

WA POLICE UNION
2017 PRE-ELECTION
SUBMISSION

**IT'S TOUGH
ENOUGH**



**WA POLICE
UNION**

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President's Message

Policing by its very nature is difficult and dangerous. Our Members never know what is around the next corner and our role at the WA Police Union is to protect their rights and working conditions.

For the past 35 years, we have been working to right the wrongs and deliver a tailored workers' compensation style scheme for police officers who are medically retired. It is an absolute disgrace how some of our Members have been treated following their medical retirement, having effectively been thrown on the scrap heap and left to fend for themselves.

All sides of politics must agree to resolve this issue within months of forming government. We have waited long enough, so the scheme must be introduced with retrospectivity to give peace of mind to medically retired officers, some of whom are destitute.

In addition to the workers' compensation scheme, this Pre-Election Submission sets out our needs and desires to make policing safer for our Members and the community of WA.

Our Members accept there are risks when they sign up at the Academy however, there are a number of issues which can be easily rectified to better protect them and improve their working conditions.

While most of our Recommendations are focused on our Members, we also have the community in the forefront of our mind, which is why we are asking for 1,000 additional police officers to fight crime and reduce the State's increasing road toll.

Only extra police officers will solve these issues. Now is not the time for short cuts or penny pinching. The newly elected State Government needs to invest in community safety by increasing spending on policing thus making law and order a priority.

Over the coming months, WAPU will meet with every candidate for the 11 March State Election and explain to them the importance of each and every one of our Recommendations.

Given the importance of law and order to every community member within each electorate in WA, I expect all sitting and aspiring politicians will listen to our concerns and make a pledge to support WA police officers, just as the community has done through our *It's Tough Enough* campaign.



George Tilbury
President
WA Police Union



Our Members accept there are risks when they sign up at the Academy however, there are a number of issues which can be easily rectified to better protect them and improve their working conditions.



Executive Summary

POLICE BUDGET

1. In recognition of the increased dangers in today's policing environment, the State Government must commit to maintaining the current Police Budget. WA Police must be excluded from any efficiency dividends that impact on frontline policing.

2. The State Government commits to increasing the number of police stations and associated facilities to meet the increased demands on police.

3. Improve existing police stations/facilities to ensure they are fit for modern policing and cater for future growth. Improvements to parking at all facilities must be a priority and requires changes to the Police Building Code to ensure minimum parking levels for all police officers at each location.

4. In light of the increased terror threat to police officers and weapon related assaults, the State Government must fund personal issue stab proof ballistic vests for all frontline police officers.

STRENGTH

5. The State Government commits to recruiting 1,000 additional police officers, including:
 - 750 frontline police officers plus appropriate resources to fully equip and support these new officers.
 - That WA Police increase the number of support staff in its Health and Safety Division by 50 FTE positions to appropriately cater for the welfare needs of police officers. It is acknowledged that personnel with the requisite expertise may be required, in lieu of some police officers for these positions.
 - 200 traffic police officers and additional resources to increase traffic patrols, all funded from the Road Trauma Trust Fund.
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SALARIES

6. Police officers be exempted from the draconian restrictive State Wages Policy, with provision to negotiate a fair and reasonable outcome.

7. The State Government commits to increasing employer superannuation contributions.

LEGISLATION

8. The State Government, in consultation with WAPU, undertake a complete review of the Police Act & Regulations to modernise the legislation and to include:
 - Modernisation of the Bankruptcy provision
 - Legislation to protect police officers' rights, that evidence coercively obtained from them in CCC examinations and/or WA Police internal interviews, and information derived from that evidence, not be used against them when on trial for a criminal offence.
 - Pass legislation introducing a "special reasons test" to protect police officer's disciplinary records from being obtained in fishing expeditions in civil and criminal legal cases.

9. The State Government closes the loophole which allows offenders to be released on parole prior to serving the mandatory minimum term of imprisonment for driving recklessly while evading police.

10. The State Government pass legislation that imposes a mandatory life sentence for offenders found guilty of murdering a police officer.

11. The State Government impose harsher penalties for offenders found guilty of assaulting a police animal.

12. The State Government amend the *Road Traffic Act 1974* forcing motorists to slow down 100 metres either side of emergency service vehicles that are flashing their lights. In addition, an advertising campaign must also be funded to make the public aware of the changes and the need to also give way to emergency service vehicles driving under priority.
-
13. The State Government grants police officers full access to the Western Australian Industrial Relations Commission.
-
14. The State Government does not make any changes to the powers of the Corruption and Crime Commission (CCC) so it remains solely an investigative body in relation to criminal offences.
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ALLOWANCES

15. The State Government commits to fully funding the existing Regional WA Attraction and Retention Allowance.
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COMMUNITY AND ROAD SAFETY

16. The State Government allocate additional funding so WA Police can increase the number of roadside drug tests conducted each year.
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17. The State Government introduces legislative change that will permit additional methods to be utilised by police officers to end pursuits sooner, including force and roadblocks, whilst providing the necessary protection.
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HEALTH, SAFETY AND WELFARE

18. WAPU seeks bi-partisan support for a workers compensation style scheme for medically retired police officers in addition to existing entitlements, including:
- Financial assistance to implement a program that retrains medically retired officers so they can be employed elsewhere in the public sector.
 - Pass presumptive legislation for police officers with respect to a range of specific illnesses and injuries including post-traumatic stress disorder.
 - The State Government establishes an ongoing compensation scheme that adequately and appropriately financially compensates medically retired police officers.
 - The Former Officers' Medical Benefits Scheme be amended to encompass officers who suffered a work-related illness or injury before 1 July 2007 and to provide for vocational rehabilitation.
 - Retrospectivity to assist police officers who have already been medically retired.
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19. The State Government expands the existing provisions in *Mandatory Testing (Infectious Diseases) Act 2014* to allow mandatory blood testing of anyone who accidentally exposes a police officer to their blood or bodily fluids.
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20. The State Government makes changes to the *Occupational Safety & Health Act 1984* to allow police officers to refuse dangerous work.
-
21. The State Government makes provisions to allow police officers to be fully armed in all courts in Western Australia.
-
22. The State Government establishes a Department for Emergency Services Workers' Affairs that remunerates eligible members with appropriate benefits; provides a range of health care and support services for eligible members; and offers specialised, free counselling.
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Members have told WAPU that they are often having to share equipment such as guns, tasers, torches and radios...

Any cost cutting to the WA Police Budget would have catastrophic effects not only for police officers but also community safety.



Police Budget

1.

In recognition of the increased dangers in the current policing environment, the State Government must commit to maintaining the current Police Budget. WA Police must be excluded from any efficiency dividends that impact on frontline policing.

The world is changing and police officers are under more pressure than ever before.

The pressure on police is caused by the increased threat of terror attacks, WA's growing methamphetamine problem and high demands on police to attend domestic violence and mental health related incidents.

WA Police has already been able to achieve approximately \$28 million in savings during the Frontline 2020 Reform project.

WAPU believes more funding is needed to ensure police officers in all areas have the resources they need to effectively police the State.

Members have told WAPU that they are often having to share equipment such as guns, tasers, torches and radios which the Union believes is completely unacceptable. We are also regularly told that there are not enough vehicles, in particular for Local Policing Teams. The sharing of equipment is also explored in Recommendation 4 with stab proof ballistic vests.

Every frontline police officer should be fully equipped to deal with whatever may be thrown at them.

Any cost cutting to the WA Police Budget would have catastrophic effects not only for police officers but also community safety.

2.

The State Government commits to increasing the number of police stations and associated facilities to meet the increased demands on police.

3.

Improve existing police stations/facilities to ensure they are fit for modern policing and cater for future growth. Improvements to parking at all facilities must be a priority and requires changes to the Police Building Code to ensure minimum parking levels for all police officers at each location.

Police officers and the community deserve police facilities and stations which are fit for modern policing.

WAPU regularly conducts station visits to ensure Members are provided with the best possible facilities and to make sure that all buildings are safe and do not have occupational safety and health risks for police officers.

During the course of these visits, WAPU has identified a number of police stations or facilities in urgent need of refurbishment or replacement.

