

REPORT OF PROCEEDINGS BEFORE

**COMMITTEE ON THE OFFICE OF THE OMBUDSMAN
AND THE POLICE INTEGRITY COMMISSION**

**INQUIRY INTO THE EARLY INTERVENTION SYSTEMS TO
IDENTIFY OFFICERS AT RISK OF CORRUPTION**

At Sydney on Wednesday 19 November 2008

The Committee met at 10.45 a.m.

PRESENT

The Hon. K. A. Hickey (Chair)

Legislative Council
Ms S. P. Hale
The Hon. C. J. S. Lynn
The Hon. L. J. Voltz

Legislative Assembly
Mr M. J. Kerr
Mr P. R. Pearce

Transcript provided by Pacific Solutions

JOHN WILLIAM PRITCHARD, Commissioner, Police Integrity Commission, Level 3/111 Elizabeth Street, Sydney and

ALLAN KEARNEY, Director Prevention and Information, Police Integrity Commission, Level 3/111 Elizabeth Street, Sydney affirmed and examined:

CHAIR: Thank you very much for appearing before the Committee and the Committee is very keen to hear your evidence today.

I am advised that you have been issued with a copy of the Committee's terms and references and also a copy of the Legislative Assembly Standing Orders 291, 292 and 293 that relate to the examination of witnesses. Is that correct?

Mr PRITCHARD: Yes, that is correct.

CHAIR: Is it your desire for your submission to be part of your formal evidence?

Mr PRITCHARD: I have no problem with our submission being made a public exhibit.

CHAIR: Do you have any objections to taking further questions on notice?

Mr PRITCHARD: I am more than happy to take questions on notice.

CHAIR: What are the particular benefits of implementing the early intervention system as distinct to the NSW Police current strategies to address the problems of behaviour and reduce corruption?

Mr PRITCHARD: Well, I think there are a number of benefits in particular that derive from particularly an early intervention system. One of those, of course, is as a prevention tool, to correct behaviour of officers before it becomes something more full blown, as it were, and something more serious, and therefore, may require something in the way of disciplinary action to be taken.

So to that extent it is seen as remedial as opposed to punitive and officers are an asset for the NSW Police Force. The NSW Police Force invests a lot of money, training and time in an officer, so there is an obligation on the Force as an employer to ensure that it does everything it can to assist any officer who might be having some problems – is the best way of putting it – and retains those officers because, as I said, they are important assets and any attempt to stop leakage or departure of officers from the Force is to be encouraged.

That is one of the underpinning philosophies of an EIS system and it is also, as I said, important from the officers' point of view as well, and the Force as a whole. It encourages morale, it is a co-operative system. It is a supportive system. As I said, it is not seen as a punishment, it is remedial,

meant to correct behaviour before it does flow into something else more significant

Some of the American literature, which you may be aware of also, I suppose it comes from the peculiar American perspective of looking at reducing costs for the organisation. There are various aspects of that – some of them I have referred to as officers being seen as assets of the Force.

Some of the American literature refers to reduction in liability costs, exposure to liability claims and things of that nature from members of the community for some of the behaviour that may result in action of that kind being taken.

The two other essential elements which are part of any sort of prevention tool are that it does improve accountability within the organisation, particularly supervisory accountability given the important relationship that an EIS has between the supervising officer and the officer concerned, and that is an important responsibility that the Police Force should be interested in, in terms of making supervisors accountable for those officers that come under their supervisory jurisdiction.

But it is also transparent. A large part of the EIS is all the information, the indicators and so on, that everybody is aware of how they will be treated, what systems will be used, what information will be used. So no-one is left in the dark and, as we all know from a prevention point of view, transparency is very important in fostering and building corruption resistance within an organisation, and also, instilling within the public confidence that something is being done about problem behaviour before it turns into something more full blown.

It is a system-wide, organisation-wide process. It is at least a consistent framework of identifying and managing behaviour and giving some sort of uniformity, which is always a benefit or certainly a hallmark of any effective prevention, so that there is not select enforcement of measures to correct behaviour so that one officer does not get treated differently to another. It does have that sort of uniformity, that consistency of framework about it, which allows for some sort of certainty, which helps to again instil some confidence amongst the officers themselves.

CHAIR: On page 4 of the submission from the Commission it states that an effective project planning and management regime will be essential if the early intervention system is to be implemented successfully. How do you assess the progress of the NSW Police Force in developing that regime?

Mr PRITCHARD: I might defer to Mr Kearney in terms of the details. Mr Kearney is the Commission's representative on the working group steering committee at the moment.

I think it is fair to say, and it is not earth shattering to acknowledge, that the Police Force's commitment to the EIS and where it is at the moment, it

has been a difficult birth – if I can put it that way – slow perhaps, not as timely as it could have been. There have been some false steps along the way with different sorts of concepts with the officer risk assessment, early warning systems, things of that nature, but Mr Kearney may be in a better position to assist with detail.

I think generally the signs at the moment are good, they are positive, they are on the right track. There certainly appears to be a commitment to it and at the highest levels. I do not think that there is any doubt that you cannot have an EIS that would not have the support of the executive team and a commitment to doing it, because these are somewhat nebulous concepts I suppose, and you can well understand that the general duties officer out in the suburbs or in a regional area reading this sort of material and learning about these sorts of things, and experience from other jurisdictions suggests that there is a general reluctance or hesitancy about taking on or getting involved in systems of this kind – red tape, paperwork, more procedure, things of that nature, so the fact that there is commitment from the Commission's executive team is very important.

With regard to any further detail, as I said, Mr Kearney might be in a better position to drill down, as it were, a bit more as to where the current position is.

Mr KEARNEY: I think as Mr Pritchard mentioned, there have been some impediments along the way. It has been a quite lengthy process to date.

We were distracted during 2005 following a police decision to set aside the EIS, or early warning system, EWS as it was at the time, in favour of the officer risk assessment, or ORA, and we were also labouring under an absence of a systematic project planning and management approach.

However, following in November 2007, NSW Police secured executive endorsement for the project by the Commission's executive team. The Commission considered that a critical first step in moving the project ahead.

Since then, a dedicated project manager has been allocated to the project and the EIS has achieved some steady progress. A project plan has been developed, including quite detailed work breakdown structures - those packages of work that need to be done in order to estimate, cost and resource the project - and the conduct of an extensive literature review to inform the development of indicators, the conduct of a workshop with internal and external stakeholders, again, to assist in the development of indicators. The EIS has also been assisted by the involvement of academic institutions.

The current situation is that broad data sets have been identified. A very detailed requirements document has been endorsed internally by the steering committee - this requirements document canvasses the data that will be examined, it canvasses policies to be developed, procedures and training that need to follow - and the project team is currently working with the NSW

BTS, their IT area, to develop a means to access the necessary data. Firstly, to see what the data can tell them about the probable character of some of the indicators, and also to determine the best approach to the system development. The system might be an off the shelf purchase, an in-house development or it might leverage off existing technology.

This last area is a particular priority for it determines the approach to the overall project.

CHAIR: You see the main challenges for the NSW Police Force and external stakeholders in developing appropriate structure and the biggest challenge is actually implementation, as Mr Pritchard said, down to the grass roots level.

Mr KEARNEY: I think the biggest challenges are in maintaining the executive commitment and maintaining resources and a project management approach in the conduct of the project.

If you have executive commitment, if you follow a well established project management approach, then ultimately all other problems can be dealt with.

It is probably an area I do not want to dwell on too much, but budget will be an issue for NSW Police and something which will have to be addressed in the near future. That probably presents as a significant challenge at this time.

The Hon. CHARLIE LYNN: Is this considered to be frontline activity or the other activity in regard to budgeting?

Mr PRITCHARD: Sorry, you mean in terms of commitment?

The Hon. CHARLIE LYNN: Well, there is a lot of talk within Parliament, we hear that frontline services will not be affected by any budget cuts. Is this a frontline service?

Mr PRITCHARD: Commissioner Scipione is probably the best person to answer that, but I certainly would see it that way. I mean, it is dealing with officers who are front line, sworn officers are frontline. Without sort of being aware of what the definition of frontline is in terms of how Treasury approaches that, but I think there is a very strong case to see it as frontline.

Mr KEARNEY: If I could perhaps elaborate. This is about retaining NSW Police officers and about addressing problematic behaviour before it becomes significant. It reduces overall costs to the organisation.

The idea is to prevent police officers attracting complaints, prevent police officers from engaging in misconduct. Ultimately that will have a flow on effect to frontline services.

The Hon. CHARLIE LYNN: It seemed to me that complaints come from all sorts of different sources, vexatious complaints, unsubstantiated and so forth. Some of them are quite innocent, whether seeking information or giving information. In one case study where they realised that, they then reported it and stated they may have had a conflict of interest and so forth.

Is there a system in the system whereby they record every action they take in regard to a reaction? For example, they contacted A and made a statement to A and this is the response recorded as a form of diary I suppose, electronic diary.

Mr KEARNEY: The police have quite detailed record keeping systems. COPS – the computer operated policing system – there is the complaints system, there is the case management system – these all have acronyms, which I will not trouble you with.

They all record the operational dealings of NSW Police. There is quite a vast array of data available within NSW Police systems.

The Hon. CHARLIE LYNN: It would seem to me that there is a lot of paperwork and a lot of reading and some would read it in more detail than others. What about the reinforcement of the training for, particularly, this sort of information?

Mr PRITCHARD: That is obviously another important limb to it, that you do have to give training across the board, not only to those who have to be responsible for implementing it but those who are going to be subject to it as well. There is no doubt what you pick up on is a relevant factor. The whole idea is not to try to create another level of information that needs to be caught, but to use information that has already been captured for other reasons, for operational reasons, legislative reasons, what have you. The whole idea is to put an overarching program over the top of that to say in terms of indicators or terms of information relevant for an EIS, from the information that you already capture this is what we would like you to pull out.

In terms of pitching it to the police force it sounds a bit onerous but it does not necessarily mean creation of another layer of information gathering and all the bureaucracy that goes with that. It is a matter of working out systems to pick out information you are already collecting, but training is one of the areas where there is some commitment and that will take some time because, as I have said, you can imagine the general duties officer out in the suburbs or elsewhere, getting his head around these sorts of concepts and not thinking this is just another layer of red tape that is going to weigh me down, take me away from my front line duties, keep me stuck at a desk, and things like that.

That sort of reaction is going to be very important in any initial stages to try to address those concerns and suggests that it may involve a little extra work but there may be ways to cut down extra paperwork so it does not add an extra burden to the point where it might scare people off altogether from having anything to do with it.

The Hon. CHARLIE LYNN: The emphasis being on early intervention, if the early intervention for the divulgence of confidential information becomes a value for them, a very important value in regard to the integrity of policing, because later on, and I would say the divulgence of information in regard to maybe drugs or people under investigation, that is really serious stuff and that undermines the value of the policing in general so I would see here, going back to this question here where it is said the New South Wales Police Force when they discontinued work on the early warning system and implemented a separate process, the officer risk assessment 2005, which was contrary to your advice, does the early warning system they have now satisfy you?

Mr KEARNEY: Yes. The ORA system relied on a set of indicators that were not proven. It was a bit of a grab bag of whatever data and indicators were available at the time. The issue that we had with it was that there wasn't any research or evidence to back up the use of those indicators and that data as a means of indicating future problematic behaviour.

We are at a different place now. The system that is being developed by New South Wales Police is now fundamentally underpinned by research. New South Wales Police are now moving towards researching their own data to see what that tells them about what should and should not be an indicator and the whole project is now being managed in accordance with an established project management framework. We are a lot more confident that we will get to a successful outcome here than we have ever been.

CHAIR: Performance indicators are regarded as critical elements in the EIS. What, in your view, are the appropriate indicators and how do you think that the police are placed to deliver and maintain this in regards to what you have just said?

Mr KEARNEY: We do not have a view as to what particular indicators should be. We know what other agencies use. We know that other agencies' indicators won't necessarily be appropriate for New South Wales Police. Different issues affect each jurisdiction. For example, in America, use of firearms can be an indicator of problems. However, use of firearms in Australia is not such a big issue for our police. We cannot necessarily transplant what another agency is doing here. New South Wales Police has to learn from its own experience and from its own data.

There are a number of methodologies they can use to explore that data and use research to come up with some evidence based indicators but we do not have a fixed view as to what those indicators may be. We have a fixed view about the process that should be used in order to get there.

Ms SYLVIA HALE: How long will it take you to develop those indicators?

Mr KEARNEY: It depends on the resources allocated to it and police are stretched like all public sector agencies at the moment. I expect it is going to take a little longer than it might have done at a different time.

Mr PRITCHARD: The important thing is that it is an evolving process. Some of the examples from the US experience have been that what you learn initially you feed into subsequent development of the indicators, so to suggest

that they will get it right the first time is probably not realistic and that is not necessarily a bad thing. There is no doubt that there is an instant attraction about things like complaint figures. That is a broad church, complaint figures, sustained, not sustained, what sort of complaints, what sort of behaviours are the subject of complaints.

