

**Submission to the Inquiry on Intervention Systems
in the NSW Police Force:
Police Association of NSW**



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July 18, 2008

EARLY INTERVENTION SYSTEM TO IDENTIFY OFFICERS AT RISK

The development of an Early Intervention System (EIS) in the NSW Police Force has been plagued by a series of false starts over the past six years. The reason for these false starts has largely been due to a lack of focus and a misunderstanding of the purpose and aims of the EIS.

Earlier attempts to develop an EIS, such as the discredited Officer Risk Assessment (ORA) model, suffered from a lack of appropriate preparation and were largely based on copies of models utilized overseas, particularly in the United States. While of interest, these models are inappropriate to transfer with little refinement to Australia.

Some of the problems in earlier models can be summarized as follows:

- The purpose of the EIS has not been clearly understood by all parties. There has been a punitive focus to the models developed. Indeed, earlier models of the ORA provided for action to be taken against an officer under section 173 of the Police Act (the disciplinary provisions). Such a proposal would not only have been contrary to the philosophy of an EIS, but ultra vires.
- The focus has been too broad. Predictors/indicators were so many and diverse that the sheer amount of information collected would have provided a confusing picture that effectively put everyone in the "at risk" basket. Indeed some commands identified upwards of 50% of their officers at risk – an absurd proposition that led one commander to say of one officer "Well he comes out as at risk, but I'm not taking any action because he's my best operator and a real role model."
- The focus has been on getting the 'system' right. Many models from other jurisdictions have systems that are IT based, provide regular flags and reports and can output very impressive documents. However the GIGO principle (Garbage In Garbage Out) underlies the fact that no system will provide a good EIS unless the predictors are carefully chosen on the basis of solid evidence.
- The research into developing accurate predictors has not been done. Predictors were literally plucked out of the ether or added as 'a good idea that might tell us something.' Use of force is a good example. Most US jurisdictions that have an

EIS have 'use of force' as a predictor of potential aberrant behaviour by an officer. Extensive studies of US jurisdictions have shown a correlation between excessive use of force incidents and later conduct that is aberrant in those jurisdictions. The circumstances and number of events surrounding use of force incidents in the US jurisdictions (where, for example, the prevalence of firearms is much more significant than in Australia) is very different than in NSW. There is no known study to suggest that officers in NSW who go astray have had histories of incidents of use of force. There is a danger in comparing overseas jurisdictions to NSW.

- There has been little thought given to developing appropriate strategies for use by commanders and managers when an officer is identified as 'at risk'. Hence, with little training there is a tendency to revert back to the discipline processes to deal with officers identified at risk.
- No thought was given to evaluation of any proposed program.

The impetus for the EIS has come from the Parliamentary Joint Committee's recommendations and the urgings of external agencies, especially the Police Integrity Commission. The NSW Police Association has also consistently called for a well developed and evidence-based EIS. We have been critical of past responses to this issue and have struggled to ensure that the principles underlying a good EIS are enunciated and recognized. We see many advantages for our members in an EIS that is properly focused and resourced. It has the potential to assist officers to avoid potentially career-ending disciplinary proceedings.

There are as many ad hoc risk assessment systems currently being used in commands in the NSW Police Force. Few, if any, have identified indicators of concern that are based on anything more than the whim of a particular commander. Yet many officers have been identified as 'at risk' through these ad hoc systems and are exposed to potentially career-damaging notes on their personal files because of fatally flawed procedures for the identification of risk.

We are pleased that recently a project plan for the development of an EIS has finally been developed and a project manager engaged by the NSW Police Force to drive the process. Representation from the key stakeholders (including the Association) on a Steering Committee has also helped to move the project along.

We are committed to the development and implementation of an EIS that is founded on the following principles:

1. The EIS must be focused on identifying officers at risk of misconduct. Health risks, performance risks etc, insofar as they do not predict misconduct are the domain of other areas of the NSW Police Force and should not be part of the EIS.

2. The development of the indicators/predictors must be evidence based. This is the most important area of concern for the Association. Research must be rigorous to ascertain what are valid predictors that can be readily measured. They must be constantly under review to ensure that they remain valid over the years, as the policing environment changes.
3. The EIS must be developmental and not punitive. This is fundamental to the success and acceptance of any EIS. Punishment and discipline are the ambit of the discipline system. The EIS is aimed at preventing an officer from ever getting into the discipline system. Any EIS will only succeed if members see it as a good thing that assists them. Any officer whose process through the EIS results in successful remediation should not have a negative mark on his or her record.
4. Commanders and managers must see the EIS as a tool to help them manage their officers. As such, the system should not only flag officers of concern, but should provide a range of strategies for managers to use to assist that officer to address the issues of concern in a non-threatening and positive, developmental manner. It should provide a procedure for follow up and assessment to ensure that remedial action has been taken and has been effective.
5. A thorough and meaningful training program must be provided to all managers and commanders in the appropriate use of the EIS.
6. A marketing strategy must be developed to ensure that all officers understand the EIS and its benefits to them and the NSW Police Force.
7. Proper funding must be set aside to ensure that the EIS does not flounder due to budgetary constraints. Given the costs associated with the discipline process and its associated litigation, perhaps a cost-benefit analysis should be prepared to show the potential longer-term savings to be had if there is a reduction in the numbers of complaints against police and a reduction in any subsequent investigations and litigation.
8. There must be a well thought out and ongoing program of evaluation to ensure that the aims and objectives of the EIS are being met and that the predictors are appropriate. The evaluation must be wide reaching and include feedback from participants and managers. This evaluation must be regular and ongoing for the life of the EIS. The results should perhaps be included every year in the Police Force's annual report.