Refurbishment

- Boddington
- Boyup Brook
- Broome
- Bunbury
- Kalgoorlie
- Maylands Police Complex – in particular TRG, Mounted and Dog Squad facilities
- Narrogin
- York

Replacement

- Armadale
- Jurien Bay
- Katanning
- Marble Bar
- Onslow
- Paraburdoo

Improvements also need to be made to a number of other police stations and facilities to ensure they all have suitable secure fencing and CCTV systems to monitor station buildings, compounds and access points. Refurbishments are also still required to some police station front counters to ensure Member safety as well as secure custody facilities to ensure there are holding/charge rooms and interview facilities for the detention of suspects/prisoners, to comply with legislation and policy.

In addition to these works, WAPU wants to ensure the safety of our Members by having ample onsite parking as a requirement of the Police Building Code.

Currently, the Code does not prescribe enough parking bays for all police officers at any one facility. Given the increased terror threat, the risk of lone wolf attacks and recent incidents directed at police officers in other jurisdictions, safe, secure onsite parking for all police officers must be a priority to ensure their safety is maximised.

4.

In light of the increased terror threat to police officers and weapon related assaults, the State Government must fund personal issue stab proof ballistic vests for all frontline police officers.

Given the increased risk of terror attacks and weapon related assaults, WAPU is calling on the State Government to better protect frontline police officers by providing them with personal issue stab proof ballistic vests.

WA Police does not currently issue a vest that is Personal Protective Equipment (PPE), but rather, equipment that is used at the station level. With the exception of the Tactical Response Group (TRG), where officers have a high degree of PPE including specialist vests, the current station issue vest is normally used in circumstances where an officer could reasonably expect to be confronted with a firearm or other weapon whilst engaged in patrol duties and/or operations.

Given the changing environment, police officers could be in danger, anywhere at any time, so WAPU believes it is vital they have personal issue vests to maximise their safety.

There are currently only 1,035 pieces of tactical body armour Statewide for 5,242 police officers qualified in critical skills and ready to conduct frontline duties.

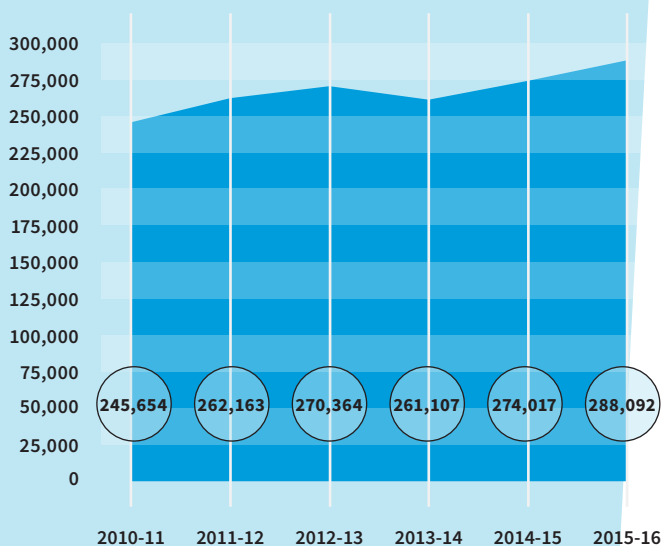
Strength

5.

The State Government commits to recruiting 1,000 additional police officers, including:

- 750 frontline police officers plus appropriate resources to fully equip and support these new officers.
- That WA Police increase the number of support staff in its Health and Safety Division by 50 FTE positions to appropriately cater for the welfare needs of police officers. It is acknowledged that personnel with the requisite expertise may be required, in lieu of some police officers for these positions.
- 200 traffic police officers and additional resources to increase traffic patrols, all funded from the Road Trauma Trust Fund.

Number of 000 Calls for WA Police assistance per year

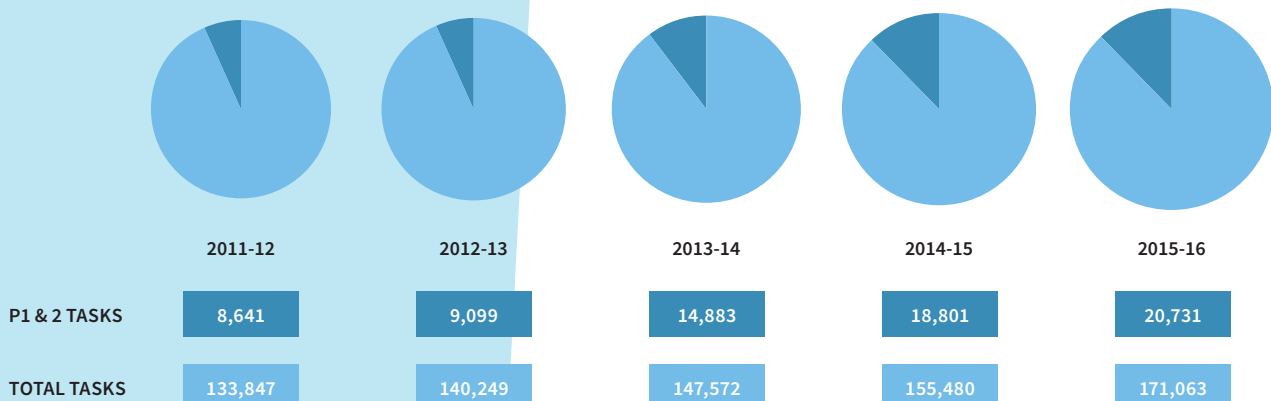


Response Teams are under more pressure than ever before tackling incidents related to methamphetamine use, domestic violence and mental health issues, not to mention the ever increasing threat of terrorism at the forefront of their minds.

The monthly crime statistics for 2015-16 were much higher than the corresponding months in 2014-15. These double digit increases in crime lead to a change in the Metropolitan Operating Model and additional police officers were sent to Response Teams as well as Local Policing Teams being re-tasked to respond to crime.

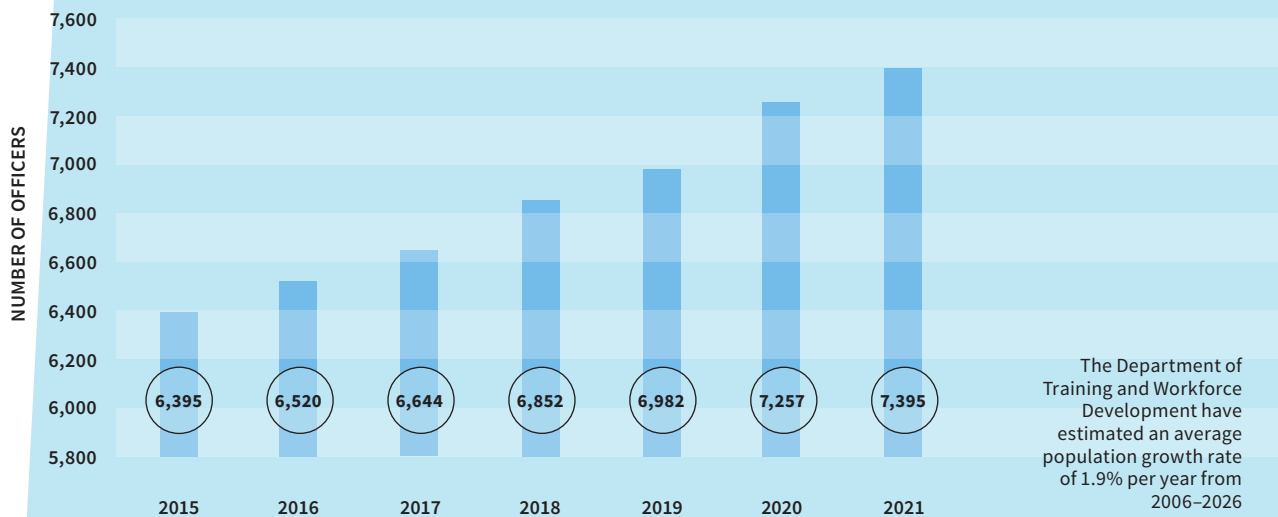
While these additional resources have made an impact, the monthly increases continued and we are only now seeing a reduction in crime. However, it is not sustainable and the only way to ensure the reduction in crime continues is for more police officers to be recruited.