While there is an initial attraction about them, in that they do have some appeal about suggesting if an officer has a high level of complaints that might suggest they are at risk but that do not necessarily follow. As Mr Kearney said, you do have to put a bit of science around it, a bit of architecture around it to think if you are going to look at complaints, what sort of complaints, sustained, not sustained. If you are going to look at use of force, what sort of circumstances, car accidents, vehicles, while there are those broad general sorts of areas, to dig deeper and say what are they going to tell us, that is where the effort at the moment is going to be in putting some research behind those to come up with some worthwhile indicators.

There is no doubt that the indicators are the major plank. They are the limb to how this will succeed but I would expect certainly from the American experience that early on there will be some refinement of those as the process goes along.

Mr PEARCE: I do not think there is any real dispute as to the objective here of getting in early in the piece and, if you like, achieving cultural change within force that is necessary to minimise the opportunities or the risk of individual officers going off the rails. I assume that you will be looking at integrating this into the training or beefing up the initial training down at Goulburn or whatever. The one concern I have about this sort of management type indicator type approach which is being discussed here is that I have seen this in other areas where it simply becomes a box ticking exercise so, in a sense, you tick the boxes and that therefore relieves management or whoever of a potential liability in the future, rather than actually achieving a cultural change amongst the officers you are talking about.

Without the support of senior officers and obviously bringing the general duties officers on board, how do you avoid that sort of circumstance developing, in which case it just becomes a box ticking exercise and you achieve zilch at the end of the day apart from possibly protecting yourselves from a liability action in court?

Mr PRITCHARD: I suppose you are right. It would, effectively, in many respects, be seen as a desk audit, if you like, and that is why it combines the two elements of a central coordination of it in terms of collection of information, but the actual implementation of the intervention has to come in at a local level so that you do not have the distance between those officers out there in the field who have to carry this out and the central command where maybe the information or the triggers are kept, so you do have to balance the sort of local level with the central level.

There will have to be a commitment at all levels of supervision for it to be translated and to trickle down at the local level, otherwise that is what it will turn into, particularly for regional areas.

Mr PEARCE: I was about to get on to that. When you are talking about the local level you are then talking to some extent about the concept of community policing where there are practices which may not necessarily tick the box but because of the individual community they are working in and the necessity to establish some form of intelligence gathering, or relationship with that individual community, how do you ensure that you do not have, if you like, somebody sitting there ticking the boxes and saying you have not ticked this box, what is happening here, and taking into account the community policing approach which, from my experience, if it is done well can be extremely effective but does not necessarily result in every box being ticked.

Mr PRITCHARD: No. Again, I can only say that there has to be a commitment to an emphasis at the local level so that even if something centrally is clicked and a box is ticked and a trigger is reached which says officer X out at Coonamble has met these criteria, that alone is not sufficient. You then have what the literature refers to as the human validation by going out to the supervisor and saying look, the triggers have been set off in relation to this officer, but part of the proposal is before we actually rush in now and do some intervention, your involvement, your input now has to come into it because it does have to take into account the peculiar circumstances, not only in relation to regions but commands.

The police force is not a homogenous body. Different officers exercise different powers and functions, counter-terrorism, dog squad, all of those sorts of things, so if you have one size fits all it will not work. The answer to that is to try to address it by saying all right, there is the trigger and now we have to go out to the local area and get down to that level of the supervisor and the officer and saying to the supervisor does this confirm your observations and understanding of that officer and then you might move to the intervention stage.

The end part is monitoring it. You have to follow it up with monitoring. You can intervene but then it has to be monitored. That is probably again where there will be a test of commitment.

Mr KERR: You mentioned the budget, Mr Kearney. How big do you see the budget being?

Mr KEARNEY: I really cannot provide that advice. I do not know.

Mr KERR: Would it be millions of dollars?

Mr KEARNEY: I would not think so, but I really have no figures available to me at all.

The Hon. LYNDIA VOLTZ: How is the efficacy of the system going to be evaluated given what you have said about overseas experience and other jurisdictions? Are you looking at their evaluation methods?

Mr PRITCHARD: Like most prevention tools evaluation is always flakey, if I can put it that way. It is not easy to evaluate how successful you have been in preventing something that has not happened.

The Hon. LYNDIA VOLTZ: If it has not happened it is very successful.

Mr PRITCHARD: That is right. You can rely on the negative, I suppose. To that extent you can only learn from the experience in other jurisdictions where they have surveyed those involved regularly in relation to how they have considered it, how successful they have been and no doubt facts and statistics in relation to how many triggers have been sent off, compared with how many interventions have been required, so there is statistical data. I would have thought that similarly with evaluating any prevention tool that some sort of survey or valuation from those directly involved would have to be a central plank to that.

It would be no different from those tools that are used to evaluate any sort of prevention program. I think you will see from some of the literature in the United States that they have refined their processes as a result of a constant evaluation of it. Some of those statistics in the Phoenix area suggest that there was a high number of officers identified for an intervention but when compared with the actual figures where intervention was taken, there was quite a drop and they appear to have stabilised a bit.

There does appear to be some learning as you go along, as it were. There is no easy answer to that. There is certainly no program available that I am aware of that allows some prevention program to be measured and so on and here is your result.

Ms SYLVIA HALE: I imagine for the police officers on the ground, that they could well view the system as another form of punishment or punitive system and I think that you suggest that to counteract that there is a great need for transparency. Transparent to whom and how would you make it transparent?

Mr PRITCHARD: I think most importantly it is transparent to those who are going to be subject to it, in that the officers who are, I suppose not only responsible for implementing it, but who will be the subject of it, they need to know, if only to have some consistency in decision making.

They need to know when it will be that their behaviour might attract attention, and they need to know that it is going to be across the board. They need to be aware of what the indicators are, what the thresholds are, at what point those indicators will be relevant and they need to know the process that will be applied by the supervisor as regards to any intervention.

Whether you go further as say, some of the American jurisdictions, where there is public participation by way of a member of the public on the boards and the bodies that are put together that actually review or monitor it is a different matter, but I would have thought from a transparency point of view, it is very important to begin with that the actual officers who are going to be responsible for not only carrying it out but they are going to be subject to it, to know exactly everything.

I think some of the American literature refers to the officers having a 'read only' access to their own individual files, as it were, or information that is

gathered in relation to them and they can see that daily and see how they are travelling.

They can measure that against standards that are available for everybody to see and which apply to everybody else.

That is probably where we would be looking at, at the moment.

Ms SYLVIA HALE: If an officer has access to it, can read it but not edit it in any way. Will there be any appeal process or any way in which they can respond to information that is there, if they genuinely believe, for example, that complaints were unfounded?

Mr KEARNEY: Those sorts of decisions need to be made as part of the development of the policy associated with the EIS. I think you may well have heard of the Phoenix police and the example there.

They do provide access to their officers, read only access, so they can see where they sit in respect to each of the thresholds and also where the average police officer sits. So they can compare themselves to the average officer.

Through that access they are able to correct any errors that might occur, so a further check on the accuracy of the system, Phoenix are finding that they do in fact report those errors. They are also finding that, as officers are approaching the thresholds, they are also self referring. So they are bringing themselves to attention and raising the issue of possible intervention.

Ms SYLVIA HALE: Would self referring be a tick, whereas non-self referring would be a black mark? Could that construction be placed upon it?

Mr KEARNEY: The indicators are complex beasts. That may happen. That may influence an indicator, but I really could not tell you.

Mr PEARCE: I can see the way this would operate with local area commands, with general duties police and obviously with detectives, etcetera within the command. How would this work without an external oversight body when you are talking about specialist squads?

Historically in New South Wales we have had squads such as Special Branch, the Vice Squad in the late sixties, early seventies, etcetera, where there has been an entrenched process which would be viewed as unacceptable and was viewed as unacceptable in the Royal Commissions and judicial enquiries.

How would those squads, where you get a culture within those squads, and you can see it now allegedly in a couple of the Victorian Police specialist squads. How would that be able to be, if you like, intervened with to prevent the officers at risk without an external body functionally?

Mr PRITCHARD: I suppose this is where there might become an issue that the EIS is not meant to be seen as a panacea for every unsavoury aspect of policing within the police force.

The answer to your question may be that it does not deal with that and that there have to be other provisions in place to deal with those sort of things, and that is where this body itself would come into play there.

To the extent that that sort of behaviour that you indicated manifests itself, then I think it would be fair to say that an EIS is not really meant to address that. It might be meant to stop it occurring, but when it does you are no longer in the EIS stream, you might be moving to full disciplinary oversight regime. So to that extent maybe the EIS is not the answer.

Mr PEARCE: The reason I raise that is that some years ago the specialist squads were disbanded, partly because of cultural issues that were developing within those squads.

From a policing perspective, the existence of those specialist squads is quite often the most effective and efficient way to deal with specific crime areas.

In a way, if you are going to look at the efficacy of the policing, you have somehow got to get something that goes in there and this is where I see the role of an external body.

There was a question regarding the external boards, and that is following on from what Sylvia said about the external boards. Would you see a value in an external auditing process, if you like?

Mr PRITCHARD: I suppose to a large extent that would be a necessary part of evaluating it. I don't know whether they have got that far yet. The answer probably is that they have not in relation to the model that they have had in mind of what the specifics of any monitoring or valuation of it would be.

Going down the American track, I think some of the jurisdictions have that board with community representation. I would be surprised if that was the direction that was taken here. Is that a good thing or a bad thing? I don't think it really matters one way or the other.

It comes back to the fact, this is not the silver bullet even as a prevention tool within the NSW Police Force, so to suggest that this would replace every other measure or tool that they have in place in that respect is wrong. It is just going to be one of a suite of provisions available.

You would probably have to fall back on those arrangements that are already in place to deal with that sort of behaviour and it is not meant to substitute for that. I think that is probably the answer.

Mr PEARCE: Leading from that, then how do you ensure that the police officers involved do not simply see it as another piece of red tape?

Mr PRITCHARD: That is a concern; that is a fear. Experience from some of the American jurisdictions certainly suggests that that is an initial reaction and there is some pessimism, there is some reluctance. Certainly when I started to get into it that was the reaction that I had.

It is just another layer of bureaucracy, another layer of control, another layer of oversight, fighting crime with one hand tied behind my back, that sort of thing. Refuting that and addressing that is going to be difficult because there is no doubt that it requires the co-operation and input of the officers for it to work and if that is not dealt with early, then it could create problems.

I think the only way you can really do it is to try the carrot first as opposed to the stick and say, look, there are benefits in this for individual officers, for you. You may not appreciate or have an insight into the fact that your behaviour is such that it could lead to other things.

I would anticipate that this sort of system is probably going to be picking up officers who are less experienced, junior officers. History and experience suggests that officers do not go bad overnight and that it is probably the junior, younger, less experienced officers where this will start to come into play.

If you can get them on board early and pitch it to them: it's not in your interests to have a stalled career, to have a bit of a cloud over you in some respects and if you can deal with that early and use examples of success stories and so on. I suppose there are various options that can be implemented, but you are right, that is a problem which will have to be addressed early and in a very concerted way.

CHAIR: Is it your view that you are going to oversee what is occurring in regards to the implementation of the EIS, particularly with a view to keeping it on track so it does not drift off?

Mr PRITCHARD: We are deliberately very careful about what our role is. We have staked out our position before. It is not ours, we do not own it, we are not driving it, we are participating and we are happy to assist, and to assist as much as we can.

Certainly we would be expressing our concern, as we did say with the ORA process where we think they might be heading in the wrong direction, and one would hope that with the project plan and all the interested parties will pull together in the right direction, but in terms of our future involvement, we are just one of the other players, aside from the Force itself, but if we do think they are heading in the wrong direction, as we have done in the past, we certainly would not be backward in telling them that.

The Hon. CHARLIE LYNN: Getting back to my earlier statement about the early intervention and the training and development of young police officers so this sort of thing becomes of value, and I think the more oversight you have on this sort of thing at a senior level, the more they play the system so to speak.

Mr PRITCHARD: Yes.

The Hon. CHARLIE LYNN: Rather than focus on what their essential duty is, which is effective policing.

Mr PRITCHARD: I can only agree with that Mr Lynn and I agree that if it is not pitched in such a way that it is just seen as: We have to do this. The powers that be decided this has to be done. It is just part and parcel of being a police officer these days. There are burdens and layers of oversight, you have to put up with it. Hopefully that would not be the approach that would be taken.

As I said, the carrot, and I think there is a lot to be said about the carrot from a young officer's point of view. I mean, presumably one would hope those joining the police force these days do see it as a career, do see it as a long term commitment, do see it as a way of progressing themselves, if not within the force, then in life generally and it is not in their interests to have to be stalled, as it were, in terms of career or leave under circumstances that they do not regard as desirable.

The Hon. CHARLIE LYNN: What sort of feedback mechanisms then do you have or do the police have to find out how they feel? Let's say you have a policeman join, he is three years, four years on the beat, he has come across a range of things, but what does he or she feel about the oversight or the values or whatever? Is there any work in that area?

Mr PRITCHARD: I suppose it is only anecdotally to a large extent. That probably raises bigger issues which may go beyond this immediate focus. Certainly from my moving around with police officers and talking to them, as I occasionally do, look, I am sure in a perfect world they would like to have oversight abolished tomorrow and I do not begrudge them for that, but I think generally there is a lot of acceptance now that it is a good thing.

