enacted, with proposed timeframes, so that the many thousands of police officers who are anticipating change will be informed as to the actions that will be taken.

# Appendices

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## Appendix 1

The following table represents a general comparator between the requirements to become a police officer and a police auxiliary officer, as per WA Police COPS Manual Human Resources Policies, HR-15.03 and 15.04.

Requirements	Police Officer Applications	Police Auxiliary Officer Applications
Have sound moral principles and character	√	√
Be at least 18 years of age	√	-
Hold a current Western Australian Motor Driver's License	√ (≤ 8 demerit points)	√ (≤ 6 demerit points)
Hold Australian or New Zealand citizenship or permanent residency	√	√
Visual acuity	√	√
Pass a final medical clearance by the WA Police Health and Safety physician	√	√
Hold a current Senior First Aid certificate	√	√
Have a Bankruptcy Clearance Certificate	√	-
Provide samples of identifying particulars	√	√
Police entrance evaluation (to assess verbal reasoning, abstract reasoning and audio/visual capability)	√	√
Physical performance evaluation <sup>73</sup>	√	√
Psychological evaluation	√	√

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<sup>73</sup> WAPU is aware that the requirements of a physical evaluation do vary between police officer and PAO, and are more lenient for a PAO.



## Appendix 2

The following list notes all compulsory Blackboard training units that sworn police officers must be complete and pass in order to remain operational:

- FDV Frontline IMS Family and Domestic Violence Incident Report 1-9 Enhancement Training;
- OSH Fire extinguisher Awareness;
- Policy Custody Refresher;
- AIIMS Refresher;
- Operation of Road Closures During Emergencies – Level 1;
- Operation of Road Closures During Emergencies – Level 2;
- Active Shooter Response Guidelines;
- OSH – Introduction to Fatigue Management;
- Emergency Driving Policy Refresher – CS4;
- OSH Fundamentals – OIC and Managers;
- FIT – Frontline Investigation Training;
- Bullying Prevention and Equal Opportunities Awareness Training;
- FDV Reporting Family and Domestic Violence;
- Custodial Management – General Users Training;
- Bushfire Behaviour and Officer Safety Training;
- OSH Manual Handling;
- Local Emergency Coordinator (LEC) Awareness;
- Non-Traffic Infringement Management System (NTIMS); and
- OSH Infection Control Course.

## Appendix 3

The following is lifted directly from WA Police COPS Manual Policy, HR 31.01.1 Introduction.

In general terms, the MIM is characterised by:

- The WA Police Code of Conduct as the primary standard and reference point for the behaviour, conduct and performance;
- A 'top down' commitment, touching all in the agency and focusing on ethical and professional conduct, with a strong commitment to performance;
- A focus on managerial intervention to address demonstrated and identified unprofessional conduct;
- A remedial/developmental approach which recognises that officers will make honest mistakes and which provides a 'fair go' to positively change behaviour and conduct to improve both individual and organisational performance and ethical health by:
  - Maximising the opportunity to improve service delivery;
  - Enhancing the professional personal development of individuals;
  - Contributing to organisational learning and development;
  - Contributing and enhancing the public confidence in the WA Police and strengthening organisational identity and professionalism;
  - Encouraging and empowering managers and supervisors at all levels to respond effectively and react in a timely manner to all instances of demonstrated and identified unprofessional conduct;
  - A contribution to achieving sustainability in building positive peer pressure between officers, officer self-regulation, and positive organisational culture;
  - Restricted use of disciplinary charges, confined for more serious and systemic breaches of conduct;
  - Managers and supervisors accepting both responsibility and accountability for the development of relevant behavioural modification actions capable of changing and positively influencing behaviour and conduct and to ensure such actions are managed to a successful conclusion (MAP). Additionally, it is critical the day-to-day administration of a MAP rests with the subject officer's direct line officer-in-charge/manager;

- Management Action Plans (behaviour modification actions) being delivered by senior officers to reinforce the need to change behaviour and address demonstrated and identified unprofessional conduct;
- Senior managers positively engaging subject officers during the delivery of a MAP to secure the willingness and agreement of the subject officer to actively participate in the agreed behavioural modification action/s (note – without a willingness by the subject officer to participate in a behavioural modification action, behaviour and unprofessional conduct will not change); and
- Accountability by Commander/District-Divisional Superintendent/Branch Heads for the implementation and administration of the MIM within their respective areas of command is in the ordinary course of business, monitored by the Police Complaints, Ethical Standards Division (ESD) and externally by the Corruption and Crime Commission.