WA Police Response Tasks per year



Source: WA Police Annual Reports

Projected WA Police Officers per year

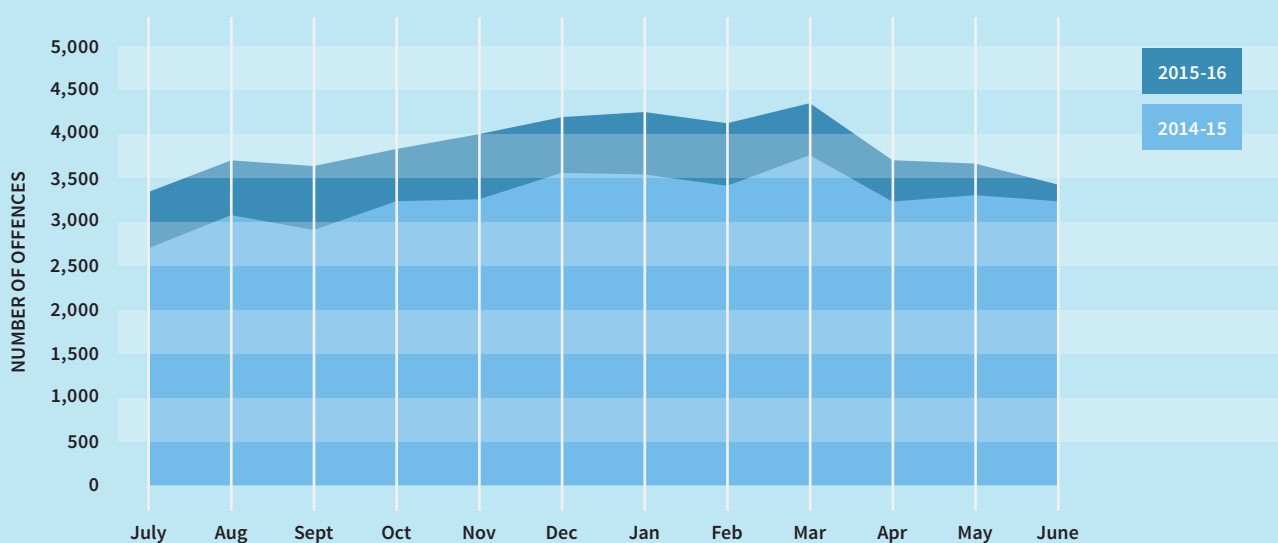


Predicted numbers – Increasing the Police to Population Ratio to 255

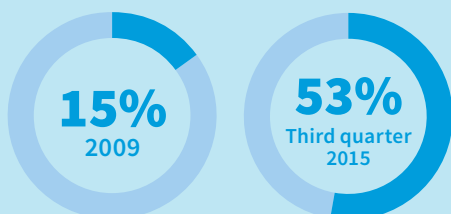
YEAR	RATIO OF POLICE OFFICER TO 100,000 PEOPLE	ADDITIONAL POLICE PER YEAR TO INCREASE RATIO
2015	247	
2016	247	125
2017	247	124
2018	250	208
2019	250	130
2020	255	275
2021	255	138
TOTAL		751

By increasing the Police to Population ratio back to 255, this will return the ratio to the 2005 level.

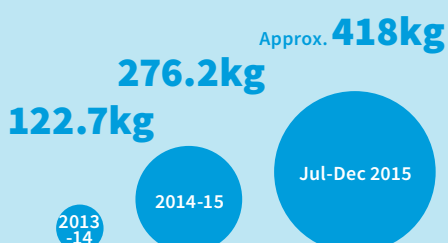
Total Offences Against the Person – 2014-15 v 2015-16



Research has indicated that meth users are:



The percentage of offenders who had 'recently used meth' at the Perth Watch House has tripled from 15 per cent in 2009, to 53 per cent in the third quarter of 2015. This is the highest percentage since the data was first collected in 1999.



The amount of meth seized in WA has also significantly increased from 122.7kg seized in 2013-14 to 276.2kg seized in 2014-15. From July 2015 to December 2015, WA Police seized approximately 418kg of meth.

Strength continued

Meth Use in WA

The State Government's Western Australian Meth Strategy 2016 highlights exactly how much pressure WA Police is under due to meth. WA Police experienced a 40.8 per cent increase in amphetamine-type stimulant arrests between 2013-14 and 2014-15.

In August 2016, the State Government announced results of its wastewater testing analysis project which showed 31.6 kgs of meth was used every week in Perth, or 1.6 tonnes per annum.

Mental Health

There were 17,498 police mental health calls outs in 2015, compared with 4,766 in 2007.

The recently introduced mental health co-response teams have responded to 4,500 incidents between December 2015 and August 2016.

Every metropolitan Response Team is understaffed and to ensure enough police officers are able to respond, 400 additional police officers are required across the Response Teams as the first priority.

Police officers in regional WA are also under pressure with hot spots such as South Hedland, Kununurra, Broome and Geraldton in urgent need of additional officers.

WAPU believes additional police officers in regional WA are required across all districts.

Health and Safety FTE

In November 2014, the Health and Safety Division employed approximately 33 FTE staff to service the needs of more than 6,500 police officers, PAOs and cadets across WA.

The Health and Safety Division comprises several units, including psychologists, claims management, welfare (being peer support and chaplaincy), corporate health and vocational rehabilitation, all of which employ not only professionals within their respective fields, but administrative officers and managers. These numbers are not sufficient to adequately and holistically provide the appropriate support to such a large, at-risk group of employees.

WAPU's research project, Project Recompense, found it was imperative that the number of FTE employees in the Health and Safety Division increase to match service needs, with a dedicated effort to place more staff and resources in regional WA, as per Recommendation 5 of the Toll of Trauma Inquiry.

Traffic police officers

WAPU believes that the only way to successfully tackle the State's road toll and reduce the number of fatalities is to actively patrol identified danger areas with police officers, not fixed or temporary speed cameras.

An additional 200 traffic officers, funded out of the Road Trauma Trust Fund, would be deployed to conduct dedicated patrols of regional roads, where the majority of fatalities occur. Hidden speed cameras do not act as a deterrent however, when a driver sees a police vehicle, their immediate reaction is to slow down and modify their behaviour.

Fixed and temporary cameras are often seen as revenue raising tools by virtue of their deployment. They also do not have the ability to stop offenders or address their manner of driving, nor can they detect other offences being committed.

The extra 200 traffic officers should be funded by the Road Trauma Trust Fund, as the balance of this account is approximately \$95 million. This would have an immediate positive impact by reducing trauma on our roads and detecting additional offences.

Domestic and Family Violence

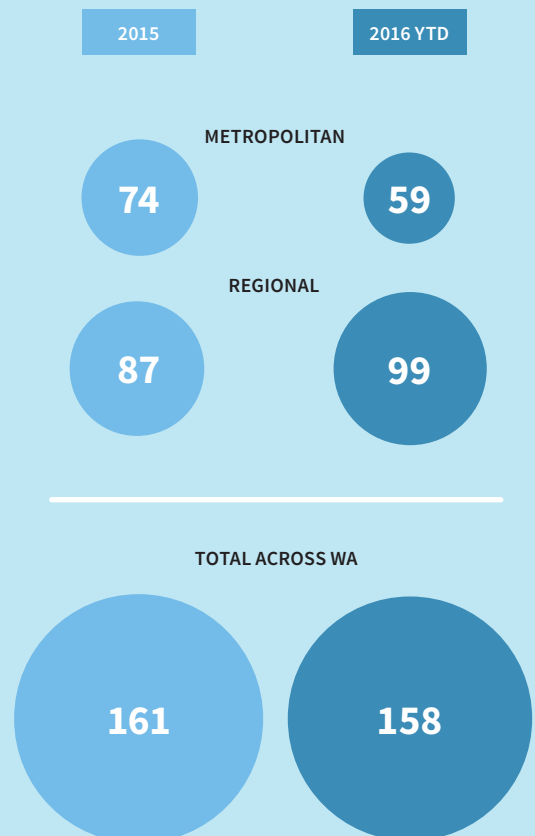
Response Teams also attend a high number of domestic violence incidents throughout any one shift.

WA has one of the highest number of victims of family and domestic violence related assault offences. From 2014 to 2015, Western Australia experienced an increase in family and domestic violence assault victims, up from 14,603 to 18,274 or 568 per 100,000 persons to 706 per 100,000.