The current Commissioner has stated his position quite clearly that he is a big supporter of oversight and he does that I think because it is in his interests. It is not in his interests to have the police force on the front page every day being treated in relation to misconduct or corruption. That does nothing for public confidence in his ability to do his job.

There is no doubt that oversight can be burdensome, it can be inefficient. There is no doubt about that. As someone who sits here from the perspective of an oversight agency, I would like to be the first to acknowledge that. We are seen as a handbrake sometimes, we are seen as a speed bump. A lot of the times we are, I would say for good reason, but you do have

to be mindful that at the end of the day it is a very important function that the police force serves and we have to be careful that we do not swing, as it were, to one extreme where we unduly hamper them in their ability to do that.

I am sure the police would say we do that already, that is probably fair enough. I am happy to wear that.

(The witnesses withdrew)

(Short adjournment)

BRUCE ALEXANDER BARBOUR, New South Wales Ombudsman, Level 24, 580 George Street, Sydney, and

GREGORY ROBERT ANDREWS, Assistant Ombudsman, Level 24, 580 George Street, Sydney, affirmed and examined:

CHAIR: I am advised that you have been issued with a copy of the Committee's terms of reference and a copy of the Legislative Assembly Standing Orders 291, 292 and 293 that relate to the examination of witnesses. Is that correct?

Mr BARBOUR: Yes.

Mr ANDREWS: That is correct.

CHAIR: The Committee has received a submission from your organisation. Is it your desire that this submission be part of your formal evidence?

Mr BARBOUR: Yes, thank you, Chair.

CHAIR: What are the particular benefits of implementing an early intervention system, as distinct from the New South Wales Police Force current strategies to address problem behaviours and reduce corruption?

Mr BARBOUR: I am happy to answer that question. I wonder whether with your indulgence before doing so I could make a brief opening statement which I think would help focus the Committee's attention on some of the issues that we see and also some of the areas that we have identified from some of our own research into this area.

Our view is that there is benefit in New South Wales Police Force developing an EIS, but only if it is done properly. This is consistent, I think, with the position of the Police Integrity Commission, the Police Force itself and also the Police Association.

We have set out obviously in our submission the history of our involvement and our general position to date, but there are a couple of things I

wanted to particularly draw the Committee's attention to.

Firstly, the literature around early intervention systems is largely based on the US experience and it tends to contrast those systems which are intended to be non-punitive, remedial systems with existing police disciplinary systems and arrangements. They are traditionally characterised as formal and punitive. There is a risk, I think, that such generalisations be uncritically applied within New South Wales and within the New South Wales context.

The benefits of an EIS system drawn from other Australian jurisdictions also need to be seen in context and treated with similar caution because in the main those jurisdictions also continue to adhere to an older disciplinary model of police complaints and police complaint systems.

I note, for example, that the Office of the Police Integrity Commissioner in Victoria recently described the Victoria Police discipline system as archaic, punitive, bureaucratic and slow, which is certainly something that we are familiar with from some time ago in New South Wales. It recommended that they adopt a system that is simpler, faster, less formal, more remedial and more proactive.

New South Wales has already moved to a managerial approach to complaint handling. The post Royal Commission complaints system in New South Wales, which the Committee endorsed in its own 10 year evaluation of that system, has been designed to be flexible not formal, remedial not punitive, and managerial not disciplinary. Whilst there is always room for improvement there is clear evidence that commanders and managers use the complaint system as it currently exists to proactively manage emerging misconduct risks. We need to ensure that any consideration of an early intervention system does not cast unfounded aspersions or misunderstand the existing complaints system, which in my view is running very well and producing good outcomes.

Secondly, the adoption of negative generalisations about the nature of a complaint system can also result in overstating the benefits to be gained from the introduction of an EIS by underestimating the extent to which the existing complaints system is both remedial and proactive. For example, the very good research paper of the PIC Commission, which I think has been provided to the Committee, provides a list of management actions that it describes as remedial interventions. They would be typically used in an EIS. It also contrasts these with a list of punitive interventions which would be typical of a more formal disciplinary system. What is interesting to observe is that 63 percent of complaint management actions taken on complaints finalised last financial year were what PIC described as remedial, whereas only seven percent were what the PIC described as punitive.

In relation to proactive intervention, in our last annual report we also reported that management action was taken in 58 percent of the nearly 2,000 more serious complaints that were fully investigated by police. It is clear, in our view, that the New South Wales Police Force is already being proactive in addressing a range of performance issues and needs through the existing complaints system. I am not advocating that in exclusion to an EIS, but I think it is important to note that an EIS would be complementing the system here in New South Wales by providing commanders with feedback on officer

performance, on a range of other activities to enable interventions where deemed appropriate.

To the extent to which a proposed EIS is reliant and focuses on complaint and misconduct related data, it will likely duplicate the existing complaints system and probably not add a great deal in my view. To the extent to which the proposed EIS is able to draw on new and other existing and relevant policing activity data, the potential for improvement is significantly increased. In this regard the need for development, for example, of a use of force register and a capability to extract data about things like duty driving critical incidents would be extremely important in order to develop and test the validity of any EIS.

I hope that has been helpful. I wanted to set out very clearly at the start what I thought was the relevance of the complaints system vis-a-vis an EIS and how the two could potentially work together rather than one duplicating the other. I am very happy to answer any questions.

The Hon. CHARLIE LYNN: Just going back, in relation to a previous question, looking at the EIS almost as a value system in the training cycle of junior police, if you like, so it becomes a value, which I think refers to what you are saying there, that it is a managerial issue rather than a punitive issue, but I think early in their careers, as I understand it, and that is a very important value at this stage of information and it is reinforced in training and then leadership in the force I think it would be very good.

Mr BARBOUR: Yes. I agree with that entirely. I think the earlier police are exposed and trained around these issues the better. It would not only ensure that they adhere to this and understand it more, but hopefully with adequate information being provided to them they will be able to see the benefits, not only for the broader community and the New South Wales Police Force as an entity, but also for individual officers in terms of their career.

The Hon. CHARLIE LYNN: We asked previously about having an objective system or a system to get the feedback as to what they think about it because if they believe it is enhancing their career and is part of their value system as being a police officer and it is accepted, then they will add value to it but if they see it as a punitive type of thing or another oversight on their duty and they do not accept it, they will play the game or play the system. Do you have any comment?

Mr BARBOUR: I think once again I agree with you. I think certainly in our experience with the complaint system police are clearly understanding that the system operates fairly, openly, transparently, that is it is designed to deal with misconduct or complaint issues, to either improve performance or to rid the force of people that they should be rid of. There is a much greater openness to the benefits that flow from it and an acceptance of it and certainly that is one of the reasons why we think police make so many complaints themselves, which come within the system, because they have grown to accept the principles that you are talking about underpinning the success of something like this.

Mr PEARCE: On the summary, that you would be aware of presumably.

Mr BARBOUR: I will not guarantee that without having it in front of me.

Mr PEARCE: It says here that the Ombudsman identifies important features of an EIS as being a system based on objective rather than subjective indicators. A lot of the public concern that we get, certainly in our offices about police behaviour is essentially subjective, rather than that they have not objectively done their job, it has been attitudinal approach, that sort of thing, which essentially falls into the subjective area. If you are looking at an objective system how do you avoid a box ticking exercise? That does not really address what is quite often the public concern about their relationship with the police, which is often an attitudinal thing and a subjective thing. Can you comment on why you make that assessment? I understand the need to be fair to the police and obviously objectivity allows that level of fairness, but is that going to miss on of the public concerns about the relationship with the police?

Mr BARBOUR: I think that very much depends on what the indicators are going to be and how they are implemented over time. I know that the Commissioner is very keen on introducing a much better and stronger customer service ethic within New South Wales Police and there is a great deal of work being undertaken in that regard to ensure that the interaction between police and the community is much stronger and police recognise the need to be polite, be courteous, provide information, all those sorts of things and of course we can take it right through the continuum to much more serious conduct.

I think that if the indicators are clear it should not be just a box ticking exercise. Undoubtedly any system of this kind is going to require data to be gathered and there are going to be some parameters around what that data ought to be and there needs to be agreement about that. The success of it, however, is how it is used and how police interact with it. One of the things that I think, and I am sorry to keep harping back to the complaints system but it is of course one of my bread and butter issues and I know it best, but one of the things I see arising from that system is that because we now have managers responsible for dealing with complaints they first hand get to develop a much clearer understanding of any problems as they arise through that focus, through the complaints focus, with their officers and what we encourage them to do is manage those issues.

If they have got an officer who is regularly the subject of a complaint about rudeness, then we expect that manager to take that issue up with the officer and deal with it. Similarly, if there are multiple complaints about excessive use of force, to then counsel that officer, look at that person's performance and perhaps maybe monitor that person and take some direct action in relation to how that person might in future interact with the community. They are things that I think can be done either through a complaints system or through an EIS system. I think there will be an element of ticking the box.

The use of force register is a very significant thing, we believe, and any EIS in my view ought to have it as a component. It is something that we have been asking for the police to develop for quite some time. In my

understanding there is a project under way and they are going to be looking at it. That is a clear area where records need to be kept: when are police using force; in what circumstances; which particular officers are using it; why are they using it; is it because they are front line and working in a local area command environment which is particularly difficult, or is there no explanation for it and, if not, why not. Those sorts of issues can come up. There is a bit of a tick of the box there if you are keeping all that data, but how you then apply it is where you exercise the flexibility.

The Hon. LYNDIA VOLTZ: Do you define, on that use of force, the difference between different types of officers as well? Where people may see a male police officers as threatening, they may not see a female officer in the same way. Is there a different reaction to different types of officers as well?

Mr BARBOUR: That probably would not come under a use of force register. The use of force register would document people physically exercising restraint or force on somebody, or using a weapon, a baton, capsicum spray, or a taser. Indeed I have just released and done a press conference this morning in relation to our taser report. That is one of the areas which dramatically points, in my view, to the need for a use of force register.

Whether you would want to try to take that further to look at those sorts of very subjective issues, I think it would be challenging because it would be very difficult to maintain data that you could objectively assess.

Ms SYLVIA HALE: In your submission you talk about 12 percent of officers receiving about 30 percent of complaints, in round figures. Has there ever been any longitudinal study to show that those officers who were the subject of the complaints were subsequently punished or in some way expelled from the force, or whether their behaviour improved? Would the complaints system in itself, particularly if it were coupled with a use of force register, be sufficient to render an EIS unnecessary?

Mr BARBOUR: No. I do not think so. I think one of the benefits that is a separate benefit from the EIS is that you can look at a whole range of issues and information factors that are not necessarily made the subject of a complaint, and I think the preference in many jurisdictions for an EIS is to ensure that the data is coming in at an early enough point where you can almost try to prevent the misconduct happening rather than waiting for the complaint cycle to start.

In answer to the first part of your question, I am unaware of any longitudinal study. Certainly the report that we issued in 2002 about officers at risk demonstrated a need for commands to manage those issues effectively and we, when we go out to local area commands and are dealing with commanders, we discuss officers that they think or that we think are potentially at risk as a result of the complaints process. We are actually trying to manage that process.

That information undoubtedly comes into play, however, when complaints are being investigated and dealt with. Clearly a complaint history

is going to be an issue that is going to be considered when decisions are made about what the appropriate way of dealing with a particular issue is.

If you have already dealt with someone for similar issues before and you tried to counsel them and manage them, then if the same issue keeps arising, you are going to need to think of alternative action that might be more punitive.

CHAIR: We have heard performance indicators are regarded as critical elements in the EIS. What, in your view, are the appropriate indicators and how do you think the police force can deliver and maintain these indicators? We have heard about complaints, but there are other indicators that are needed as well. What is your view in regards to that?

Mr BARBOUR: Certainly use of force I think is an area that needs to be looked at and in my view that covers a vast range of things.

Performance issues is a concept where it is very hard to have a start point and an end point and you need to look at what you see as being the indicators that are going to best provide information to you.

I guess this underpins both ours and PICs and NSW Police Force's submission about the need to really do a lot of research to get these indicators right if they are going to be meaningful.

What are you going to target? Are you going to target someone who is perpetually late for work? Are you going to target someone who is constantly rude? Are you going to look at secondary employment? Are you going to look at whether there are any breaches that are identified in terms of the honesty with which someone has provided information?

There is a range of performance based things that potentially you have to look at in addition to the complaints system.

I want to re-emphasise, I am not in any way suggesting the complaints system is a substitute for an EIS. It is not, but what I am saying is that it complements an EIS very well and if I do have any concern about the action to date, it has been that that has not been properly said anywhere and I wanted to make sure that I said it, because it ought to be acknowledged by all of the people that are giving evidence to you, because without it, we would not have the sorts of managerial based response to issues that we currently do.

CHAIR: The Phoenix police officer EIS is a transparent system where police officers actually go on line and view their own records. Do you see the benefits of that approach in the EIS implemented in New South Wales?

Mr BARBOUR: I think transparency is important for everybody. I think if you want to have ownership by police, they need to be really clear about what is happening. They need to have an opportunity to know what is going on.

