INTRODUCTION

The terms of reference of the Royal Commission include the requirement at parts three and four that the Commission:

- Inquire into and report on the effectiveness of existing procedures and statutory provisions in investigating and dealing with corrupt or criminal conduct by WA police officers; and
- Inquire into and report on whether changes in the laws of the State or in investigative and administrative procedures are necessary or desirable for the purpose of investigating or dealing with, preventing or exposing, corrupt or criminal conduct by WA police officers.

In carrying out these terms of reference, it has been determined that a number of group consultation meetings will be held in order to canvass issues relating to various investigative and administrative procedures within the WA Police Service, and how these may be improved to deal more effectively with corrupt and/or criminal behaviour by officers of the Western Australia Police Service (WAPS). These meetings assume the format of round table conferences.

ROUND TABLE CONFERENCE

Submissions

A discussion paper exploring the issues relating to the corruption prevention strategies within WAPS was prepared in anticipation of the round table conference on the issue. In addition, a call for public submissions was made in advance of the conference via an advertisement in newspapers and invitations to provide submissions to certain identified individuals. A copy of the advertisement is available on this website.

Thirteen submissions were received from individuals and organisations representing various sectors of the community, including:

- Academics;
- Private individuals;
- Interstate police; and
- Relevant organisations (eg. WA Police Union, WAPS, Police Federation of Australia)
Attendance
The Conference was held over two days on 10 and 11 April 2003 at the Royal
Commission offices in Perth. Conference delegates included local representatives from:

- The Western Australian Police Union of Workers;
- The Western Australia Police Service;
- Edith Cowan University;
- The University of Western Australia;
- The Ombudsman;
- The Office of the Auditor General;
- The Anti-Corruption Commission;
- The Department of Premier and Cabinet; and
- The Office of the Public Sector Standards Commissioner.

In addition, the Commission was fortunate to engage three delegates from
interstate with specific expertise in corruption prevention issues, such as
education, and the development and implementation of corruption
prevention strategies. The interstate delegates were:

- Dr Barry Perry - Ombudsman for Victoria
- Mr Grant Poulton - Executive Director: Corruption Prevention, Education and Research Directorate
  Independent Commission Against Corruption
- Mr Blaise O’Shaughnessy - Coordinator: Anti-Corruption Strategies
  Professional Standards
  Australian Federal Police

A complete list of the individuals and organisations represented at the
Conference is attached to this report.

Process
The Conference was held over two days. Each day was divided into sessions,
that dealt with specific issues pertaining to corruption prevention that had
been raised in the discussion paper. An Agenda for each day of the
Conference is attached to this report. Session topics included:

- Corruption prevention planning;
- Education;
- Performance assessment;
- Management and supervision;
- Criminal investigations;
- Individual risk assessment; and
- Integrity testing.

Each session began with an outline of the issues to be explored, followed by
general discussion amongst the delegates. Input from the interstate delegates
as well as other identified representatives provided a valuable context for the
issues to be canvassed in each session and gave insight into how the issues are
resolved in other jurisdictions.

SYNOPSIS

This synopsis contains a summary of the main issues that were discussed during the various conference sessions.

Day One - 10 April 2003
Corruption Prevention Planning
Each of the interstate delegates was asked to provide a brief presentation to the Conference on the broad issues relating to corruption prevention based on their experiences in the relevant jurisdictions.

Dr Barry Perry (the Ombudsman in Victoria) identified what he termed three “ingredients” of corruption: opportunity; lack of an ethos of ethical behaviour in police organisations; and lack of personal integrity. Dr Perry was emphatic that police organisations must foster a climate of ethical behaviour through comprehensive strategies that go beyond merely an organisational policy on what is an acceptable code of conduct for members. Indeed, ethics must be a component in all aspects of policing and behaviour of police officers, including recruiting and training. Dr Perry maintains that in an ethical workplace more members will be encouraged to come forward when they encounter instances of corruption and/or misconduct, rather than stand back and ignore it.

Mr Grant Poulton from the Corruption Prevention Directorate of the Independent Commission Against Corruption (ICAC) in New South Wales argued that a person’s tendency to behave well is a product of their upbringing, while a person’s tendency to behave badly is a function and role of their leaders and managers. Mr Poulton further stated that ethical people can become corrupted in a corrupt organisation. The model of corruption prevention that ICAC supports has at its core organisational values. These values must be communicated through effective leadership. Mr Poulton emphasised that, although a comprehensive code of conduct is a cornerstone of organisational values, it is not enough on its own if it does not explain the “why” behind the importance of personal integrity and ethical behaviour.