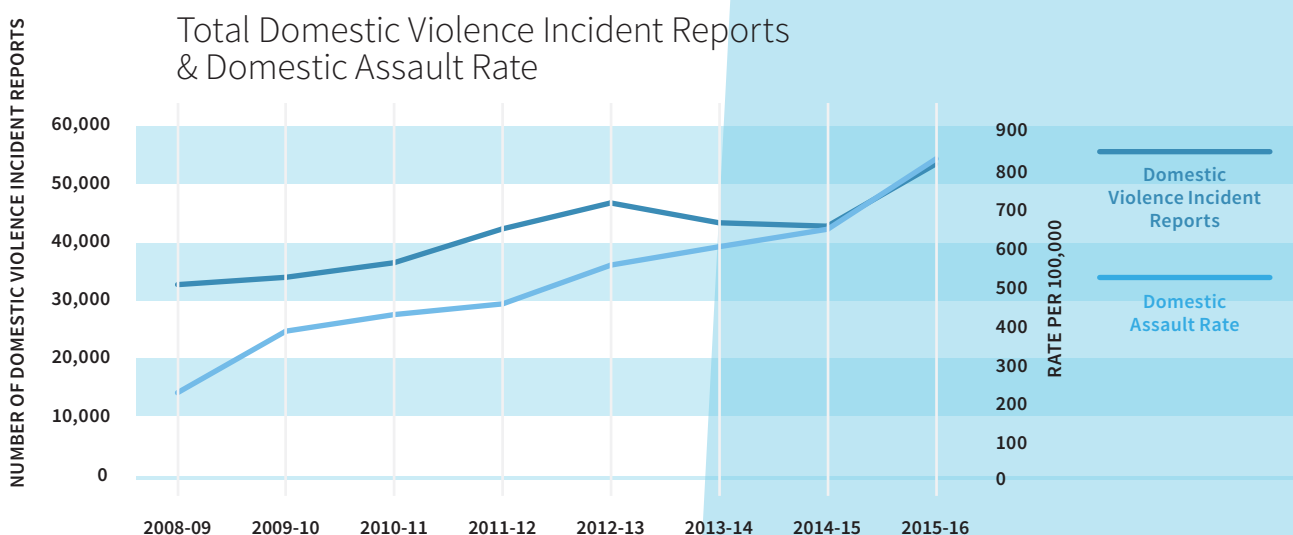
The alarming part of these statistics is that it only captures domestic violence assault victims and not the total number of domestic related incidents attended by police.

WA Road Fatalities per year

As at 9 November 2016



Source: <https://rsc.wa.gov.au/Statistics>





Police officers also deserve increased employer contributions to their superannuation due to the legislated ineligibility to other compensation generally afforded to all other workers in WA.



Salaries

6.

Police officers be exempted from the draconian restrictive State Wages Policy, with provision to negotiate a fair and reasonable outcome.

7.

The State Government commits to increasing employer superannuation contributions.

WAPU is seeking a commitment from all sides of politics to exclude police officers from the State Government's draconian State Wages Policy and commit to increasing employer superannuation contributions.

Police officers should be excluded from the wages policy because unlike other public sector employees, police officers:

- Have restricted access to the WA Industrial Relations Commission;
- Are specifically excluded from workers' compensation unless they suffer an injury and die as a result of that injury;
- Are unable to exercise Section 26 of the *Occupational Safety and Health Act 1984* when performing dangerous work in a covert or dangerous operation;
- Are required to uphold the law *at all times* (on duty 24/7); and
- Do not have the right to strike.

In recognition of these unique working conditions and industrial rights, when compared to other public sector workers, an amendment to the *Industrial Relations Act 1979* is sought, specifically that Schedule 3 of the Act is amended to exclude police officers from the Government's State Wages Policy, by inserting a new subsection.

The Government has recognised that police officers are a unique group of employees, and unlike other public sector agencies, who had been forced to consider 'capping' their employment growth due to the current economic climate, WA Police has rightly continued to recruit police officers and police auxiliary officers.

Police officers also deserve increased employer contributions to their superannuation due to the legislated ineligibility to other compensation generally afforded to all other workers in WA.

Police officers are not currently covered by the compensation legislation and, in the event an officer is unable to continue working due to illness or injury, they are largely left to rely on their superannuation for support. The nature of police work conceivably exposes police officers to a higher propensity to injury, so without security of compensation, it is not unreasonable to build a support avenue within the superannuation system.

Legislation

8.

The State Government, in consultation with WAPU, undertake a complete review of the Police Act & Regulations to modernise the legislation and to include:

- Modernisation of the Bankruptcy provision
- Legislation to protect police officers' rights, that evidence coercively obtained from them in CCC examinations and/or WA Police internal interviews, and information derived from that evidence, not be used against them when on trial for a criminal offence.
- Pass legislation introducing a 'special reasons test' to protect police officer's disciplinary records from being obtained in fishing expeditions in civil and criminal legal cases.

WAPU believes there needs to be a comprehensive review of the *Police Act 1892* and Police Regulations to ensure that legislation and policy is reflective of modern policing.

Bankruptcy

A particular aspect of the Police Act which concerns WAPU is that a person who is, or has been declared bankrupt and applies to join WA Police, cannot apply until they are discharged from bankruptcy, and have documentation to prove this.

This provision does not take into consideration the current economic climate or situations where police officers may inadvertently find themselves in financial hardship due to ownership of a failing family business or bad investments, where they have no option but to be declared bankrupt. The last thing a police officer needs when facing financial hardship is the prospect of losing their job and along with it, their primary source of income.

In instances where criminal conduct and corruption are not factors in them being declared bankrupt, the legislation should provide sufficient flexibility so that all prevailing circumstances can be taken into account and where possible, the Commissioner of Police has discretion to retain an officer within WA Police.

Evidence coercively obtained from police officers in CCC examinations

All members of our community are entitled to the presumption of innocence and a fair trial when accused of a criminal offence. It is unfair that police officers have their right to self-incrimination removed unless it is accompanied with a guarantee that their answers will only be used for disciplinary proceedings and not criminal proceedings.

Currently, police officers have less rights than criminals when accused of a crime. The protection sought strikes the right balance between maintaining public confidence in a well-disciplined police force and a police officer's right to a fair criminal trial according to law.

The Corruption and Crime Commission and the Commissioner of Police each have powers to coercively obtain evidence from police officers. Assuming the CCC and the Commissioner of Police do have such powers, exercising of the power should be limited to the purpose for which it is entrusted, namely to uphold public confidence in the police force.

However, a trend has developed with transcripts of coercively obtained examinations and interviews of suspect police officers being handed over by the CCC and WA Police, to prosecutors in criminal trials of police officers charged with a criminal offence.

Further, the practice of investigating agencies (i.e. the CCC and/or a WA Police Investigating Officer) having access to a police officer's coercively obtained examination/interview can lead to derivative evidence being obtained because of that material. Such derivative evidence should be limited to a disciplinary purpose, considering that is the reason the power to coercively obtain the evidence is granted.

The passing of legislation to cease the practice will require amendment of the CCC Act and the Police Force Regulations 1979 to ensure prosecutors in criminal trials of police officers are not given access to the accused police officer's coercively obtained evidence or evidence derived from it.

8. continued

A 'special reasons test' to protect police officer's disciplinary records

WA Police disciplinary records are often the subject of requests for disclosure or subpoenas even when there are no cogent reasons for disclosure, for example in unrelated family law proceedings.

Considering the Loss of Confidence powers vested in the Commissioner of Police in the Police Act, the public should have confidence in serving police officers' integrity in office. However, far too often subpoenas and other requests are made for internal WA Police disciplinary records in circumstances that amount to fishing, in the hope that something advantageous to a party to litigation turns up. There should be a limit to what information about WA Police disciplinary records can be obtained, and such release limited to matters truly going to the heart of the litigation before the Court.

Legislation should be passed so that internal WA Police disciplinary records (whether held by Internal Affairs Unit or elsewhere in WA Police) cannot be released outside WA Police unless a Court or Tribunal finds there are 'special reasons' for the information to be released.

The *Freedom of Information Act 1992 (WA)* (FOI Act) provides that records of the Internal Affairs Unit of WA Police is exempt from release under the FOI Act. Likewise, the CCC is an exempt agency under the FOI Act by reason of Schedule 2.