I think that it is very important to any of the oversight bodies that are going to be involved in making assessments from this, it is going to be very important to managers to have that and most importantly, it is going to be important to the community to have that.

If the purpose behind having an EIS is to try to identify problems before they exist, to provide the community with a more robust, more ethical, better performing police force, then we need to make sure that the community know that it is happening as well and they need to understand that that is in place. So, I am a great advocate for transparency.

Ms SYLVIA HALE: But does that go as far as public participation in the process in any way or access to data?

Mr BARBOUR: I am not sure about public access to data. I think where the public comfort comes from is knowing that the system is in place and that there are independent agencies on behalf of the public that are monitoring and checking that that is going on.

Ms SYLVIA HALE: You would see that as the PIC and the Ombudsman?

Mr BARBOUR: Absolutely, yes.

Ms SYLVIA HALE: But there is public participation in overseas EISs.

Mr BARBOUR: I would need to look at that to see what the benefits were as against the negatives, but I guess I am in a position where I could not say I would automatically endorse that. It would need to depend on more information and the level of information.

There are other Ombudsman Offices in the world where the media are able to come in and have a look at absolutely any file in relation to the Ombudsman Office – I do not endorse that process either.

Mr KERR: Obviously the implementation of early intervention systems comes at a cost. Would you see that as expenditure on frontline policing?

Mr BARBOUR: If police officers can be more confident in knowing that they are working in a collegiate sense with officers who do not present a risk to them, then I think it is valuable.

Obviously you need to assess that in terms of how much it is, I do not think that there is an infinite amount that I would attach that to as being okay, but more and more I see and our Office sees in our dealings with the police, a desire by police to be confident that the person that is standing up next to them or their colleagues are working in an ethical and appropriate way.

It is very rare these days that you see tolerance for unethical conduct and I am pleased to see that that is the case. There will always be areas where there are problems, but I think, yes, it is money well spent, provided we get it right.

What I would be concerned about is that we develop something without very, very carefully examining everything. It needs to be right, otherwise it potentially is going to be like the ORA system or something else where there is going to be money put into it and it is going to end up being disbanded.

The Hon. LYNDA VOLTZ: On page 12 of your submission you have highlighted the cautions when you were examining the experience of other jurisdictions in the early intervention systems. To what extent can those experiences in developing and implementing the early intervention system in New South Wales be useful? We have heard about the cautions, but can they also be useful?

Mr BARBOUR: Undoubtedly they can be useful. I think the reason that we have said we need to exercise caution is that in our review of the literature and the start up of these, there seems to have been very little evaluation and what seems to have happened is there is almost a chain reaction – people think that it is a good thing to have and it is often in response to a very specific incident that receives a great deal of public attention and the answer to it is: Let's have an early warning system or an early intervention system. Then you have a particular software package that is marketed and then that is the solution and everybody just puts it in place.

What we believe is that of course we can learn from those experiences. It would be good to see how they are evaluating them; if they are evaluating them; what the positive outcomes are.

But for my mind the jury is still out on all of that and we put them into the mix by all means, but we also recognise that we have got a very different system in New South Wales, which might mean if we are going to introduce an EIS, we do not simply adopt an off the shelf model or what has happened elsewhere, but we work out what is right for us.

CHAIR: Some serious allegations can take a long time to investigate. Can this partial data be effectively used in an EIS? In other words, where there is an ongoing investigation, can we use partial information from those ongoing informations on police officers in the EIS?

Mr BARBOUR: When you say investigations, what type of investigations?

CHAIR: Longstanding complaints against officers?

Mr BARBOUR: I think any information is useful when you investigate complaints, partial, complete, incomplete, but what you always need to do, is you need to apply appropriate reservations around anything that is

incomplete, and you need to make sure that you acknowledge that and you have regard to it before you actually draw any conclusions.

I think it would very much depend on the nature of the information; how relevant it was to the issue the subject of the investigation, but if you have some data that helps you either clear the officer or is compelling in terms of recognising that there is a problem there, then you would have regard to it.

CHAIR: In the particular features of the EIS system, could you see an expiry date on complaints against officers or date for data items or a process through which officers can request conditions or changes? Do you see that as essential?

Mr BARBOUR: I think you would need to look at what indicators you come up with and see which ones are ones that ought to be maintained either permanently or for a long period of time and which ones, after a period of time, might be able to be relaxed.

I do not have a firm view either way in a dogmatic sense about that. I think it would very much depend on the indicators.

For example, if one of the indicators around performance was punctuality, if you had a record that went back five years because someone was late for work twice five years ago and you were still applying it in some way on a performance based process five years later, I would be troubled by that. But if you have got a history five years ago of violence or violence or mis-use of force or inappropriate conduct, that might be something that you would appropriately keep on base. So I think it would be a weighting issue in relation to those categories.

We have done a lot of work with NSW Police, as you know, to remove from our direct oversight a whole lot of minor matters and the very minor customer complaint type issues now. There are now records that are kept and we think that is appropriate over a period of time.

Ms SYLVIA HALE: I would imagine there is a general perception that the EIS would be most effective in the early years of the police officer's career. What happens when you get to those levels of middle management and beyond when there is likely to be a much more entrenched culture, where people are less likely to be prepared to modify their behaviour. Would you see the system not applying at that level or how would it apply?

Mr BARBOUR: I think if we came up with a good EIS the benefit should be that over a period of time, by bringing it in with young officers, getting them used to it, having them involved with it, that in fact you would see significant improvements over time as they rose through the ranks.

If there was going to be any resistance to it, it may well come from the more senior ranks currently who might resent the introduction of this, but that, once again, would be an issue around how you would phase this in, what the

indicators were, how you do the details, do you apply it to everybody from day 1 or do you apply it in a staggered approach to people as they are recruited and as they come on line.

That would be one of the issues you would need to look at in terms of any evaluation of this particular system, and I think you could make persuasive arguments for both courses.

Mr PEARCE: Given your earlier comments, which I took as being critical of the earlier ORA system, what in your view are the lessons that can be drawn from the NSW Police Force's previous efforts to develop early intervention risk assessment tools?

Mr BARBOUR: I think as we have already said, and I think everybody has made this point in their submissions – and I agree with it – that we have got to properly evaluate it.

I think one of the benefits of what we are doing at the moment is, this is not only an issue that the Committee is taking an interest in and it needs looking at, but we have got a working party which comprises our office, PIC, NSW Police Force and also the Association.

In previous policy development and functions that were put together, we did not have that spread of involvement and I think that is going to be a really significant benefit.

The other thing is that you need to get it right and you need to put in the hard yards beforehand. Even if that means that we do not have something up and running for a longer period of time, I would far rather see that outcome than bring something in which we have either got to tinker with constantly or we end up rejecting it because it is not working.

Mr KERR: I do not think that answers the question of what the problems were.

Mr BARBOUR: The problem with ORA is that that was very much a Police Force initiative and we did not have very much involvement with it, and at the time when everybody was looking at how it was going to be evaluated, it became pretty clear that it was very difficult to evaluate it and the problems with it and so they withdrew it.

Mr KERR: But what were those problems?

Mr BARBOUR: I am not sure of all of the problems, because it was not our initiative, it was a Police Force initiative and they themselves concluded that it was not good. I am happy to get some research on that.

Mr KERR: That would be useful, yes.

Mr BARBOUR: I will take that on notice.

Mr PEARCE: That is a little bit concerning, that it was an internally structured event, it was identified there were problems, nobody knew what the problems were and the thing was withdrawn.

The Hon. LYNDIA VOLTZ: Maybe we could ask the Police Force.

Mr PEARCE: I think there is an issue there.

CHAIR: That is something we can take up this afternoon.

Mr BARBOUR: My colleague, Greg Andrews, is just saying that he thinks some of the problems were that the indicators that were identified had not been properly researched enough. They were applying it to every officer in circumstances where it did not seem as though it was necessarily going to provide benefit and it had been opposed by the Police Association because it seemed to be relating very much to issues that were beyond the brief of what it was designed to achieve.

CHAIR: You can ask further questions on that this afternoon.

Ms SYLVIA HALE: Obviously we are entering times of great budgetary stringency and presumably not everything that one would like to do can be done. Assuming you retain the complaint system, if you had to make a choice between a use of force register and further work on an EIS system, which would you prefer to see? Which do you think would have the greater benefits for the community?

Mr BARBOUR: I am hoping it would not be an either or, in the sense that typically a use of force register is a component of an EIS and I think an EIS would need to have that. Whether an EIS was introduced, my answer would be that the police should introduce a use of force register. We have been arguing for that for a long time. Whether we go down the EIS path or not, I believe that the cost of developing a use of force register is definitely beneficial and worthwhile. If we are going to do an EIS then certainly that in my view would be a component that you would look at as a starting point as being an integral indicator.

The Hon. CHARLIE LYNN: Mr Barbour, could you explain how the effectiveness of an early intervention system for the New South Wales Police should be evaluated and, for example, could evaluation models or methods from other police agencies' early intervention systems be usefully applied in New South Wales?

Mr BARBOUR: I cannot say to you how I think it should be evaluated but what I would say is that the starting point would certainly be to look at other systems, other jurisdictions, and see how they are being evaluated. Our research in relation to this and one of the views that we have taken to the working party is that it does not appear that the evaluations that are being done in some of the other jurisdictions are particularly strong or particularly good. One of the things that we would be wanting to do is work as a group to ensure that whatever we came up with as an evaluation process was appropriate and was worthwhile and provided a good information base on

which to act. That would be part of that working party process.

I cannot say to you at this stage what I think all the components should be, but clearly you would be looking at measurable outcomes and you would be obviously looking at things over a period of time, to see whether or not the introduction of this removed the frequency of particular issues and particular risks arising.

Mr PEARCE: Some of the overseas models have external bodies. We have a number of different bodies which have different roles, vis-a-vis the police force. Would you see your role as being an external body or would you see that there would be a valid role for a further external body?

Mr BARBOUR: No more bodies please.

Mr PEARCE: That is the reason I asked that question. Would you see your role as an Ombudsman fulfilling that role as an external body, should there be perceived at the end of this process a need for some sort of external body?

Mr BARBOUR: Potentially we could perform that function. I would not say definitively because what I would like to do is if we go down the path of introducing an EIS, I would like to look at what the indicators are. If the complaints system and the complaints process was one of the indicators, I would want to make sure that there was no potential conflict for us in also looking at the broader EIS. On the face of it I do not think there would be, but I would like to reserve my judgment. I have no hesitation in taking on additional responsibilities if they are consistent with our mandate and they do not affect our independence or the integrity of our processes.

On the face of it I think there would not be a problem but rather than say categorically yes we can do this, I would rather wait to see what it was and what it looked like and what the indicators were, to see whether there was any potential risk at all in terms of our existing functions.

Mr PEARCE: Given your part of the process which is developing this, how does that make you an independent external auditor?

Mr BARBOUR: Clearly we have probably the most significant experience in relation to police conduct of any agency in the state. Not only do we handle the complaints system but we deal with a significant amount of project work. I have just tabled this morning a 100 page report on the use of tasers by New South Wales Police.

We deal with thousands of complaints a year and we deal with 99 percent of reported instances of misconduct or conduct problems of police in the state. Clearly we would probably be best placed of any agency to provide a contribution to the work from our experience along those lines. Working on the working party I do not see a problem.

Looking at it in a final process, looking at how it is figured and what the mechanics of it are, I would need to look at it to make sure there was no problem. I do not think there would be, but one of the things you learn in this job is to exercise caution around committing to something of that kind.

CHAIR: If the Committee in its deliberations have any further questions could they put them on notice to you?

Mr BARBOUR: Absolutely. You are very welcome to and we will respond to them as quickly as possible.

(The witnesses withdrew)

(Short adjournment)

PHILLIP JAMES TUNCHON, Assistant Secretary, Police Association of New South Wales, Level 4, 154 Elizabeth Street, Sydney, and

PETER JAMES REMFREY, Secretary, Police Association of New South Wales, Level 4, 154 Elizabeth Street Sydney, sworn and examined:

CHAIR: I am advised that you have been issued with a copy of the Committee's terms of reference and also a copy of the Legislative Assembly Standing Orders 291, 292 and 293 that relate to the examination of witnesses, is that correct?

Mr TUNCHON: Yes.

CHAIR: The Committee has received a submission from your organisation. Is it your desire that that submission form part of your formal evidence and do you have any opening statements?

Mr TUNCHON: That is correct and I do have an opening statement if I might.

I appear before this Committee on behalf of the Police Association of New South Wales. As I indicated, I am employed by the association as the Assistant Secretary and I have responsibility for the association's legal services. I am a former police officer with 31 years service and I am a former elected president of the Police Association between 1994 and 1998, which you may recall were the years that coincided with the Wood Royal Commission.

I refer to the document provided to the Committee by our Director of Research and Resource, Greg Chilvers, and formally indicate that it outlines generally the position of the Police Association in respect to early intervention systems.

I would also indicate that since approximately August 2006 the association has actively pursued and been involved in a cooperative approach with the New South Wales Police Force in the development of an EIS model for use in New South Wales.