The Australian Federal Police (AFP) representative, Mr Blaise O'Shaughnessy, identified a number of corruption prevention planning initiatives in place within the AFP, including:

- A comprehensive vetting process for prospective employees;
- Accountability mechanisms in place with the Commonwealth Ombudsman;
- Continuous marketing and development of the organisation’s stance on corruption to its members;
- Frequent reviews of employees within the AFP by a Professional
Standards Review Team;

- A comprehensive policy on drug and alcohol testing which directs all employees of the AFP to undergo drug and alcohol testing periodically with no notice being given prior to the testing;
- Compulsory financial disclosures in some operational areas; and
- A Confidante Network that acts as a whistleblowers management tool. It provides a network of about 400 AFP personnel who are trained in how to deal with allegations of corruption and appropriate ways of handling the individuals who report such allegations;
- The AFP understands that corruption prevention strategies are constantly evolving.

The second half of the session on Corruption Prevention Planning consisted of open discussion among the delegates on the broad issues of corruption prevention.

Any corruption prevention strategy must entail:

1. The formulation of an appropriate corruption prevention plan.
2. Delivery of the processes outlined in the plan.
3. External oversight and/or audit of the plan.

Mr Hastings (Senior Counsel Assisting the Commission) stated that a comprehensive corruption prevention plan should be multi-layered with strategies in place at all levels of an organisation both in terms of personnel and operations. The hierarchy of such a plan includes a global or corporate component; selective components; and indicated or targeted components. (These concepts are examined in more detail in the Discussion Paper that was released prior to the Conference and which can be found on this website.)

The Western Australia Police Service has embarked on a process of reform called Delta. This has seen the introduction of various reform initiatives, including the development of the Professional Standards Unit. WAPS representatives at the Conference emphasised the internal resolve and commitment of WAPS to preventing corruption and building a corruption resistant organisation. WAPS representatives also identified the following as issues that need to be addressed in formulating a corruption prevention plan:

- Ongoing education – recognition that a police officer’s training does not stop when she/ he leaves the Academy;
- Recruitment and associated issues such as lateral entry. These are being explored but it must be understood that they are complex issues particularly in relation to ethics and recruiting for personal integrity;
- Traditionally police culture within WAPS can be described as “blokey”, “elitist”, and even “conservative”. These attitudes have created barriers within the organisation to whistleblowing as well as to an effective internal approach to combating corruption.
A fundamental element of any corruption prevention plan is an understanding of the resilience to corruption of the individuals within the organisation. Resilience of members is an indicator of:

- Whether or not people feel valued;
- Whether or not individuals feel their work is worthwhile;
- Commonality of values between the individuals and the larger organisation;
- A sense of having control over one's own circumstances.

All members need to accept responsibility for their own and others’ ethical behaviour and internalise this as an integral part of their workplace.

A corruption prevention plan must be clearly formulated and marketed, and must take into account all the factors at play, such as the culture of the organisation and the systems within which individuals in the organisation operate.

The Police Union stated that it is important also to consider the framework within which the police function, and the policies and laws that drive them over which they have little or no control. Furthermore, police organisations do not exist within a vacuum. Rather, they are only one component of a criminal justice system that incorporates a number of agencies all of which have an impact on police activity. This can increase the pressure that is placed on police officers which in turn provides more opportunities for corruption. The example that was given at the Conference was the role of prosecutors in working with police to ensure successful prosecutions.

In order to be comprehensive, a corruption prevention plan must acknowledge that change must occur across the entire organisation, and in order to be effective a corruption prevention plan must be certain – both in terms of the robustness of the plan as well as the understanding among members of exactly what the plan entails.

The representative from ICAC emphasised that, although there is a requirement for an overarching corruption prevention plan, in terms of day-to-day activities, preventing corruption should be intrinsic in all activities. Corruption prevention should not be an “add-on” component of an officer’s training, but should be “embedded” in all aspects of the organisation.