However, the protection of internal WA Police disciplinary records provided by the above legislative provisions is compromised given that not all internal WA Police disciplinary investigations will have been conducted by the Internal Affairs Unit and is therefore not captured by the FOI Act exemption. Further, the FOI Act does not prevent attempts to obtain such records through court processes such as through disclosure and subpoenas. Relevance is the primary consideration and should be the basis for any decision to access the said material.

9.

The State Government must close the loophole which allows offenders to be released on parole prior to serving the mandatory minimum term of imprisonment for driving recklessly while evading police.

Amendments to the *Road Traffic Act* in 2012 paved the way for mandatory imprisonment for drivers convicted of dangerous driving causing death or grievous bodily harm; dangerous driving causing bodily harm; and driving recklessly while evading police.

However, some offenders are not serving their full sentence for driving recklessly while evading police, a six-month sentence, due to a loophole in the Sentencing Act. A similar loophole was closed in 2013 when legislation was introduced to ensure that any offender convicted of assaulting a police officer served the mandatory minimum sentence.

The mandatory sentencing legislation for failing to stop for police and reckless driving to evade police was introduced to deter dangerous drivers from committing these types of offences and to prevent situations where the lives of members of the public and police officers are placed in unnecessary danger.

There is absolutely no reason why anyone convicted of this offence should not have to serve the entire minimum six-month prison sentence.

WAPU believes that a mandatory minimum sentence should be a mandatory minimum!

10.

The State Government pass legislation that imposes a mandatory life sentence for offenders found guilty of murdering a police officer.

In 2009, legislation was introduced so that if a person commits grievous bodily harm to a public officer, this includes police officers, ambulance officers, transit guards, court security officers and prison officers, in the performance of their duties, the offender must be sentenced to a term of imprisonment of at least 12 months and is liable for imprisonment up to 14 years.

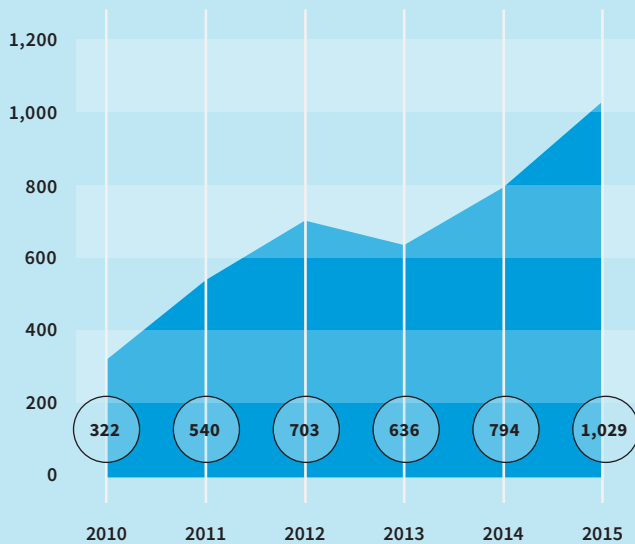
Police officers perform a difficult and dangerous job and deserve to be protected. There needs to be a greater deterrent to people who may consider seriously harming a police officer.

In New South Wales, there is an offence for murder of a police officer. A 2011 amendment, now provides that a court must impose a sentence of life imprisonment without the possibility of parole for anyone found guilty of murdering a police officer.

WAPU strongly believes that it is appropriate for WA to follow suit with similar legislation.

As at National Police Remembrance Day 2014, sadly both the National Police Memorial and the Honour Roll contain the names of 757 police officers who have been killed on duty or died as a result of their duties. Since the roll commenced, there have been 163 police officers murdered in Australia.

Number of pursuits per year



A real life example

Person X was charged with 'Fail to Stop' and 'Reckless Driving', under the new Mandatory Sentencing Legislation, as a result of a police pursuit and he was subsequently convicted of both offences in 2014. As a consequence, Person X received three months and six months imprisonment respectively, to run concurrently.

Person X was released from prison after serving only three months of the "mandatory" six-month term of imprisonment.

11.

The State Government impose harsher penalties for offenders found guilty of assaulting a police animal.

If someone is charged with seriously injuring a police dog or horse, it currently occurs under provisions in the *Animal Welfare Act 2002* however, there is no legislation that specifically refers to police animals.

Charges laid under Section 19 (cruelty to animals) of the *Animal Welfare Act* attract a minimum penalty of \$2,000 and a maximum of \$50,000 and five years in prison.

There is no provision that orders a person convicted of causing harm to a police animal to pay costs associated with training and/or replacing a police animal, if they are unable to continue to perform their duties.

Police animals are specifically bred for their temperament and undergo specific training.

Police horses are worth approximately \$150,000 after the initial purchase and associated training.

There are different types of police dogs which all require specific levels of training. General duties dogs are the most training intensive, then there are narcotic detector dogs, passive alert detection dogs and explosive detector dogs. One general duties puppy costs approximately \$15,000. Training for the dog's working life continues for approximately eight to 13 years depending on the breed.

Police animals provide alternatives to using lethal force and it has been said by officers from those units that a police dog is worth six police officers and a horse is the equivalent of 10.

Greater protection is needed to give handlers and riders peace of mind and using a financial impost to deter anyone from attacking or seriously injuring a police animal.

Research suggests that there are approximately four police dogs injured per year. However, replacing a police animal that can no longer work is a massive impost on officers because of the time and effort required to select, retrain and constantly work the animal.

In 2013, South Australia enacted legislation which provides protections for all working dogs, including guide dogs, police and corrections dogs.

If you kill or cause serious harm to a working dog, it attracts a penalty of a maximum of five years in prison. There is also provision for the court to order an offender to pay all associated costs for the dog including vet bills, rehabilitation, or the cost of retraining another dog if the animal was killed or can no longer be of service.

12.

The State Government amend the Road Traffic Act 1974 forcing motorists to slow down 100 metres either side of emergency service vehicles that are flashing their lights. In addition, an advertising campaign must also be funded to make the public aware of the changes and the need to also give way to emergency service vehicles driving under priority.

Emergency services cannot choose the time, place and location where they are required to work.

Other road workers know the time, place and location and can erect signs to limit speed at the workplace. Police vehicles do not have the capacity to carry bulky signs, even if it was possible to carry them - the urgent nature of the required response, limits the ability to erect signs before responding.

A study by Griffith University found that 7.5 per cent of accidental deaths of Australian police officers from 1948 to 2007, were officers being struck by a motor vehicle. Those struck by a motor vehicle were typically at a vehicle stop, directing traffic or on speed detection/radar duty.

South Australia is the only state to impose specific restrictions on motorists and emergency services vehicles. Drivers are required to travel at 25km/h when driving through an emergency service speed zone. A speed zone is defined as an area of road:

- (a) in the immediate vicinity of an emergency vehicle that has stopped on the road and is displaying a flashing blue or red light (whether or not it is also displaying other lights); or
- (b) between two sets of flashing blue or red lights that have been placed by an emergency worker at either end of a length of road on which an emergency vehicle has stopped.

WAPU seeks an amendment to the *Road Traffic Act 1974* to provide protection for emergency services workers on a road, by mandating other motorists to slow down to a defined speed when approaching and overtaking.

Motorists must:

- Slow to 30km/h if the posted limit is under 60km/h; 50km/h if the posted limit is over 60km/h; and
- For a distance of 100 metres either side of an emergency vehicle.

These changes might not stop crashes, but if the law is obeyed, it will reduce the severity of impact injuries and provide time for personnel to take evasive action and allow police officers to work in a safer environment which enables them to better assist people that require help.

13.

The State Government grants police officers full access to the Western Australian Industrial Relations Commission.

Police officers, Aboriginal police liaison officers and police auxiliary officers are not employed under the *Public Sector Management Act 1994*, like every other government employee, but are employed under the *Police Act 1892*.

The notable difference is that the public sector standards that apply to all public sector appointments are not applicable for Police Act employees. Therefore, the Commissioner of Police's arbitrary, unilateral decisions about certain employment matters cannot be tested against a minimum standard for compliance or reasonableness.

The standards against which police officers cannot be measured alongside other public sector employees include:

- Employment matters such as recruitment, selection, secondment, transfer and temporary deployment;
- Performance management;
- Grievance resolution;
- Redeployment;
- Termination; and
- Discipline.

WAPU proposes that amendments to the *Industrial Relation Act 1979* be enacted to reflect the unique and distinctive employment conditions of police officers, Aboriginal police liaison officers and police auxiliary officers specifically that Subsection 2(3) be removed from Schedule 3 of the Act.