In that regard the association is represented on the New South Wales Police Force Steering Committee for the development of an EIS model, along with representatives from the Police Integrity Commission, the Ombudsman's Office and various sections from within the New South Wales Police, primarily the Professional Standards Command.

I would point out at this time that the association views the work of this steering committee as ongoing and from the elected officials' perspective there has been no final endorsement of the EIS model.

Whilst we are pleased with the progress that the steering committee has made, there is one area of concern that remains valid and that relates to budgetary constraints. No system, can be developed and implemented without some additional cost, whether that is in respect of upgrading technical resources, modification of existing systems, or in training and general support.

The association is concerned that this important initiative might very well be shelved due to a lack of adequate financial support.

It is my understanding that the work of the steering committee and in particular the development of the model has reached a stage that additional financial resources are now required. These financial cost increases flow on to affect important issues like marketing, ongoing training and, most notably, an evaluation program, all of which we see as being intrinsic in the introduction of an EIS.

The Hon. CHARLIE LYNN: Would you see the issue as being a front line support issue? When Governments talk about budgets they talk about front line policing and they talk about support staff. Do you see this as being a front line issue that should be almost segregated from any budgetary cuts?

Mr TUNCHON: I would put it into that category, yes.

The Hon. CHARLIE LYNN: If I could go to a statement or a concern that you have, which is the caution over which EIS models developed in the United States and other jurisdictions could be successfully adapted to the needs of New South Wales, could you elucidate on that concern?

Mr TUNCHON: I think there are significant differences between what takes place in the United States and what happens here in New South Wales. For argument's sake, the use of force is clearly a defining issue. Whilst it is one for great consideration over there with the number of lives that are at risk, from the community at large or from a police officer who might be potentially injured in the process, we do not have that degree of problem in New South Wales, so I do not think you can holus bolus pick up what happens in the United States and introduce it blindly here in New South Wales. There are some elements of very good EIS systems in the United States that could form part of what we do in New South Wales, but would have to look at each one.

The Hon. CHARLIE LYNN: You are probably giving your experience of 31 years in the police force starting, I assume, from a constable on the beat right through. The early intervention system, it would seem to me, should be a value that is incorporated into young police officers. It is part of the handling of confidential information and so forth and if it is part of training structure and part of the ethics, if you like, of being a police officer, then they accept it, but if it is imposed on them as another onerous oversight or something they have to do and they do not accept it, then they are probably more liable to play the system for the sake of playing the system, rather than accepting it as a value as part of their duties as a police officer and their responsibilities. Would you have any comment on that?

Mr TUNCHON: I think you are right. That is why I made the point about the training and education arrangement for this. You have to get it right from day one and that includes involving officers themselves in the development of it.

I note with some interest the model that is in place in Phoenix, where they actually allow access to it by the police officers themselves and they can make suggestions and changes to that which are often adopted, so at grass roots level it is very important that the ownership is there.

The Hon. CHARLIE LYNN: Would you look at a system whereby the system gets feedback from the people it applies to, particularly in the early years, as to how they see the effectiveness of it in regard to being onerous, or whether they perceive it to be punitive, or whether they perceive it to be a proper part of their duties, so feedback from the officers on the beat, if you like, being an important part of it?

Mr TUNCHON: I think that is important, the feedback aspect of it, and I think the issue about it being punitive in its nature is probably one of the problems that existed under the original model, the officer risk assessment model that was looked at some years ago, where there was a quantum leap from assessing somebody to going straight into punishment mode.

The Hon. CHARLIE LYNN: If there was a cut to the budget and the early intervention system was put on the back burner, would you see that as maybe having a short-term gain budgetary wise with a longer term consequence?

Mr TUNCHON: Yes, I think so. It is not very often in policing that you get a collaborative approach where everybody seems to be singing from the one song sheet. In this case the PIC, the Ombudsman and Professional Standards Command, the police, and us. That seems to be my impression of the way in which this steering committee is moving. It is an ideal opportunity to seize that and it would be a shame if for budgetary constraints was shelved.

CHAIR: What other key elements do you see as being needed to acquire and retain the support of police officers for an EIS, other than what we have just spoken about? What do you see needed in the EIS to keep the support of officers and to retain that support?

Mr TUNCHON: Primarily their involvement in the development of it and part of that is the education and training arm that we see as intrinsic. There has to also be a proper evaluation process and the opportunity for the system itself, the model itself, to evolve. If those elements are not there, then you are not going to have the interests of the members themselves.

Mr PEARCE: You are familiar with the summary?

Mr TUNCHON: Yes.

Mr PEARCE: I had to ask that because I do not think the Ombudsman was. You say there that you support it, subject to a series of dot points, one of which is that it uses evidence based indicators and your following dot point is development and not punitive. I think there is a general consensus, from what I am picking up, about not adopting it as a punitive approach. You have described it as developmental, establishing a particular culture early in the piece you go through. There is in my mind a slight conflict there in so far as if you are going to have evidence based indicators then you are looking at a series of objective standards. The trouble with objective standards in isolation is that they run the risk of becoming box ticking, which ultimately leads to possibly a punitive response. In actual fact I take it that what everyone seems to be working around is if it is developmental you are talking about subjective

elements as well. Am I correct in my understanding that you are looking at an objective series of standards as opposed to subjective, or are you looking at a mix and, if so, how are you likely to achieve that?

Mr REMFREY: The report is designed around saying that the standard should be objective and evidence based, the evidence being that they are reasonable predictors of potential problems down the track but, of course, what it means in essence, or what it ought to mean, is that these officers are only at risk but that risk has yet to materialise. It needs to therefore be used in a developmental way, so that you use the objective measures but you use them when you implement the system. You are using them to develop the officers and create a culture, as the Chair indicated, whereby people are not fearful when they are identified as having these identifiers placed before them and it is used to develop them. It is used to identify to them that there are risk factors there and they can learn from them and can identify for themselves that there are issues that they are facing.

We would prefer the objective evidence based indicators to use, rather than subjective indicators. The reason for that is that it allows for a consistency across the organisation and takes out the personality issue that sometimes might happen between a manager and an individual officer.

Mr PEARCE: I was working around towards that. Whilst it is not necessarily looking at the management issues between the officer and the manager, a lot of what we receive in our electorate office is not necessarily a complaint against a police officer for a specific offence, but rather an attitudinal approach. When you are talking attitudinal you are really talking about a subjective assessment.

A lot of what goes into the Ombudsman, not necessarily what the Ombudsman investigates or chooses to investigate, but a lot of complaints that go in there are essentially attitudinal issues, that somebody was a bit rough when they picked them up, or they were rude to them, or whatever it may be. All of that unfortunately, I would think, would feed into an indicator base because we are not just talking about potentially corrupt conduct here, we are talking about a general risk that may be presented in terms of the relationship of the police to the community so, to me, there needs to be some subjective elements brought in there but from what you have said, you express some reservations about that. You prefer an objective set of standards?

Mr REMFREY: We do. Both Phil and I worked through the period of the Royal Commission and the subsequent reforms. Part of the process of the reforms was to remove what we would call customer service issues away from the disciplinary system into a more modern managerial approach.

Mr PEARCE: Which, I might add, I would agree with.

Mr REMFREY: Absolutely, and that is the day to day responsibility of supervisors and managers, to deal with attitudes, if they might not be entirely appropriate and to deal with customer complaints, rather than ending up in electoral offices, as it were. I think this system sits and ought to sit above the day to day customer service attitudinal issues that any manager in any enterprise ought to be dealing with. That would be certainly our view.

CHAIR: If that were the case, how would you have an early intervention system for someone who is displaying vigorous arrests out there in the customer service area, because that would be coming through. I am saying that would not be picked up, which would be a concern, because that could scale up down the track.

Mr REMFREY: That is where the blurry line between customer service and the next level of intervention needs to happen. That is not always clear. The more that can be done in a managerial way and an educative way, the better we would say and that works really well where we have good managers.

CHAIR: If I was a police officer, if my attitudinal problem was at my arrest stage where I am showing signs of aggressiveness and so on, I would rather that be nipped in the bud than have some sort of disciplinary issue further down the track.

Mr REMFREY: Sure, and I think we would all agree with that. It is probably a case where managers are monitoring attitudinal issues and customer service issues and whether or not those problems materialise to the next level.

CHAIR: It comes down to whether that is objective or subjective?

Mr REMFREY: I think if you get enough of those customer service issues it comes into the next level.

The Hon. LYNDIA VOLTZ: On objective things like use of force in arrest, which is one of the issues raised as objective, I did not quite get the answer from the Ombudsman but how do you define different reactions of people to different types of police? If you are a female police officer people react differently to the way you approach and ask them to do something. If you are a big burly police officer they are going to react differently. There is a reality that some people are going to need to approach certain people differently and some people are more reticent with certain officers and they may need to use force whereas other officers may not. At the end of the day a physical presence is something about policing that is very difficult. With that objective level how do you define someone who is using force more often simply because of the physical presence?

Mr REMFREY: I think that gets back to Phil's opening comment, that transplanting one of the American models which uses use of force as an indicator might not necessarily be appropriate, but certainly not appropriate here where we do not have the level of use of force that they have.

The Hon. LYNDIA VOLTZ: The other one just on subjective, one of the examples that was used was late for work, those kind of issues. Things such as length of time to complete an investigation, whether all witness statements have been completed as part of that investigation, are they subjective or objective?

Mr REMFREY: In the category of objective I think and it is already pretty well covered in the discipline management matrix at the moment. People do get disciplined and whatever definition there is of that for failure to complete.

The Hon. LYNDIA VOLTZ: Because that is a common complaint you do get in electorate offices, the length of time that certain police officers take to complete an investigation and the actual follow up. You would see that as an objective indicator?

Mr REMFREY: Yes.

CHAIR: Performance indicators are regarded as critical elements in the EIS. In your view what are the appropriate indicators and how do you think the Police Force would be best placed to deliver and maintain these indicators?

Mr REMFREY: That might be one we have to take on notice I think Chair. The author of this report, as you have probably noted, is not here because he is overseas.

CHAIR: We are happy for you to take it on notice.

Ms SYLVIA HALE: What role would you see the Ombudsman playing in the EIS system? For example, if the Ombudsman is investigating a complaint, do you think they should have access to any reports that have been generated as a result of the EIS?

Mr REMFREY: Our position is for a single oversight body, we do not see a role for the Ombudsman period in policing.

CHAIR: The data identifies an officer as being at risk in the EIS, then by whom and through what process should the intervention decision be made?

Mr TUNCHON: I think the indications at this stage are that it should be locally managed. It is probably a little bit too early to articulate that any further than that. As I said, we are a part of the steering committee. We are represented on that by Greg Chilvers. I am not so sure that they have actually worked through in totality what that might be.

Mr REMFREY: I think you are right though in terms of it being locally based in the first instance, it is probably less likely to be feared by officers as a punitive event if their local management team is handling it in a moderate way and just having a chat to them about the fact that they have been identified and trying to manage the issues, rather than having some external group come in, that would be viewed probably a lot more seriously. Seriously is not the right word, but a lot more concern from the individual and less likely to involve a cultural change, but more likely to involve a defensive arrangement.

CHAIR: If an officer has intervention in his job, do you feel it should be recorded on his personal record?

Mr TUNCHON: That is an interesting question because we have always been at loggerheads with the Service about how long matters should remain on their record. Again, it would have to be driven by what it is that is the subject of the intervention. Some of the more serious matters, yes perhaps. Some of the more day to day HR related matters, no.

CHAIR: If it was just coming to work late, that should be dismissed within six months, but if someone is constantly using their revolver instead of capsicum spray that should stay there?

Mr TUNCHON: The alarm bells would be ringing fairly loudly I would suspect.

Mr REMFREY: An extreme example but I think I understand your point.

Mr PEARCE: Your comment about the Association's policy in relation to single bodies. The models from the US have external oversight boards. You would have some concern with that as a model?

Mr REMFREY: Our view is that the Police Integrity Commission is the appropriate oversight body for police. We have supported not only the Royal Commission, but the establishment of PIC and we have supported their existence subsequently. We believe that given the Ombudsman's existence in terms of oversight of police pre-dated the PIC, it is now time, certainly over time for that to be called into some question.

We certainly support the concept of external oversight. It has been a clear view of the union for the better part of a decade and a half and nothing has changed in that regard, notwithstanding we might have some day to day issues with particular investigations that PIC is undertaking and the fact that we have now got the oversight of the PIC and an opportunity to go elsewhere is fine, but we do not see any need for two bodies to be overseeing the police.

Mr PEARCE: So you certainly would not see the need for any other oversight body as per, say, the model in Phoenix?

Mr REMFREY: I am not familiar specifically with Phoenix. Phil has referred to it in respect to the EIS system, but as far as general oversight goes, we think the system is right insofar as PIC is concerned, purpose built organisation that is designed to oversee police and we would not support any additional oversight.

Ms SYLVIA HALE: Your submission is quite damning of the officer risk assessment, it refers to it as discredited. Do you think, therefore, that when it was in operation it created such unhappiness and misgivings that it

would, in effect, take a long time for that to be broken down and for an EIS to become effective?