The task for WAPS in the development and implementation of a corruption prevention plan remains:

- How to implement the plan to make it “valuable”, “useable”, and “workable”; and
- How to measure the effectiveness of the plan.
Education
Associate Professor Irene Froyland from the Sellenger Centre for Police Research at Edith Cowan University provided a well-informed presentation of the main issues relating to corruption prevention within the context of education within the police service. Associate Professor Froyland’s submission covered the following topics:

- **Recruitment** – should the minimum age and education requirements be changed as a corruption prevention strategy to ensure that new recruits are older with more life experience and/or better qualified? Associate Professor Froyland maintains that this is too simplistic and would affect WAPS’ ability to recruit wisely;
- **Lateral entry** – WAPS should reconsider their policy on lateral entry to consider entrance into the organisation at various levels, not only at the level of recruit. This would ensure that valuable skills and experience are recognised and appropriately utilized;
- **Teaching ethics** – ethics and integrity must be intrinsic to all policing activities rather than just a course that is taught to recruits at the Academy. Ethics and integrity are a fundamental part of an individual’s decision-making process which is of particular relevance to police officers who are responsible for making difficult decisions in most of their work. According to Associate Professor Froyland “we don’t need lessons in integrity. We need integrity in every lesson”;
- **Academy staff** – should be respected and obtaining a position at the Academy should be competitive and highly sought after. Appointment to a position at the Academy should be seen as a promotion – albeit temporary;
- **Non-police instructors** – police skills should be taught by experienced police officers. Where training is required that is not specifically skills-based, there should be scope for academics to undertake this part of recruit training. The co-location in Joondalup, WA, of three different educational institutions, namely Edith Cowan University, the Police Training Academy, and the West Coast College of TAFE, provides a unique opportunity for sharing of skills and diversity of trainers but is currently under-utilised;
- **The Academy curriculum** – there should be a board of four very senior staff to oversee all training, education and development of police officers within WAPS. The curriculum would be designed according to a needs analysis that the board will commission for all different roles and levels. It is essential that the board be small, powerful and central to the operational function of policing;
- **Influences other than training** – each police officer must understand that development is her/his own personal responsibility, not solely the responsibility of the organisation, and that there are many paths to development, some of which relate more to diversity of experiences than to formal study. According to Associate Professor Froyland, this
is crucial in developing corruption resistant police officers, because “police who not only think about the day-to-day demands on their time, but accept responsibility for their own career and their own development are less likely to go along with whatever happens around them and more likely to hold to their vision of policing”.

**Performance Assessment**

Mr Glenn Ross, Manager of the Research Reform and Policy Unit at the Police Royal Commission, provided input on the topic of performance assessment during the final session of the first day of the Conference. Mr Ross’ argument focused on the viability of subjective performance assessments within the culture of police in WAPS. Police culture is traditionally male-oriented and emphasises attributes such as toughness and physical strength. This is not an environment that is conducive, therefore, to flowery praise and pats on the back for good performance. Furthermore, Mr Ross argues that, within such a culture, members do not feel comfortable with making subjective judgments about the behaviour of their colleagues.

It is also important to determine clearly what the criteria are for assessing performance. Traditionally police performance is assessed against crime rates and police are congratulated as having performed well when the crime rate drops. This is unrealistic as it fails to take into account the full array of factors that influence the crime rate and over which the police have no control, such as access to housing and unemployment.

A system of recognition and rewards would go a long way towards managing and assessing performance both as an incentive for and acknowledgement of good performance. Mr Ross argued that, at present, there is no system in place for middle managers to encourage and reward desirable behaviour by their staff members: “If we expect our middle managers to play a stronger role in the management and supervision of junior officers, we need to properly equip them with positive strategies to influence behaviour. We cannot expect them to deliver only the bad news – they need also to be responsible for dishing out the good news”.

WAPS are in the process of rolling out a new performance management measure called “Developing People for Success”. This system is based on communication and focuses on equipping managers and supervisors with the skills and courage to tell their subordinates that they are doing a good (or bad) job. WAPS agreed that, certainly in the past, supervisors were loathe to report bad performance on the part of their subordinates. This had implications for the Individual Performance Management reports that were provided to promotion panels in that many of them contained falsely positive recommendations about an officer’s performance and suitability for promotion simply because the manager did not want to give the officer a bad report.
Day Two - 11 April 2003
Management and Supervision

Dr Barry Perry was invited to provide some comments on this issue at the beginning of this first session of the second day of the Conference. Dr Perry was emphatic about the link between poor management and corruption within police organisations. It is primarily the role of the middle management levels to implement the corruption prevention strategies and enforce them. A big task for senior management is to ensure that these middle levels of management have at their disposal sufficient resources to be able to carry out these tasks effectively. Middle managers walk a fine line between enforcing the corruption prevention plan while at the same time demanding loyalty and respect from their subordinates. Dr Perry pointed out the qualities of a good manager:

- Leadership skills;
- Ability to balance the requirements of senior management with those of subordinates;
- Accessibility of managers to subordinates is crucial; and
- Managers must adopt a proactive approach in managing subordinates.