This amendment will provide our Members with the same access to the WAIRC as enjoyed by all other public sector workers and employees in WA.

14.

The State Government does not make any changes to the powers of the Corruption and Crime Commission (CCC) so it remains solely an investigative body in relation to criminal offences.

A recent decision by the Supreme Court of Western Australia in *A v MAUGHAN* [2016] WASCA 128 found that the Corruption and Crime Commission (CCC) had prosecuted the case against a police officer when it did not have the statutory power to do so.

WAPU vehemently opposes any proposed changes to the *Corruption and Crime Commission Act 2003* that authorises the CCC to commence prosecutions.

The extensive and wide-ranging powers conferred on the CCC mean that it is absolutely essential there is an independent review of the outcome of any CCC investigation where criminal charges are recommended.

It was never intended for the CCC Act and the subsequent establishment and operation of the CCC to become a prosecution body. It was discussed at length in Parliament prior to the Act becoming law. Extracts detailing the conversations clearly shows that the CCC was empowered to furnish reports and make recommendations on the outcome of investigations, cooperate and exchange information with independent agencies and appropriate authorities. The Hansard extracts specifically states that the CCC may not make a finding or form an opinion that a person has committed, is committing, or is about to commit a criminal or disciplinary offence.

The CCC already holds extensive powers such as the ability to hold examinations in private and the use of voluntary interviews with the subsequent uncertainty surrounding legal protections offered to WA Police when participating in those interviews.

The CCC Act provides protections for police officers if they attend a CCC interview under compulsion however, there is no protection for voluntary answers as the immunity under Section 145(1) of the Act does not apply to a police officer who voluntarily participates in an interview with the CCC because such interviews are not conducted using the compulsory powers in Sections 94 to 96 of the Act. That means that any statement made by a police officer in a voluntary interview can be used against that officer in any subsequent criminal, civil or disciplinary proceedings.

All other states and territories of Australia, except Victoria, do not allow its anti-corruption commissions to commence criminal prosecutions unrelated to the administration and enforcement of their acts.

It is important to examine how any changes will impact on the CCC in its role to deal with allegations and notifications of WA Police misconduct. The CCC cannot be judge, jury and executioner, so independent oversight is imperative.

Allowances

15.

The State Government commits to fully funding the Regional WA Attraction and Retention Allowance.

In 2013, Royalties for Regions - WA Police Regional Incentives Scheme (Attraction and Retention Allowance) allocated funding for a four-year period with a commitment of \$10.5 million. The funds were allocated directly to WA Police, which determined the distribution.

The scheme is designed to provide incentives to help attract and retain police officers to work in hard to fill regional locations and encourage police officers to remain beyond the minimum tenure requirements.

There are many reasons why it is difficult to attract and retain police officers in hard to fill regional areas. Regional complexities may include:

- Impact on officers who have partners and/or children. Different towns contain different levels of employment, schooling, public facilities and local government services;
- Lack of choice in goods and service;
- Lack of community services available in regional WA in comparison to metropolitan Perth;
- High cost of living in regional WA;
- Police activities can have repercussions for officers' children or spouses and integration into local networks can be difficult;
- Distance to the nearest major centre; and
- Difficulty in accessing training and development, or specialised skills.

Since the introduction of the Regional WA Attraction and Retention Allowance in 2013, the number of weeks taken to fill a vacancy has more than halved, from an average of 4.82 weeks in 2012-13 down to 2.12 weeks in 2015-16.

The extension of the Attraction and Retention Allowance will continue to equalise the attractiveness of towns across the State, improve the quality of life of regional officers and improve the vibrancy and sustainability of towns in regional WA.

Community and Road Safety

16.

The State Government allocate additional funding so WA Police can increase the number of roadside drug tests conducted each year.

In 2007, the *Road Traffic Act 1974* was amended to allow police to test drivers for the presence of drugs in their system. The drugs tested for are: methamphetamine ('speed' or 'ice'); MDMA or ecstasy; and THC, the psychoactive compound in cannabis.

Studies have shown that drugs are capable of impairing drivers' skills and have been detected in significant numbers of drivers who have been injured or killed on our roads.

Random roadside saliva testing for prescribed drugs is part of the State Government's commitment to reduce the level of road trauma and associated costs to the community.

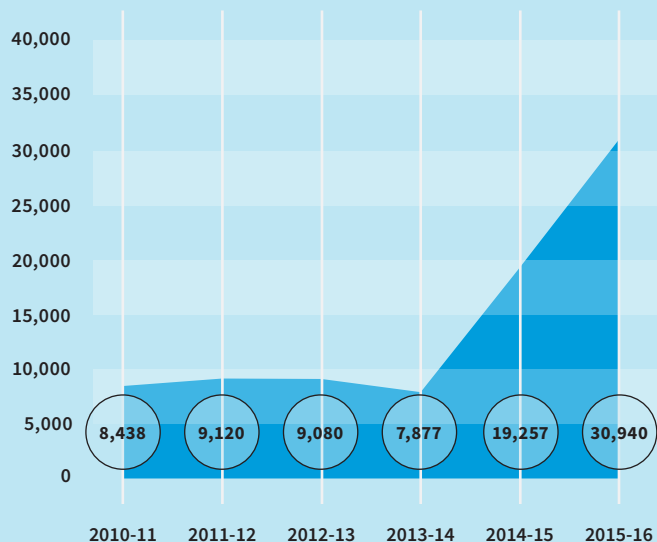
Similar to random breath testing for alcohol, random drug testing provides a visible form of deterrence to those that may choose to drive after using an illicit drug and institutes appropriate penalties to discourage drug driving.

While the number of tests has increased over the last few years, increased funding is needed to allow police to conduct more roadside tests. This will increase the detection of drivers that may pose a potential risk on the road and prevent them from driving for a defined period of time.

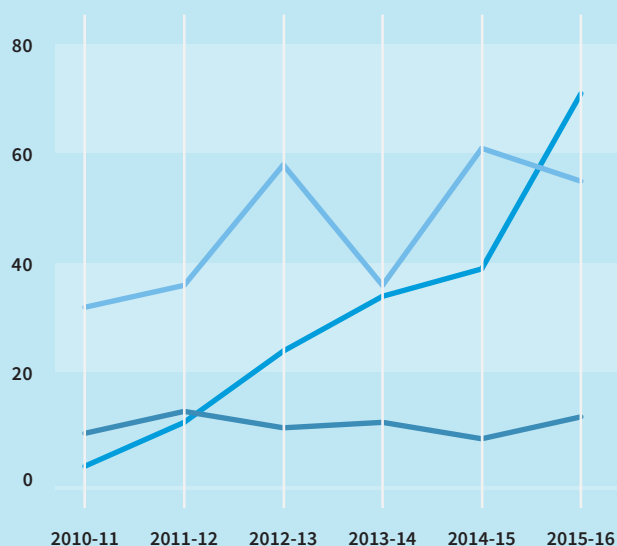
The cost of a preliminary roadside drug test is approximately \$40.

WAPU wants more random drug tests on drivers to help reduce the number of drug drivers on our roads, making it safer for all road users.

Number of roadside drug tests per year



Number of drivers returning positive readings per year



Driving under the influence of drugs

Driving while impaired by drugs

Driving under the influence of alcohol and drugs



While the number of tests has increased over the last few years, increased funding is needed to allow police to conduct more roadside tests.





Community and Road Safety

continued

17.

The State Government introduces legislative change that will permit additional methods to be utilised by police officers to end pursuits sooner, including force and roadblocks, whilst providing the necessary protection.

Following a number of recent police pursuits, including one where an offender took the lives of an innocent couple and left their son in an induced coma, WAPU calls on the State Government to introduce legislation to allow police officers to end pursuits earlier.

Statistics show there were almost three pursuits every day in 2015 (1,029), a major increase from 322 pursuits in 2010.

WAPU believes pursuits should and will continue, with the assistance of tyre deflation devices and occasional air support, but what's missing is the option for police to forcibly stop offending vehicles.

The current WA Police policy requires police officers to abort pursuits when they become too dangerous.

Overseas policing jurisdictions have used proactive intervention for many years to bring police pursuits to a swift end. Techniques such as boxing-in, PIT manoeuvres and road blocks are regularly utilised.