## Appendix 4

- “Officers are being treated as guilty at first instance. Managers are not always sure how to proceed and are more likely to be hard on individuals as they do not want to be seen as not doing their duty. New frame work is needed. Look at best practice in civilian life as WA Police are still behind in management practices as far as staff treatment and complaints resolution is concerned”;
- “Whereas there should never be any tolerance for misconduct or corruption, the current attitude of WA Police toward its officers is one of guilty unless unsubstantiated. Whereas I have not been personally subject to any internal proceedings, I am intimately aware through several close friends and family employed by WA Police who what have been subject to proceedings (simply due to the fact they were present at a critical incident). The internal processes were not supportive of the traumatic nature of the incident... [The officers involved] were treated as criminals... They were never advised of the outcome of the investigation and the officers had to ask their Superintendent to enquire on their behalf two years later to confirm that they had been cleared of any wrongdoing. Sadly, this is becoming the normal management style”;
- “There should be a robust and independent form of appeal [within the MIM], officers should have access to some sort of representation during the process, both legal and general support, to ensure they get the best outcome”;
- “As long as the investigating officer is competent, understands and applies the principles of procedural fairness and natural justice, a correct and timely outcome should occur. However, all too often incompetent officers are given the role and responsibility of investigation officer, often by dint of rank and not competency. An incompetent investigating officer can do more damage to the subject officer, the original complainant and WAPOL through their inability to conduct a proper and thorough investigation [to seek] out the truth”;
- “We are subjected to far greater scrutiny than any other government department yet receive little support in comparison. There is little openness in our LOC and MIM process. Staff are often bullied into decisions that in private industry would see civil suits. Staff often wear decisions to retain their job, often where there is no grounds for dismissal but for fear of repercussion if they were to fight a decision. No natural justice”;
- “The important term in the above sentence is alleged. WA Police... have a charge first philosophy when dealing with their own staff. It is a blame culture, and staff are treated as criminals rather than witnesses. I am all for accountability, however, I do not believe that staff

should be treated criminally unless there is reasonable suspicion to do so... We should be afforded the same rights and privileges as the general public [with respect to allegations of misconduct]”;

- “My perception is that non-commissioned officers are subject to more rigorous discipline and scrutiny when allegations of misconduct are made against them. When the same type of allegations are made against commissioned officers not much seems to happen”;
- “Minor procedural or misconduct matters are given a greater status of importance than is needed. A common sense approach is often overlooked because WA Police are concerned as to how an outcome might be reviewed by the CCC... No fair minded and reasonable person wants to work with an employee who is criminally corrupt or involved in serious misconduct. It harms the reputation of the agency and its employees and will erode community confidence in the integrity of the agency. But minor misconduct needs to be investigated for what it is – minor breaches of procedure and policy”;
- “[The MIM] is very biased and subjective. If the allocated investigator does not like you or has a different interpretation of policy or legislation, it is very easy for them to [be] biased in the matter”;
- “There is no genuine separation between managerial and criminal investigations where they relate to the same incident. The MIM is not being used for the purpose that it was designed for. The MIM has become a punitive tool – internal investigations take far too long and are too laborious. It creates undue stress and pressure even for relatively minor matters. There is no genuine effort to find ways to re-train staff or provide appropriate ways, including supervision, for a person to improve. Investigators, during interviews, do not investigate. They use the interview to dominate and intimidate... Managerial Notices in particular are handed out far too frequently for matters that require less severe sanction... Most members understand the need for internal investigations and that they must be robust and transparent, but they can be [the way they currently are] without the toll it creates”; and
- “The current process is so biased and inconsistent that it could be considered a joke if it did not so adversely affect some members. In my role I have witnessed members from the rank and file be dragged over the coals for discrepancies and actions that executive staff performing in the same way have been slapped on the wrist for”.