Furthermore, it is imperative that managers be specifically selected from among those that want to be managers, following which these individuals should be thoroughly trained in contemporary management practices.

Dr Perry also made the following valuable points:

- A working environment in which it is acceptable to break the rules is a breeding ground for corruption. It is the role of the middle manager to ensure a corruption resistant working environment which involves managing complex issues such as equal opportunity developments and diversity in the workplace;
- The primary cause of corruption is opportunity. Managers must make sure that such opportunities do not arise; and
- Managers must be constantly vigilant in ensuring that their subordinates are complying with the policies of the corruption prevention plan.

Dr Perry was supportive of the idea of lateral entry into police organisations. Furthermore, Dr Perry argued that members of the police service should be encouraged to move around and possibly even leave the organisation for a while and then come back with improved skills and different life experience.
Criminal Investigations

The area of criminal investigations provides ample opportunity for corruption. For example, the issuing and execution of search warrants. Mr Grant Poulton from ICAC in New South Wales made the following points about minimising corruption risks regarding search warrants:

- There must be separation of the processes of authorisation, issuing and execution of search warrants;
- Application for a search warrant must be accompanied by genuine supervision of the grounds on which the warrant is sought;
- There should be auditors and/or monitors present at the execution of the warrant; and
- The execution of the search warrant should be video recorded.

The WA Police Union responded to these points by referring to their practical implications. For example, video recording of the execution of search warrants is problematic in WAPS due to resource limitations that mean the equipment is outdated and faulty. Furthermore, often video recording is not possible due to the obstructive nature of the individuals being searched who will not allow access to their electricity outlets for the video camera which means that the police must rely on battery power which has a limited time span. The Union also warned against over-systematising policies and procedures such that they become so complex and time-consuming that officers are almost ‘forced’ to act outside of the policies and procedures in order to do their job properly and meet deadlines.

WAPS stated that their policies around search warrants had improved dramatically in recent times and that they now received very few complaints relating to breaches in the execution of search warrants.

Another area of criminal investigations that creates opportunities for corruption is informant management. WAPS maintained that they have a new policy in place for managing informants which has been documented in a new Informant Management Manual. The new approach strongly emphasises the role of the whole organisation in informant management and that the informant is not owned by the detective concerned but rather by the organisation as a whole. The Manual sets out specific rules and guidelines about interacting with informants.

It was generally agreed that the areas mentioned above are high risk areas that lend themselves to inappropriate behaviour and actions. What is important, however, is how these risks are managed and the support strategies in place, such as an effective complaints management process. Focusing on managing the risks, as opposed to eliminating the risks was recognised as fundamental to creating a corruption resistant climate within the area of criminal investigations.
Individual Risk Assessment
Mr Blaise O’Shaughnessy presented the views of the Australian Federal Police on the issue of risk assessment as a component of a corruption prevention plan:

• Criteria for recruitment can be implemented to assess an individual’s propensity for corrupt behaviour, however, these must be employed cautiously to avoid possible discrimination and ensure diversity among recruits;
• Individual risk assessment in the AFP includes research and trend analysis to identify people at risk, as well as an early warning system which is an indicator of risk; and
• The emphasis is on establishing patterns of behaviour as part of the risk assessment process.

Managing the risks appropriately is fundamental. For example the police organisation must deploy new probationers appropriately and situate them with more senior police officers in such a way as to complement their skills and experience, rather than deploy probationers in such a way that they find themselves serving alongside fellow probationers without enough supervision. This is one risk management strategy.

Integrity Testing
Most of the controversy surrounding integrity testing is around the issue of random integrity tests. WAPS support targeted integrity testing even though this does have resource implications. The issue of random integrity testing is more complicated and must be outcome based, that is there must be a clear answer to the question: What exactly is to be achieved by the random integrity test? WAPS maintain that the option for testing police officers randomly should be available, however, it must be used with caution.

Mr Glenn Ross identified a number of issues relating to integrity testing and drug and alcohol testing:

• The main concern with random integrity testing is that it can be viewed as entrapment;
• Random tests are open to being misused, for example when the integrity test involves a scenario that is not directly related to actual duties;
• The poor hit rates of random tests together with the costs of setting up the scenarios is a disadvantage of such tests;
• There is at present no uniformity among states in Australia with regard to policies of testing for substance use among police officers;
• The general attitude among police unions is that randomly testing police officers for drug and/or alcohol use is an infringement on personal liberties; and
• There is a move by police organisations in some states (notably Queensland and Western Australia) to change the legal blood alcohol
limit for police officers from 0.05% (as it currently stands for all members of the population) to 0.02%. This has been met with some controversy.