Mr TUNCHON: I do not know that we even got to the stage where it was broadly introduced. Certainly in terms of its preparation, it was poor. There was absolute indecent haste in the development of it. It was cumbersome. It was punitive in its nature. It lacked any form of research and no opportunity for any evaluation. It was not supported by us at all. In fact, we worked vigorously to try and get it removed.

Ms SYLVIA HALE: Do you know why it abandoned, presuming your view was not universally shared?

Mr TUNCHON: I think we were able to convince the people in the right place to take that view, that it was never going to work.

Mr REMFREY: Your point about cultural acceptance is very critical I think. Whether or not these systems have been discredited by that model is probably not the important issue, but if you are going to introduce something like this, the education and the training needs to come through before the system is introduced so people are comfortable with the logic behind it, what it is going to be used for and they get a feel for the fact that it is going to be developmental rather than punitive.

Ms SYLVIA HALE: Do you see it as a system that would be effective only in the early years of an officer's employment or how far do you see it percolating up the chain of command?

Mr TUNCHON: I cannot see any reason why it would not remain there.

Ms SYLVIA HALE: You would say all levels?

Mr TUNCHON: Yes.

Mr REMFREY: In order for it to have credibility amongst the frontline operation officers, it would also apply in equal measure to the supervisory and managerial levels I would have thought, which in many cases their decisions are arguably more critical in terms of affecting more people than the decisions of an individual officer at a patrol. I cannot, as Phil said, see any reason why it ought not be universally applied.

CHAIR: Considering your comments on ORA, does the Police Association see the issue of having to get in there and work as a team to build this process and put this process in place for the benefit of everyone and are you critical of an EIS being part of the team rather than having it forced upon you?

Mr TUNCHON: I think it is vital that we remain involved in it. As I said, we are part of the collaborative effort to develop it. If there is no buy-in by us, then it is never going to fly.

Mr REMFREY: I think the fact that we are at the table gives an indication that we think, in principle, the system has got some merit. The last thing we want to see, representing members, is that someone's behaviour can be modified and prevent them from going down the path that no-one wants.

CHAIR: As long as it stays as intervention rather than punitive.

Mr REMFREY: It is designed to prevent the punitive. At the end of the day, if we can get a system that keeps people out of the punitive disciplinary side of the organisation we are doing them a huge favour, we are doing the community a favour and we are doing our legal fund a massive favour as well at the end of the day. It is all up side, which is why we are there. We want it to work because it has got some benefits.

The Hon. LYNDIA VOLTZ: And it is aimed at keeping the police in the force for the long term.

Mr REMFREY: Yes, correct.

The Hon. LYNDIA VOLTZ: Supervisors are going to play a key role in the implementation of this. Have they made any comment about the impacts it is going to have?

Mr TUNCHON: Well it has not been that widely spread to them yet, so that is the difficulty.

The Hon. LYNDIA VOLTZ: Do you have a view on the impacts?

Mr TUNCHON: Other than to say that broadly at this point in time we are very happy with what has been developed so far. There are one or two little areas that have to be tweaked, we believe, but we are working on that.

Mr REMFREY: I think you will also find that good supervisors will be intuitively doing some of this stuff. It is part and parcel of what makes a good supervisor, trying to guide their younger officers down a decent path, prevent problems for themselves and their team, and giving them a structure around which they can do this would be of assistance.

We have got to make sure that it does not become overly bureaucratic and just another 'tick and flick' – I think someone mentioned ticking boxes a little earlier in the discussions today. The last thing we need to do is impose upon busy supervisors an arduous additional red tape, but providing there is the framework and some skills to do what ought to be the function of a management and supervisor, I think is really important.

Ms SYLVIA HALE: What advantage would you think the system would have in terms of poor supervisors? You say that good ones could well be doing it at the moment, what about the poor supervisors, how do you think it would help them?

Mr REMFREY: I think those that are not doing it intuitively would in a sense be forced to do it, because the system would be in place. It would give them structure around which they could look at it, so it is a good way to be able to do it.

Ms SYLVIA HALE: Making them aware of the problems?

Mr REMFREY: Exactly. It would provide some assistance in uniformity, which is a bit of a problem, which is why we are not so keen about the subjective approaches and given the changes that happen in policing through promotion, transfer, medical exits and the like, you do get a turnover of supervisors, so you want to have a consistent system so that a new supervisor coming in can pick up where his or her predecessor left off, and objective measures are pretty important in that regard, because you start to get into the subjective measures, it creates a huge problem and those sorts of challenges.

CHAIR: Are there any particular features you would like to see in place in the EIS, such as data entries as far as officers are concerned, the time the data is on their record in regards to requests for corrections or inaccurate information on their record, anything like that you would like to address?

Mr TUNCHON: I think I will take that one on notice. I know that Greg has had some discussions about it, but to what extent I am not entirely sure.

Mr REMFREY: Transparency would be the key, and in broad terms without getting into those specifics, you would want to have a system that allows an officer to have a look at what is there and to do, as you have suggested, ask for the changes if it is inaccurate, but the specifics need to be looked at.

That will actually have an impact on acceptability and it will have an impact on the red tape argument that we were articulating a little earlier.

Ms SYLVIA HALE: Do you consider the system sufficiently important that even in an era of budgetary cuts it should be persisted with or is it an optional extra which will not result in the major improvements that the budget might require?

Mr TUNCHON: I see it as vital. Anything that can affect or curb aberrant behaviour that might lead or connect to some formal disciplinary process being invoked where there are enormous costs involved anyway, if we could stop the problem back here before you get there, you are going to save money anyway in the long term.

CHAIR: Is there any risk that the EIS is going to penalise high performing officers, for example, by not using peer group analysis when evaluating officer activity data in regards to what they are doing?

Mr TUNCHON: I do not see how it could.

CHAIR: When officers are actually operating on a different level, if they are undercover or whatever, you really cannot compare them to some of the frontline services, can you?

Mr REMFREY: I am not quite sure where your question is coming from, but in terms of different duty types—

CHAIR: The dog squad officers compared to tactical response group are quite different data entries, quite different issues. So if you are using the same level of questions on the dog squad as compared to the tactical response group, it is not going to be the same questions, it is not going to be the same outcomes.

Mr TUNCHON: I think the core questions are still going to be the same. There might be some additional ones that you might look at for varying groups, but basically a constable is a constable is a constable, the same as a sergeant is a sergeant.

The Hon. LYNDIA VOLTZ: They are all the same?

Mr REMFREY: There are already identified high risk areas in policing, be they high risk of corruption, high risk of injury, high risk of psychological injury. They are already identified, perhaps not as much in some cases as they ought to be and the organisation has had to take some action in respect to those. A good example of that is in the child mistreatment area the union ran a particularly significant case many years ago about an officer in that area who had suffered significantly and as a result they have had to introduce particular sets of arrangements in that area to reduce the risks, rotations, limited tenures et cetera. There are equal situations in respect of corruption in the IA area and drug squad et cetera so your point is correct but I do not necessarily see that it ought to cause a problem, or the sort of problem you have raised.

The Hon. LYNDIA VOLTZ: The point you are making is the EIS can deliver the benefit in terms of people suddenly behaving aggressively, where it is as a result of the stress of their job, you can get the medical intervention needed to make sure that does not become a problem that is not identified.

Mr REMFREY: Yes, and in those areas we have introduced compulsory quarterly psych testing to identify early whether or not they are having any dramas and to move them into other duties or take some intervention action at an early stage.

Ms SYLVIA HALE: Presumably at the moment there are criteria that have to be met if you are joining the tactical response group. The EIS process would not in any way duplicate that. How would the two mesh

together?

Mr TUNCHON: It is hard to say. I do not think it would override it. It might be something that would be considered as part of the evaluation process of someone's suitability.

Ms SYLVIA HALE: If you are going to take it into consideration, can it be perceived by your constables and whatever as being a device whereby they will be denied promotion, or denied access to a particular squad, and how do you overcome that?

Mr REMFREY: I think in our submission we talk about it being developmental rather than punitive. If it was used as a method of denying someone an opportunity in one of those areas, then immediately you are hitting the punitive button. We would be, I think, opposed to it being used as anything other than a developmental tool, simply to identify that there is a potential for a problem and taking action to rectify it. To deny someone an opportunity in an area where there has been no evidence of a problem, other than we have some objective criteria by which we have flagged someone that they might be going to have a problem, would be a massive issue.

Ms SYLVIA HALE: If you do not take it into account then you might get within a special unit a culture developing that is contrary to the culture you are trying to foster via the EIS. It does seem to me there is a real conflict there between the two outcomes, as it were.

Mr REMFREY: That needs to be fixed in terms of the implementation.

Ms SYLVIA HALE: Do you think it can be resolved, because I am hard put to see how you can resolve it really.

Mr REMFREY: I think it is being used solely as a developmental tool, and presumably once the individual is transferred to another unit it does not mean that the EIS material or information is not continued in that area and they can continue to be developed and monitored et cetera, but as soon as we get down that path of denying someone a transfer or promotion, or some other economic benefit to them, I think that is when the system would fall into disrepute as far as our members are concerned.

Mr PEARCE: Do you see this EIS as being used solely within the job as a police officer in the role of a police officer, or do you see it also looking at risk factors as a result of their general social activities outside? I do not mean if there is an offence such as drug use, but I am talking about who they are mixing with, if they are a punter or that type of thing.

Mr TUNCHON: I think all of those fall into the category of indicators that the steering committee is looking at and they do form a work picture of the individual.

Mr PEARCE: Do you see that as appropriate?

Mr REMFREY: It is just a reality that police officers are police officers 24/7 and the off duty conduct of police officers is as significant as their on duty conduct. There have been numerous situations where off duty mixing, as you

have described it, has been regarded as inappropriate and it is better for that to be identified early and some developmental action be taken.

Mr PEARCE: Rather than it developing into punitive?

Mr REMFREY: Correct.

CHAIR: That is why it is seen as a closed shop because they tend to mix with themselves rather than outside because they leave themselves open. I think that is a very sad situation.

Mr TUNCHON: The EIS might not be the panacea that everybody thinks it is. I think that as part of the research package New South Wales Police is ideally placed to be able to tap into this body of knowledge, if you like. There have been any one of a number of people appearing at PIC who would have been identified as being involved in corrupt conduct. Whatever the final model might look like, it would be a useful exercise to track people through that and apply it to those individuals just to see whether or not they would have been identified in the process.

Ms SYLVIA HALE: Do you think there are sufficient indicators at the moment to go back retrospectively and assess someone's career?

Mr REMFREY: You could certainly test the system by grabbing one or two cases or more, based on what was known about those people and see whether or not the system would have identified them.

Mr PEARCE: Whether the alarm bells are ringing.

Ms SYLVIA HALE: Or should have rung.

CHAIR: If we have any further questions as a result of our deliberations is it all right for us to give them to you on notice?

Mr TUNCHON: No problem. We are happy to do that. Thank you very much for the opportunity.

(The witnesses withdrew)

(Luncheon adjournment)

PAUL ANTHONY CAREY: Acting Deputy Commissioner, Specialist Operations, New South Wales Police Force, Elizabeth Street, Sydney and

KAREN JANE MCCARTHY, Acting Assistant Commissioner, Professional Standards Command, Clarence Street, Sydney, sworn and examined:

CHAIR: I am advised that you have been issued with a copy of the Committee's terms of reference, is that correct?

Mr CAREY: Yes it is.

CHAIR: The Committee has received a submission from you or your organisation. Is it your desire that that submission form part of your formal evidence?

Mr CAREY: Yes, Mr Chair.

CHAIR: Do you have any opening statements?

Mr CAREY: I do if I am permitted to read. I welcome the opportunity to make a brief opening statement today in regard to developments in early intervention systems within the New South Wales Police Force, after which we will both be pleased to take any questions from the Committee on this topic.

The New South Wales Police Force does not currently have formally a designated EIS as such, although we have a strong commitment to developing such a system. Our Steering Committee has made vast progress in scoping our system requirements during 2008. We have done this work in consultation and collaboration with the police oversight agencies, both the PIC and the Ombudsman, as well as the Police Association. As the Chair of that Committee I have been most grateful for their support.

For the New South Wales Police Force early intervention is about engaging as early as possible those police who come to the notice of their commanders, according to a defined set of indicators, to enable the organisation to offer them support and guidance. Many of our commanders already do this as good managers. However, a central EI system would enable us to intervene more effectively and consistently, hopefully before an officer ends up in one of our more formal accountability processes on conduct competence or performance grounds, matters that can significantly affect their career.

Our research shows that early intervention programs are well recognised as being able to prevent serious behavioural problems arising, that if unchecked could shortcut a police officer's career. Given the immense cost to the community of training and employing a police officer, for financial reasons alone, although this is not the reason alone for having an EIS for return on investment, it is best achieved if police are able to remain in the workplace as productive officers.

Early intervention systems everywhere are based on the adage that prevention is better than cure, although the actual systems vary significantly in

approaches taken and the source data used, with many US and even Australian systems focussed primarily on the complaints systems received against police. Of course early intervention does not negate the need for other types of intervention for manifest instances of misconduct, corruption, and our commitment to such intervention remains in place.