## Appendix 5



**WA POLICE  
UNION**

2 December 2014

Dr K. O'Callaghan APM  
Commissioner of Police  
6<sup>th</sup> Floor, Police Headquarters  
2 Adelaide Terrace  
EAST PERTH WA 6004

Dear Mr O'Callaghan

### **PROJECT RECOMPENSE**

Please find enclosed a copy of the WA Police Union Report – Project Recompense.

Project Recompense is the culmination of more than two years extensive research and if acted upon, will be the catalyst for positive change, for our Members, in the areas of health and welfare; post traumatic support; rehabilitation; education and compensation.

Project Recompense was recently launched at our 78<sup>th</sup> Annual Conference and has now been made available to our Members, as well as the wider community.

The Report contains heart wrenching personal accounts from our Members (whose identities have been suppressed), outlining their experiences, which necessitated the inclusion of a warning due to the graphic nature of some content.

WA Police and Government not only have a moral responsibility to rehabilitate and support these Officers, but you also have an obligation as their employer to put in place strategies that minimise harm to our Members.

If it wasn't for joining WA Police and putting the needs of the community above their own, Officers would not be in the predicament of feeling helpless, alone, desperate and deeply traumatised as a result of what they have seen and experienced.

The way in which the Agency retires those who are no longer able to be a Police Officer is a disgrace and needs to change.

At the moment, Officers who are medically retired must go through the Commissioner's loss of confidence process, which is generally reserved for Officers who have been accused of misconduct.

This is manifestly unfair and an undignified way of treating Officers who were injured as a result of frontline policing.

639 Murray Street  
West Perth WA 6005  
P (08) 9321 2155  
F (08) 9321 2177  
E [admin@wapu.org.au](mailto:admin@wapu.org.au)  
T @WAPoliceUnion  
[www.wapu.org.au](http://www.wapu.org.au)  
ABN 11 005 082 386

Compensation for Officers who have been broken at work is also essential and much debate has occurred in the media about giving up entitlements, such as sick leave, in order to pay for a workers compensation scheme.

One thing that needs to be made clear is that these are two separate issues and one should not need to be given up in order for the other to be established.

A case in point is the Former Police Officers Medical and Other Expenses Scheme, which was introduced to compensate Officers for medical expenses after they leave WA Police for injuries that occurred while they were serving, and no sick leave entitlements were given up for that!

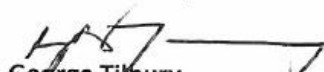
Medically retired officers only make up about 20 retirements per year, so the cost for compensation is minimal when compared to the untold harm and suffering discarded Officers and their families have to endure. Compensation should be applied retrospectively to the 300 officers who have been medically retired from WA Police to ensure they have a reasonable quality of life.

Police Officers do one of the toughest jobs on the planet and often have to make split-second decisions that have life-long consequences, so all we ask is that you are fair and reasonable.

Project Recompense contains 14 Recommendations (pages 9 – 11), that mean so much, to so many. We seek your views on these very important issues.

We look forward to working collaboratively with WA Police and Government to right the wrongs of the past and do what is in the best interests of all Police Officers in Western Australia, which is mutually beneficial for all parties, including the community we serve.

Yours sincerely

  
**George Tibbory**  
**President**

Encl.



2 December 2014

Honourable L. Harvey MLA  
Minister for Police  
11<sup>th</sup> Floor, Dumas House  
2 Havelock Street  
WEST PERTH WA 6005

Dear Mrs Harvey

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ABN 11 005 082 386



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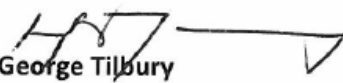
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We look forward to working collaboratively with you and WA Police to right the wrongs of the past and do what is in the best interests of all Police Officers in Western Australia, which is mutually beneficial for all parties, including the community we serve.

Yours sincerely

  
**George Tilbury**  
**President**

Encl.