The Conference ended with a closing statement from Commissioner Kennedy in which he thanked all the delegates for their participation and contribution, as well as for their support of the work of the Royal Commission.

The next Round Table Conference will be held on 16 May 2003 and will address the issues of internal investigations and disciplinary processes within WAPS. The Discussion Paper on this topic is available on this website.
LIST OF ATTENDEES

1. Mr Matthew Byrne  
   General Counsel and Director Operations  
   Police Royal Commission

2. Mr Peter Byrne  
   Principal Policy Officer  
   Office of the Director General  
   Department of Premier and Cabinet

3. Mr Graeme Castlehow  
   Executive Superintendent to the Commissioner  
   Western Australia Police Service

4. Mr Mike Dean  
   General President  
   Western Australian Police Union of Workers

5. Associate Professor Irene Froyland  
   The Sellenger Centre for Police Research  
   Edith Cowan University

6. Mr Peter Hastings QC  
   Senior Counsel Assisting  
   Police Royal Commission

7. Mr Richard Hooker  
   Barrister  
   Representing WAPS

8. Mr Graeme Lienert  
   Assistant Commissioner – Professional Standards  
   Western Australia Police Service

9. Ms Lauren Netto  
   Research Officer – Research, Reform and Policy Unit  
   Police Royal Commission

10. Ms Deirdre O’Donnell  
    Parliamentary Commissioner for Administrative Investigations
11. Mr Kerry O’Neil  
Deputy Auditor General

12. Mr Blaise O’Shaughnessy  
Coordinator: Anti-Corruption Strategies  
Professional Standards  
Australian Federal Police

13. Dr Barry Perry  
Ombudsman  
Victoria

14. Mr Graham Pidco  
Criminal Law Lecturer  
University of Western Australia

15. Mr Grant Poulton  
Executive Director  
Corruption Prevention, Education and Research Directorate  
Independent Commission Against Corruption

16. Ms Moira Rayner  
Commissioner  
Anti-Corruption Commission

17. Mr Glenn Ross  
Manager – Research, Reform and Policy Unit  
Police Royal Commission

18. Ms Helen Saunders  
Manager: Ethics Program Services  
Office of the Public Sector Standards Commissioner

19. Mr Shayne Sherman  
Chief Investigator  
Anti-Corruption Commission

20. Mr Mal Shervill  
Principal Police Academy  
Western Australia Police Service

21. Mr Wayne Snell  
Coordinator – Justice and Police Studies  
Edith Cowan University
22. Mr Roger Watson  
   Assistant Ombudsman (Police)
WESTERN AUSTRALIA POLICE SERVICE - CORRUPTION PREVENTION STRATEGIES
ROUND TABLE CONFERENCE
DAY ONE - 10 APRIL 2003
AGENDA

8.30am - 9.00am       SOCIAL COFFEE

SESSION ONE:
9.00am – 9.15am       Welcome and Introductions

SESSION TWO:
9.15am – 10.30am      Corruption Prevention Planning:
• Dr Barry Perry – Ombudsman (Victoria)
• Mr Grant Poulton – ICAC
• Mr Blaise O’Shaughnessy - AFP

10.30am – 11.00am     TEA

SESSION THREE:
11.00am – 12.30pm     Corruption Prevention Planning:
• General Discussion

12.30pm – 1.30pm      LUNCH

SESSION FOUR:
1.30pm – 2.45pm       Education:
• External Involvement
• Corruption Prevention
• Continuing Education

2.45pm – 3.00pm       TEA

SESSION FIVE:
3.00pm – 4.00pm       Performance Assessment:
• Compliance Audits
• Recognition and Rewards
SESSION SIX:
9.00am – 10.30am  Management and Supervision
- Style
- Development
- Lateral Entry

SESSION SEVEN:
11.00am – 12.30pm  Criminal Investigations:
- Case Management
- Search Warrants
- Informant Management

SESSION EIGHT:
1.30pm – 2.30pm  Individual Risk Assessment:
- Recruitment
- Early Warning System

SESSION NINE:
3.00pm – 4.00pm  Integrity Testing:
- Drug and Alcohol Testing
- Disclosure of Assets and Liabilities
- Disclosure of Association with Criminals