The New South Wales Police Force is therefore committed to integrating an early intervention approach as a core element of its integrity measures that will support officers on the front line at all stages of their careers. This is consistent with the Government's aim in the State plan to imbed the principle of prevention and early intervention into Government service delivery in New South Wales.

Having said that, the cost of such a system is not free. Comparative systems such as those that operate in LA, with the Los Angeles Police Department for instance, that were implemented as part of their consent decree cost \$11 million and there are many annual ongoing costs as well.

As such, significant progress has been made on developing requirements for an early intervention system and the system is now at the pre-development stage with the Professional Standards Command. We are looking at allocating recurrent funding for the system, as we have adopted the view that early intervention is part of our core business.

Having said that, there is always great competition with employers for funding of significant projects. I am able to tell you today that the implementation of the EIS is technically possible but it may have to take its place in the queue of a number of pressing and competing priorities within the police that we have to deal with over the ensuing months and years.

With that in mind we are now available to answer the Committee's questions.

CHAIR: Can you summarise for us what you see as being the distinct project phases for implementing EIS in the police force and how you describe the progress to date?

Mr CAREY: The progress in the last six months has been significant. There has been a commitment through the Professional Standards Command and through my position to researching and developing an EI system. The phases that we have been through to date, that research phase, we took a fairly extensive research program around the world in respect of EI systems. We are now moving to a phase where we are looking at what data sets are available and testing data sets which may give us some indicators in respect of an EI system. We have committed recurrent funding from within our own command and a number of staff from within our own command to the project and we are at a stage now where we can test the data sets that we have.

CHAIR: You are intending to purchase the software, or are you going to build that in-house? Are you looking at the software that already exists out there and are you going to implement that, or are you going to develop your own software?

Mr CAREY: We have all the information in relation to the LAPD

material and their system. We have look at Phoenix in terms of IA Pro, which is a popular program that has been purchased. We have a wealth of information already internally on a number of our systems and suffice to say we are looking at developing our own system which captures data from our own internal systems.

CHAIR: So it is a mixture?

Mr CAREY: It is a mixture. We are not buying something off the shelf. We would have to develop a system, but it would use much of the data that we already have available, which is why we are looking at the data sets that we currently have to develop the indicators.

Mr PEARCE: There has been some discussion from others in relation to the relative virtues of objective tests, as opposed to subjective assessment measures. In your view is there a role for both and, if so, how would you bring those subjective tests into any equation when you are looking at what you are looking at within the EIS?

Mr CAREY: There is a raft of information available. Much of that information is about behaviour and so in that effect it is subjective. A lot of the data that is produced is simply objective. It would be about numbers of things, so it is a combination of both. You are not reliant on either. That system would be based around those two. It is not subjective or objective.

CHAIR: How do you propose to evaluate the EIS programs?

Mr CAREY: During our research we have managed to work with Tim Prenzler and a number of academics from a number of universities and we would, in terms of evaluating the project, seek to continue the role of the steering committee. We currently have a steering committee which has the Ombudsman, the PIC and the Police Association. We would propose that steering committee continue to oversight the implementation of the EIS. We would seek to involve those external agencies in the review of the establishment of an EIS. We would seek to involve academics such as Tim Prenzler from the university in relation to assessing what we have done with the system.

Mr PEARCE: You are talking about continuing the involvement of the role of the steering committee. Is there virtue in having an external body watching this?

Mr CAREY: I think there is some value in that external evaluation. The steering committee captures the external agencies that have an interest in the police force developing a early intervention system for all the good reasons, as well as the employee association, which is the New South Wales Police Association. That steering committee in the last six months, I think, has taken this project to the point we are at in a very short period of time. I think there is some value, given the commitment by those external organisations and the Police Association and the interest and I guess the independence that has been shown through the university in continuing to help us evaluate the system if it is put into place.

Mr PEARCE: How do you see this developing as different from your

project which apparently fell over?

Mr CAREY: The ORA, which is a 2005 matter. My understanding of the ORA, and I was not in professional standards then, was it was an officer risk assessment. It was not well received, there was no buy-in at the officer level. In fact, the officers saw it as a punitive approach.

The indicators that were used were not based on any sort of solid research, that is university or others assisting, so that is why it fell over. The system, in terms of who we are working with, is much more robust. PIC have a particular interest for a reason, the Ombudsman have an interest for a reason, the Police Association has a different reason, so I think having those three groups working with us is certainly the way forward.

Ms SYLVIA HALE: You were talking earlier about the availability of data sets. Does that suggest that you already have, in one form or other, all the informations that you would need to develop indicators or would there be need for further research as to the types of indicators you were looking for?

Mr CAREY: We have got a significant number of data sets, many of which lend themselves to some of the indicators that appear in other systems, although most of the other systems were developed overseas, particularly in the US, where their primary interest is probably use of force, given the proliferations of firearms, potential for violence, violence against police officers.

So it is one of the strong indicators and this is a different community, different society and we operate under different laws as well.

So we are looking at the current data sets that we hold in relation to not only the officers but the environment that we live in and I think that would help develop our indicators.

Karen's normal responsibilities are in terms of employee management. We actually hold some of those data sets.

Ms McCARTHY: I think that NSW Police have the majority of data sets that we actually think will be useful. I guess, the difference is for it actually to become an indicator, then we actually have to do some research around what will be the threshold, if you like, of when that indicator throws up an alarm for a particular officer.

We actually have the information, what we do not have is the system that can draw it together and put the analysis over it that we need to actually work out what the threshold is.

Of course, we need to trial that and one of the important things is that is where the objective analysis is of the information.

Then we also probably need to have a look at making sure that we actually are comparing the same thing together, so the NSW Police Force is a very large organisation with lots of people doing different types of roles and tasks, so therefore a particular indicator for one area might not be the same for the other. So there will certainly be an emphasis on doing some peer group review and that is really the stage that we are at, at the moment.

We have what we think would be the data sets. What we need to do, if you like, is have a sandpit approach and start trialling some of this. We are obviously informed by the research, but we actually need to be informed by our own environment in New South Wales as well.

CHAIR: You were saying Karen you have not set a threshold. What are the key indicators you are going to be looking at? You have cited how much strength is used during arrests or violence used in arrests, what are the others?

Ms McCARTHY: The other sorts of things I guess is the normal human resource data that we have access to, say sick leave patterns, annual leave patterns, perhaps areas that police officers have been before, so particular areas that we know are particularly high risk in terms of emotional well being for officers, in child protection investigation areas, homicide investigation areas, maybe an officer who has done a lot of very frontline general duties policing and has attended a number of deaths, critical incident type incidents.

Obviously when police officers attend there is a lot of media attention and there is a lot of human tragedy. Those types of things can have an impact, not maybe immediately on the officer at that point in time when there is some support, but later on throughout that officer's career or the next ensuing few months.

I think there is a range of data sets. Obviously complaints information is important. That is another data set that we hold. What that particular link is in terms of the threshold equation, if you like, in terms of complaints data, is something that we need to explore but it is something that we have.

We have suspension information, where officers are suspended from duty. There is a range of things that we have - failed prosecutions in the legal system. So I think there is a range of data sets that possibly could be used as indicators.

CHAIR: I am just concerned from hearing what you say, considering this is an early intervention system, if you are going to be using failed prosecutions, suspensions, that type of thing, that is not what I would call early intervention or have I got the wrong handle on early intervention?

Mr CAREY: I think what we are talking about is these are the range of data sets that are available to us that occur at different times and independently of each other.

An early intervention system would seek to capture that data and signal what is going on in an officer's career as they move along.

They are some of the things that they need to look at and test. Others are things like secondary employment, improper associations, the outcomes of complaints, the sanctions against officers who have had complaints sustained against them.

They are all the data sets that we have got that do occur at different points in their career. It is about the EIS capturing that data and starting to send signals to us.

Mr PEARCE: Just following on what the Chairman had to say there, when you have got such things as some form of disciplinary action or a record such as failed prosecutions, etcetera, what we are actually looking at is something that prevents, if possible, those things occurring.

So in order to actually make that data meaningful, there has to be, if you like, an analysis of how Officer X got to that point.

I would be very surprised – but pleasantly surprised – if the data is there that allows that analysis. Am I correct or do you believe there is data there which allows almost a longitudinal study of how he got to that point?

Mr CAREY: There is data available. An officer can have a failed prosecution very early in his career. I guess some of the intervention systems already exist in relation to a life of a student before they are tested as a probationary constable. There are a range of intervention systems in relation to managing a probationary constable during their first twelve months, including both academic and operational, so those systems are happening.

For example, a failed prosecution could happen very early in the piece. There are systems in place that we have to ensure that failed prosecutions do not happen, but they still happen. It may be that it could be some other parts of our system that failed in respect of that, in other words, supervisors, brief handlers.

CHAIR: It might be the judicial system, who knows.

Mr CAREY: The failed prosecutions that we deal with Chairman are the ones that we consider are our fault, if we failed at Court to prove prima facie then that is a failure on our part.

The Hon. LYNDIA VOLTZ: With the early intervention system, what we are really looking for is changes in behaviour as opposed to simply being about the 'new kid on the block' that might need some intervention or direction.

Mr CAREY: I think it is about behaviour, conduct, performance.

CHAIR: Culture.

Mr CAREY: It is about all of those things.

The Hon. LYNDIA VOLTZ: It is called early intervention, but intervention can come six or seven years into a career, with someone's behaviour where you get a number of complaints and then you get some aggressive behaviour in terms of force used as an indicator to go in. So early intervention does not mean early in your career, it means early intervention in the change of behaviour.

Mr CAREY: That's true.

Ms SYLVIA HALE: I think everyone who has spoken to us today has expressed the need to distinguish between a program that is developmental and one that is punitive, but it does seem to me that can be difficult when you are assessing someone for a promotion or transfer or whatever, if you are really going to make a good judgment based on all the information that is available. It does seem to me that you need to take into account some of the information that is drawn out by the EIS. So how will you deal with that on a practical level?

Mr CAREY: In terms of promotion?

Ms SYLVIA HALE: I am just saying if you have got someone who wants to move to a tactical response unit but the EIS has indicated this person may be temperamentally not suitable for that career. To move them to that squad, ignoring the indicators, would seem to me to be contrary to the public interest, but then again, failing to move them may be seen as a punitive response.

Mr CAREY: There are already a number of checks and balances, particularly for some of those specialist areas, such as TOU or child protection or those sorts of areas. There are already some checks and balances in relation to testing an officer before they go into those areas.

In relation to promotion there are a range of checks in relation to the person's integrity and their history, particularly in relation to their complaints history and their suitability for promotion. That, I guess, in simple terms gets tighter the further you go, but certainly sergeant, inspector, superintendent, there is a fairly good process in terms of integrity, probity checks and then for those matters where we are seriously considering not promoting people, a committee which is known as the Integrity Committee chaired by me, with another Assistant Commissioner on it and we actually provide advice to the Director of Human Resources or the Commissioner of Police about whether or not that person should be promoted.

That person is given the opportunity for a 'show cause' if you like as to why they should be promoted, so there is some fairness in the process but we

are also considered based on their background whether they should or should not be promoted.

CHAIR: What do you see as the key elements requiring the support of police officers across the State for the early intervention system to be put in place?

Mr CAREY: Well the experience of the ORA and my understanding of the experience of the LAPD model is that it cannot be seen as punitive, if it is used to come along and hit the officer over the head with a stick or simply to stop him being promoted or being moved around. It should be about a process where we are helping the officer along the way in his career and that there is some early opportunity in relation to the conduct or behaviour or performance or attitude to intervene, to raise these sorts of issues and provide some sort of helping guidance or helping action.

If it is seen as punitive it will fail. It will not have the support, which is one of the reasons why we obviously have the Association. They are actually sitting on the steering committee. There is no use at the end of the day developing a system without their co-operation and they are concerned if we develop it outside of that consultation, then it will fall over again. We need to listen to them.

CHAIR: How do you see the transparency of the scheme, like the Phoenix model where they can log in, view their record, correct anything that is considered wrong or for some sort of dialogue on that. Do you see that as a way forward in regards to the transparency and involvement of the officers in this system?

Mr CAREY: In my understanding that is exactly what we will do.

Ms McCARTHY: I think the only way that you can actively convince people that it is a transparent system is for people to be able to actually see that that is there. The Phoenix model allows officers to see their reports and it helps in terms of implementation of the model and helps it to be seen as not punitive. In fact, they can actually see the threshold equations as well, where they are up to on that and I guess that gives the opportunity for self correction, which is probably the aim of what you are wanting, that they actually intervene themselves.

CHAIR: When you are setting the thresholds of some of these models, how are you actually going to come to that, because you are going to be – and quite fairly – setting the bar at this level, the Association is going to set it at this level and probably the community want the bar set at this level – so how are you actually going to come to an outcome that is beneficial for everyone?

Mr CAREY: I guess that is one of the dilemmas, but I guess that is why we have got everybody around the table to work through those sorts of issues. Early is early for us.

CHAIR: We all understand that. We can understand the Association wanting it at this level, we can understand the community wanting it at this level. We all around this table expect it to be set early and so does everybody else by the way, it is just where in early do you expect that level to be seen?