We have seen in WA how well-executed, textbook manoeuvres can end pursuits successfully.

Lawfully continuing this type of action in WA will need the support of Parliament, with legislation allowing proactive intervention to take place, while protecting police officers in the process.

WA Police will also need to provide additional driver training and modify vehicles to ensure that offenders can be taken out during a pursuit at the earliest possible opportunity, once appropriate risk assessments have been undertaken.

Allowing police officers to end pursuits sooner, in certain authorised circumstances, will significantly reduce the risk to other road users.

Allowing police officers to end pursuits sooner, in certain authorised circumstances, will significantly reduce the risk to other road users.

Health, Safety and Welfare

18.

WAPU seeks bi-partisan support for a workers' compensation style scheme for medically retired police officers in addition to existing entitlements, including:

- Financial assistance to implement a program that retrains medically retired officers so they can be employed elsewhere in the public sector;
- Pass presumptive legislation for police officers with respect to a range of specific illnesses and injuries including post-traumatic stress disorder;
- The State Government establishes an ongoing compensation scheme that adequately and appropriately financially compensates medically retired police officers; and
- The Former Officers' Medical Benefits Scheme be amended to encompass officers who suffered a work-related illness or injury before 1 July 2007 and to provide for vocational rehabilitation.
- Retrospectivity to assist police officers who have already been medically retired.

Police officers in Western Australia have working conditions that are unique to other public sector employees, including other emergency services employees. These include:

- 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.
- 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 eligible); and
- Police officers are covered by the *Occupational Safety and Health Act 1984* (the "OSH Act") however, unlike other emergency services workers in WA, such as ambulance officers and firefighters, who perform similar dangerous duties and can exercise their right to refuse dangerous work, Section 4A of the Act expressly states that police officers cannot refuse to work if the refusal to work would adversely affect, or could reasonably be expected to affect adversely, a covert or dangerous operation.

WAPU published Project Recompense in 2014, which was a result of the innumerable calls received from both serving and retired Members seeking assistance

and support in the wake of life-changing physical or psychological trauma.

WAPU was 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.

The project found, from a survey of almost 900 serving and retired Members, that:

- Disability benefits for those who were eligible to receive them were inadequate;
- The shortfall in earnings between medical retirement or separation and WA Police retirement age averaged \$1 million;
- Re-engagement in meaningful, secure employment post-service was unattainable;
- A number of Members were ineligible to receive post-service medical benefits, which created an enormous cost impost for individuals; and
- Enduring critical incidents impacted individual officers by manifesting as: withdrawal from life and leisure activities, from family and friends and from work; mood swings, anxiety and depression; suicidal behaviours; alcohol dependency; and health problems including digestive and sleep disorders; and
- There is a gap in support services and compensable payments and a compensation system specifically tailored to police officers is required.

Workers' Compensation

WAPU wants a workers' compensation style scheme introduced for police officers who suffer an illness, injury and impairment that is psychological and/or physical, and they are medically retired.

WAPU is wary of simply integrating police officers into the current Workers' Compensation Act because the work (and working conditions) that police are subjected to differs vastly from that of the general public (including other emergency services employees). Any compensation that is devised for police officers must take into consideration the uniqueness of the working conditions and industrial rights of police officers.

This scheme must be similar in intent and structure to the current workers' compensation scheme, as workers' compensation provides for medical expenses, loss of wages, rehabilitation, injury management and compensation for an impairment.

WAPU believes that any proposal developed must maintain appropriate sick leave provisions similar to those currently in place and take into consideration that police officers and their work duties are unique in comparison to all other workers.

Health, Safety and Welfare

continued

Re-training

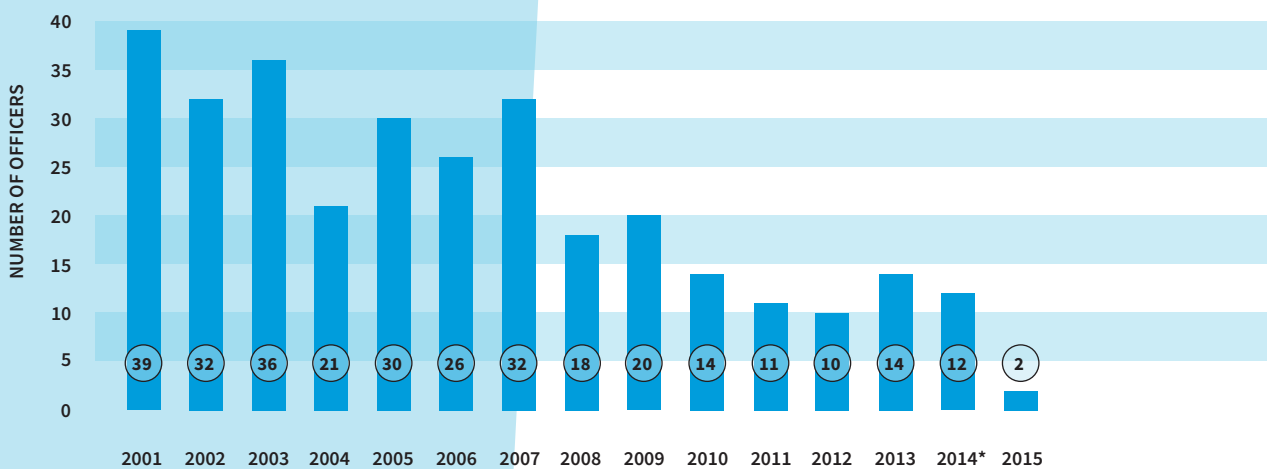
WAPU recommends that WA Police, with the assistance of the Government where necessary, implement, as part of its vocational rehabilitation system, a program that invests in re-training non-operational police officers so they may be utilised in other public sector roles (including within WA Police) or transition readily to the private sector should they be retired medically unfit and they are no longer capable of performing policing functions.

Transitioning to a public sector role is not a unique occurrence across the Australian policing jurisdictions. Legislation exists in Queensland whereby a police officer who is identified as no longer being able to perform their duties can be transitioned into other work, including through host employment.

Presumptive legislation

In November 2013, presumptive legislation was passed which allows for a firefighter that has contracted a prescribed disease after having been employed as a firefighter, for the requisite qualifying period, that the disease is presumed to be a result of their employment as a firefighter and the firefighter is then entitled to receive compensation for the disease. The legislation reverses the onus of proof in favour of firefighters by providing that certain specified cancers are work-related, unless the employer can prove to the contrary.

Medically Retired WA Police Officers per calendar year



Source: Numbers provided by WA Police Attrition Reports

* From 2014, WA Police have rolled out severance packages for sworn officers, targeting those who are near retirement and those who are non-operational. The number of severances has skewed the number of medical retirees in the 2014-2016 period.

WAPU wants presumptive legislation introduced for police officers and other emergency services workers with respect to a range of specific illnesses and injuries. Police officers face a range of hazardous and life-threatening situations on a daily basis. They not only attend fire sites but may also be exposed to clandestine drug labs and bodily fluids through frequent interactions with drug-affected individuals. In addition they are exposed to the aftermath of murders, suicides, sudden infant deaths, fatal traffic accidents and other deaths to name a few. These are precursors for post-traumatic stress disorder and it must be noted that there is an undeniable correlation between mental illness and the repeated exposure to traumatic incidents. This must be recognised and included in presumptive legislation for police officers.

Currently, no legislation exists anywhere in Australia that presumes PTSD as a work-related illness.

Victorian police and paramedics are pushing to have presumptive legislation for PTSD. They have jointly developed a submission to government to have the cumulative nature of PTSD with respect to emergency services workers recognised under their Workplace Compensation Act.

Presumptive legislation for PTSD exists in Canada, which has led the way with its presumptive legislation covering emergency services workers.

Expansion of Former Police Officers Medical Benefits Scheme

Currently, the Former Police Officers' Medical Benefits Scheme enables former officers to access payment for medical and other expenses incurred on or after 1 July 2007.

From 2001 to 2007, 216 police officers were retired medically unfit. These former police officers often battle to pay numerous medical bills without any assistance from Government, because their injuries and/or illnesses occurred prior to the specified date.

For some officers, whose illnesses or injuries are permanent and inhibitive, the cost impost of the associated medical bills are often overwhelming and unmanageable. This disparity in those that have received the medical benefits scheme and those that have not has created a sense of inequity and injustice for those officers who have suffered immeasurably and do not have access to appropriate medical recompense.