## Appendix 6



WESTERN AUSTRALIA POLICE

### OFFICE OF COMMISSIONER OF POLICE

POLICE HEADQUARTERS  
6TH FLOOR  
2 ADELAIDE TERRACE, EAST PERTH  
WESTERN AUSTRALIA 6004  
TELEPHONE : (08) 9222 1978  
FACSIMILE : (08) 9222 1717

Your Ref:  
Our Ref: eA1095245  
Inquiries:

Mr George Tilbury  
President  
WA Police Union  
639 Murray Street  
WEST PERTH WA 6005

Dear Mr Tilbury

#### PROJECT RECOMPENSE

Thank you for your correspondence dated 2 December 2014 in relation to the above subject matter.

Your correspondence has been referred to the Senior Executive for their attention.

Yours sincerely

ANDREA HANCOCK  
CHIEF OF STAFF  
ASSISTANT DIRECTOR (EXECUTIVE SERVICES)  
OFFICE OF COMMISSIONER

5 December 2014

## Appendix 7



22 OCT 2015

Your Ref:  
Our Ref: eA1095245  
Inquiries:

WESTERN AUSTRALIA POLICE  
**OFFICE OF EXECUTIVE DIRECTOR**

POLICE HEADQUARTERS  
6TH FLOOR  
2 ADELAIDE TERRACE, EAST PERTH  
WESTERN AUSTRALIA 6004  
TELEPHONE : (08) 9222 1524  
FACSIMILE : (08) 9222 1380

Mr George Tilbury  
President  
WA Police Union  
639 Murray Street  
WEST PERTH WA 6005

Dear Mr Tilbury

### PROJECT RECOMPENSE

As recommended in the WA Police Union Report – *Project Recompense* (Recommendation 7), please find attached a copy of the PricewaterhouseCoopers report on the former Health and Welfare Services Division, with a summary of progress that has been made since it was prepared.

We request that the report and summary not be distributed to any parties beyond your Board of Directors. We also ask that you take into account that the management structure around the current Health and Safety Division within the new Workforce Portfolio is vastly different to that which applied at the time of the report.

We would also like to take this opportunity appraise you with a summary of our current position on the other recommendations in the report, many of which are planned to be addressed in the Workforce Optimisation project and other reviews currently being conducted by the Agency.

Recommendation(s)	Position
Number 1	WA Police acknowledges that there are members who have suffered trauma as a result of attending a number of critical incidents and that this trauma has been life-changing for those affected. However, as previously discussed, we do not agree with the general statement that the Agency has failed to provide appropriate support.
Numbers 2, 3 and 11	The Health and Safety Division is currently undertaking a review of our mental health strategy and there are many components that synchronise with a number of the recommendations that you have put forward. Areas such as resilience training and psychological first aid (number 2), psychological interventions/education (number 3) and suicide prevention (number 11) are being researched and reviewed as part of this strategy. Ms Fiona Donaldson, Assistant Director of the Health and Safety Division, is to consult with you during this process.

Mission Statement: "To enhance the quality of life and wellbeing of all people in Western Australia by contributing to making our State a safe and secure place."

Recommendation(s)	Position
Number 8	It is highly unlikely that WA Police will reassess its previous response to the report. However, as previously discussed, we are happy to consider issues that you consider have not been addressed in our response.
Numbers 9, 12 and 13	The medical retirement process and workers' compensation (numbers 9, 12 and 13) are being reviewed as part of the Workforce Optimisation project.
Number 14	The concept of a scheme similar to Redress WA would be considered in concert with any decision on a Workers' Compensation Scheme for WA Police officers and would need consideration by the Government.

As previously discussed, I am sure you will appreciate that, while the process is underway, a large amount of work is required to get to the point of conclusion. In this regard, we are keen for the Union to play an active role in addressing the above issues and Scott Higgins will contact you shortly to formalise the relevant protocols.

Please do not hesitate to contact me if you wish to discuss any issues related to the report or our plan to respond to it.

Yours sincerely



ANTHONY KANNIS  
EXECUTIVE DIRECTOR

16 October 2015