WAPU recommends that the Police (*Medical and Other Expenses for Former Officers*) Act 2008 be amended to backdate the payment of medical and other expenses for injuries incurred before 1 July 2007.

WAPU also recommends that this piece of legislation be amended to allow for police officers to receive the vocational rehabilitation entitlement, as per *Workers' Compensation and Injury Management Act 1981* Schedule 1 clause 17 subclause (1a), an entitlement which eligible officers currently do not receive.



Any compensation that is devised for police officers must take into consideration the uniqueness of the working conditions and industrial rights of police officers.



19.

The State Government expands the existing provisions in *Mandatory Testing (Infectious Diseases) Act 2014* to allow mandatory blood testing of anyone who accidentally exposes a police officer to their blood or bodily fluids.

In the lead up to the previous State Election, WAPU fought extremely hard for legislation which helped provide peace of mind to police officers exposed to communicable diseases.

Mandatory Testing (Infectious Diseases) Act 2014 allows for testing on reasonable grounds defined as:

- Suspecting that there has been a transfer of bodily fluid from a suspected transferor to a public officer as a result of —
 - (a) An assault by the suspected transferor against the public officer; or
 - (b) The lawful apprehension or detention of the suspected transferor by the public officer; or
 - (c) Any other prescribed circumstance involving the suspected transferor and the public officer

The legislation has reduced the stressful waiting time for blood tests and has been welcomed by WAPU Members. However, WAPU wants the legislation to also cover ‘accidental exposure’, which will further protect police officers.

The key intent of the legislation is that in circumstances where a police officer is exposed to bodily fluids capable of transmitting blood borne viruses, there must be an ability to test the source individual.

Accidental exposure may include a puncture or break of the skin with a sharp object such as a needle or a blade which has been contaminated by blood or other bodily fluid, a splash into the eye, mouth or onto broken skin with blood or other body fluid. This could occur in a variety of situations that police officers have and will continue to attend such as:

- Vehicle accidents;
- Attending environments where needles are present;
- Conducting searches and arrests;
- During the collection of bodily samples (drug testing); and
- Effecting an arrest where an offence other than Assault occurs resulting in injuries to a police officer (i.e. Obstruct Police).

The benefits of including ‘accidental transmission’ within the legislation are to:

- Obtain the offender’s or source individual’s blood sample to allow Members to know whether the offender has a communicable disease and provide an efficient means for testing;
- Reduce the stress and anxiety for exposed officers; and
- Assist in making quick decisions on treatment.

20.

The State Government makes changes to the *Occupational Safety and Health Act 1984* to allow police officers to refuse dangerous work.

Police officers are covered by WA Occupational Safety and Health legislation however, unlike other emergency services workers in WA, such as ambulance officers and firefighters, who perform similar dangerous duties and who can exercise their right to refuse dangerous work, police officers are not able to.

Under Section 26 of the *Occupational Safety and Health Act 1984* in covert or dangerous operations, Section 4A of the OSH Act expressly states that:

“(2) A police officer cannot refuse to work as mentioned in Section 26(1) if the refusal to work would adversely affect, or could reasonably be expected to affect adversely, a covert operation or dangerous operation”.

Dangerous tasks are inherent in the duties of emergency services workers and they accept that dangerous duties are part and parcel of their work. However, there are different expectations placed on police officers than any other group of emergency services workers.

For example, if a firefighter reasonably and fairly appraises a dangerous operation as presenting an imminent threat to their safety, that firefighter is protected by Section 26 of the OSH Act and can refuse to enter into the dangerous situation.

Police officers faced with a similar situation are prevented from exercising this entitlement due to the provisions stipulated in Section 4A of the OSH Act. If a police officer refuses to work as they appraised the dangerous operation as presenting an imminent danger to their health and safety, then that officer jeopardises their employment by refusing to obey a lawful order or direction, whether or not it is unreasonable is not always a consideration. If the officer were to refuse to undertake such dangerous work, they would face punitive and/or disciplinary actions from management.

WA police officers are not currently protected by workers’ compensation legislation, therefore WAPU strongly recommends changes be made to the OSH Act to provide them with the same protection as other emergency services workers in Australia, that of having the ability to refuse dangerous work.

21.

The State Government makes provisions to allow police officers to be fully armed in all courts in Western Australia.

WA is lagging behind the rest of Australia when it comes to protecting police officers.

Police in NSW have long been able to enter court precincts with all accoutrements other than their firearms. But a recent lifting of the ban on firearms was overturned by the forward-thinking NSW Government, which said: “The change recognises Australia’s heightened terrorism alert and the risk posed to police, judicial officers and the community”.

It’s time the same changes were made in WA.

Since January 2015, WAPU has been campaigning for police officers to be armed in courts. Over the following 11 months, discussions were held with government, WA Police and the courts in an effort to see common sense prevail and police officers allowed to enter courts with their accoutrements.

In December 2015, Chief Justice Wayne Martin made some concessions. Members attending court complexes to file documents or undertake other clerical activities are now permitted to wear their full range of accoutrements.

If officers are attending court as a witness or as a prosecutor, they will be able to keep handcuffs, extendable baton and police radios on them at all times. However, OC spray, tasers and firearms must be locked in a secure armoury inside the court complex in Perth courts. This includes the Central Law Courts, District Court, Children’s Court and the Supreme Court.

WA’s isolation is no longer our saviour from terrorism and it’s not a matter of if, but when, those who wish to do us harm will strike.

WAPU has scores of examples of people smuggling weapons into courts, attempting to escape, threatening magistrates and harming themselves in courts. These incidents highlight the need for officers to be able to either protect themselves, the community or restrain persons for their own safety.

Just some examples of court security breaches

- A juvenile prisoner escaped via a door behind the Magistrate’s desk. The Magistrate fled while police gave chase and apprehended the prisoner however, they required the assistance of other staff equipped with accoutrements to subdue him. Time delays increase the risk of harm to both police officers and offenders.
- There have also been numerous examples where offenders have become enraged at the Magistrate and thrown chairs around the courtroom, before being restrained by unarmed police officers.
- A man sitting in the back of the court has removed a large fishing knife from his case and started to cut his left arm saying to the magistrate, “How much blood until you listen to me?” His case was later found to hold three knives and a pair of scissors.
- A female officer was king hit in the head and knocked unconscious on her way to the Supreme Court. She had no means of calling for backup, protecting herself or arresting the violent offender.



If a police officer is ...
deemed to be no longer
suitable for police work,
they are separated from
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ongoing counselling,
support, rehabilitation
and compensation.



Health, Safety and Welfare continued

22.

The State Government establishes a Department for Emergency Services Workers' Affairs that remunerates eligible members with appropriate benefits; provides a range of health care and support services for eligible members; and offers specialised, free counselling.

Over the years, WAPU has heard from its serving and retired Members that an organisation similar in intent and structure to the Department of Veterans' Affairs would be greatly beneficial in providing a range of support and services to officers who have dedicated their lives to serving the community.

Project Recompense *Recommendation 10* calls for an organisation similar in intent and structure to that of the Department of Veterans' Affairs, and independent of WA Police's Health and Safety Division, be established for police officers.

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

Police officers do not receive any disability compensation, if they are injured or diseased by their service and they do not receive any incapacity benefits should they suffer a financial hardship because they have had their ability to work reduced as a result of an injury or illness.

Police officers also do not receive any permanent impairment payments for any physical or mental impairment resulting from their work.

Police officers who are medically retired, do not receive any rehabilitation to assist them to return to the same vocational, social and/or educational status they had prior to being ill or injured and they do not receive any specialised counselling, unless they are eligible for rebates for using recognised professionals under the Former Officers' Medical Benefits Scheme.

There are no police-specific programs aimed at raising awareness about mental health, despite the proliferation of literature that suggests how severely impacted police officers are by the traumas they face in the line of duty.

If a police officer is injured, diseased, incapacitated or impaired as a result of their duties and are deemed to be no longer suitable for police work, they are separated from WA Police with no ongoing counselling, support, rehabilitation and compensation.

WAPU believes that by having a dedicated department to assist these officers, and other emergency services workers, they will be treated with dignity and respect and get the assistance they require in all aspects of their life, post service.





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