Mr CAREY: I think that is also about testing the data sets and seeing what we come up with in relation to the information that we already hold, but for us it is early. I guess that is about working with the Association in particular, that it is not a punitive approach, the earlier we identify matters.

CHAIR: In the Phoenix model where is the bar set?

Ms McCARTHY: Again, in the Phoenix model it is the peer group review and so it is set, I guess, on what their research told them for each peer group on the different indicators.

I guess that when you are dealing with the management of human beings you are not going to have a clinical answer that says at 35 percent this now means X or it now means Y. What you get if you agree that it was 35 percent is an opportunity for discussion, an opportunity to say there may be an issue here. The model always has that it is an indicator and it is not that it is going to be a foregone conclusion and that assessment time and the local knowledge of the local area where the officer is, discussions about what the appropriate intervention might be, and then some follow up and whatever. We will learn as we go.

It is certainly something where we would constantly be evaluating and reviewing and asking what is this telling us, has it been useful. I would imagine that in time you would have a subset of officers who have gone through the process, and talk to them and ask what benefit it had. It is not going to be something that is clinical that we can actually say with any definition that is it.

CHAIR: You would have an oversight committee. Do you see the committee oversighting this and for how long, or do you see this as general oversighting?

Mr CAREY: Mr Chair, that is one thing we would consider down the track. It is a good, independent evaluation of what we are doing. If we implemented an EI system it would be implemented and reviewed over a period of time and that might be a year or two and it might be very valuable to have the independent steering committee looking at the work and looking at the implementation, with the expertise and controls of PIC and the Ombudsman have, looking at what we are doing and it would seem to me to be reasonable.

The Hon. LYNDA VOLTZ: Earlier in your opening statement you said that this was a competitive number of other priorities. In terms of turnover rates in the police force, have you done a cost benefit analysis identifying early, and things like stress, and getting that early intervention, whether you are going to get a cost benefit out of this program in the long term, even though there is a short-term cost. Have you done any cost benefit in terms of

turnover, that you are going to make some savings in the long term?

Mr CAREY: I do not think that we have done that work yet.

Ms McCARTHY: We certainly have an understanding of what our current turnover rates are, so we have a benchmark piece of information. That is something that we could consider in the overall evaluation about whether it has had any impact on turnover rates. It is quite valid.

Mr PEARCE: Just following on from what you were saying, Karen, in relation to taking local factors into account, I find this is something that has to be fleshed through because a purely objective assessment may have a tendency towards box ticking and one size fits all, whereas in fact successful policing and working with communities on a community policing basis has to take into account a certain amount of subjective factors and local factors. If you apply the system, given that the association prefers some form of objective assessment criteria, how are you going to be able to marry those two concepts without seeing either an officer slipping through the net or an officer being applied to a standard which is not an appropriate standard, given the community they are working in?

Mr CAREY: Karen might want to respond to this but one of the good things we learned from LAPD, and we have spoken to a deputy chief and also had a conference with the operators of that system, and we have had access to all their information, is the peer group averages, so we are not comparing a general duties constable working by himself of herself at White Cliffs with a homicide detective. That is really one very valuable thing out of the LAPD model, that we have 15,500 or 16,500 police officers and we do not have a standard.

We need to think about those sorts of issues, people operating in country locations, or busy metropolitan locations, or specialist duties in child mistreatment, or TRU, or the marine area command, so I think we have to develop along those lines and try to develop those sorts of peer group averages.

CHAIR: Can you describe for us how you see the intervention process operating once an officer has been identified? For example, who will make the intervention and how will the effectiveness of the intervention be measured?

Ms McCARTHY: I think I did start to describe how we see the intervention rolling through. I think that again, because we want to trial the data sets and hopefully get to some indicators, I mean it is actually going to be a trial looking at the process as well, and what is the best process for dealing with this. I think obviously there will have to be a decision made on the level as you described it, where that is actually going to sit. That is the indicator. There will then definitely have to be the referral. At this stage what is being envisaged is that there will actually be a small central team that will be responsible for looking at those particular indicators, making the referral to the local area, getting that local assessment and feedback and then a round table discussion, if you like, about what is the appropriate intervention.

There could be a range of interventions if you are talking about an early

intervention system. It could be mental health, it could be support, it could be career counselling. I think that there would be a whole thing range of things. Another essential component would be review and follow up by that central team. Obviously then we need to make sure that we have a system for collecting that information to make sure it is evaluated against the agreed evaluation criteria.

CHAIR: You are saying that it would come from a central team rather than the local command?

Ms McCARTHY: I am saying that I think in the early days in order to get a consistent coordinated approach across quite a large organisation with lots of officers in different areas, that a small central team would be the way to do that.

CHAIR: What sort of costs would that have?

Ms McCARTHY: In terms of the central team I think that is probably a matter for the substantive commander of PSC.

CHAIR: That team would be, in the first two years, absolutely swallowed up in what they are doing to implement it across the state.

Ms McCARTHY: Yes. Obviously within the New South Wales Police, in terms of human resources that could make up that small team, I think that could be done within existing resources.

CHAIR: The team that put ORA out there in initial stages, has that been disbanded and the budget taken away from that, or is that budget sitting there waiting to be utilised to implement an EIS?

Ms McCARTHY: I am not aware of whether the ORA had its own individual budget. My understanding was that it was done within the existing budget of the command.

CHAIR: If that could be done within existing budgets why could this not be?

Mr CAREY: Karen is right. In terms of the team it probably could be, depending on priorities. In terms of funding for the development of the system, that is yet to be developed in terms of a business case but that would be the formal process. There would be an expectation that once we get to a point where we can develop a business case, it would look at what the costs would be both in any sort of capital funding, current funding, staffing, and what we could do internally.

CHAIR: Would not that all been part of the ORA budget? That would had to have come out of somewhere. That is going to be implemented in regards to existing budget, and you are saying the early intervention system cannot be implemented, or is going to be a long way off implementing because we are going to have budgetary requirements that are problematic. If we are going to do it inside our existing budget we could have done it with ORA.

Mr CAREY: I think ORA was a different system. I do not know the details of ORA and I will take that question on notice, but there is certainly a 2004-05 model and there have been some priority changes, I would suggest, in that time.

CHAIR: Would not the EIS be as high a priority as ORA?

Mr CAREY: It is probably a higher priority than ORA, but in the scheme of things in relation to the whole of force there are a number of competing priorities and it is a matter at the end of the day for the Commissioner's executive team to determine the priorities.

CHAIR: I am curious as to your opening statement where you made remarks about the budgetary requirements of the EIS, but in 2004 we were keen to commence implement an ORA project which was going to do virtually similar outcomes as your EIS, maybe not as well as everybody wants, but we are saying in 2004-05 we could implement it from an existing budget but in 2008 we are going to have budgetary requirements and we are going to be competing with other issues which we were not in 2004-05 and I wonder why those budgetary requirements have changed so much?

Ms McCARTHY: I think that there is a difference between what we are currently proposing and what the officer risk assessment was. The focus of the officer risk assessment was identifying officers at risk and the system was not a research system on indicators. It was essentially, as I understand, a manual system where it was going to be done locally by the local commands, who were going to draw together their information and then they were going to identify that a particular officer was at risk, and I think that was part of the Police Association's concern that it was being implemented in a different way in different locations.

CHAIR: That was part of their concerns?

Ms McCARTHY: That was part of their concerns, and this system is obviously trying to have a focus of getting away from people interpreting that as a punitive system and moving towards an intervention system. In order to do that you need to demonstrate that the particular data sets that you have are reasonable data sets to use and then because you are actually going to build into the system the assessment, the review, the local involvement, that there is more opportunity for that to be dealt with properly.

The Hon. LYNDIA VOLTZ: This system will have its own dedicated IT software. Is that the kind of system, as opposed to the manual system that you had before?

Ms McCARTHY: That is the proposal.

The Hon. LYNDIA VOLTZ: The criteria of the cost analysis will be based upon the complexity of the scheme, because you do the front end software and the more complex the scheme, the harder the IT and the harder the integrated hardware technology.

Ms McCARTHY: That is right, and if you want the officers to be able to view the information, you have to build it into your existing system so that the

officer sitting at Broken Hill can have a look at it. It also has to fit in with the overall technical architecture of the force as well, so that it doesn't become a system that you put there and then the maintenance costs and the costs of the licensing impede the overall implementation of it.

The Hon. LYNDIA VOLTZ: There are currently two different computer programs that the Police Force run, is that correct, two different recording systems that are being integrated into one? Am I right? Within the police system itself some information that you have gathered is recorded on one computer system and some is gathered on another system and you are integrating that to the one system?

Ms McCARTHY: There is a number of what is referred to as front line systems and that is where these data sets are. They are different systems.

The Hon. LYNDIA VOLTZ: You have an underlying intranet system?

Ms McCARTHY: The issue is that the middle part of the system, which is where you can pull your sources of truth of your data into that, there are difficulties in pulling the information and integrating it.

The Hon. LYNDIA VOLTZ: You have done no cost analysis on that, because that is fairly large.

Ms McCARTHY: At the moment there is a current proposal being examined which is actually looking at what are the options for technical solutions for this and what are the ball park sort of figures on the cost of that. We are doing some analyses on whether it is off the shelf, whether it is a front end access system.

Mr CAREY: We will be able to access those data bases and access them through the intranet.

Ms SYLVIA HALE: The focus primarily is upon supervisors intervening at an early stage to modify the behaviour of people who are below them. On the basis of the research you did overseas, was there any evidence of the system working in a reverse direction, whereby the behaviour of the supervisors was monitored in any way and modified?

CHAIR: Is that not caught up with the whole system too?

Mr CAREY: Supervisor's behaviour, with the LAPD experience my recollection is that there were problems in relation to the take up in respect to their supervisors.

Ms SYLVIA HALE: So it was voluntary?

Mr CAREY: I just cannot turn my mind to that, but I am sure there was an issue in relation to the supervisors in LAPD, even with their system picking it up.

Ms SYLVIA HALE: Presumably if it were introduced into New South Wales there would be an emphasis upon supervisors co-operating and being involved in the system.

Mr CAREY: Absolutely. I mean, sergeants of police or supervisors are the frontline supervisors.

Ms SYLVIA HALE: If and when it is finally introduced, do you see that it will have a gradualist approach, in that what you will be modifying is the behaviour of new entrants rather than the behaviour of people who have already made their way somewhere up the hierarchy or do you see it having an immediate impact on everyone or potentially an immediate impact on everyone?

Mr CAREY: I think it has the potential to have an impact on everyone. I think the question earlier was about early intervention when a matter is identified. Some police officers go through ten or fifteen years and then something happens in their life that affects their conduct, behaviour or performance and that could be something outside the work environment. It could be an officer who has got ten years' service and there is all of a sudden something that we start to identify that changes their performance or behaviour or attitude versus someone who has been a constable after their probationary period and starts to have similar sorts of issues.

Ms SYLVIA HALE: Do you anticipate coming up entrenched cultures, entrenched responses which may not be consistent with what the ends are that you want to achieve?

Mr CAREY: I think in relation to human nature – I have been a commander for a long time, I was a local area commander for eleven years all over the metropolitan area and from time to time I have had to tap people on the shoulder and talk to them about things. Some people do not like that. You are talking about their performance, whether they did or did not wear a hat or it may be far more serious, but that sort of intervention has to happen.

It is about an expectation in their professional lives and there may also be some concerns about their own safety and well being as well. So some people might not like that intervention, but I think it is important.

Mr PEARCE: A lot of the emphasis has been on intervention, so as not to be punitive in its nature. We are obviously not starting from Ground Zero here, we are going to rely on historic data to be operating on. Some of that historic data was gathered from a point of view of for punitive action. How are you going to assess that and is there going to be an opportunity for, if you like, a purge of those older records or are they simply going to remain sitting there and possibly colour an interpretation of latter actions, when in fact that is now ancient history in every sense.

There is always a problem when you are relying on historic data, for that reason, because it was gathered for the purpose other than what you are now using it for.

Ms McCARTHY: With the intervention system, because it is going to have that commitment to being non-punitive, from a policy perspective you can certainly address that by simply saying that anything that relates to this particular issue is maybe not going to be looked at.

The difficulty for us as an organisation is by legislation we are required to keep that information and there is a legislative framework about how you need to use that information.

I think with this particular system, this is coming in purely on a policy and procedural level. It is aimed at being good management and good intervention, and I think over time that is hopefully how it would be seen. It would give us some positive outcomes, but certainly, I agree with you, it could be quite challenging in the beginning.

Mr PEARCE: Just from what you have said, would you perceive there may be a need for some legislative changes?

Mr CAREY: We do not think so at this stage. In relation to that historical information we use, particularly in relation to officer's complaints history, for example, we are the keepers of that and we use that in relation to integrity information.

We conduct an assessment of an officer's complaint history in terms of matters sustained, the length of time, the number of complaints, the type of complaints, particularly in relation to people being promoted into sergeant's positions, inspector's positions and superintendent's positions.

By the time some people get to those ranks they have got fifteen or twenty years' service and some of those matters on the record may be five, ten, fifteen years' old and may have related to the type of duty they were doing at the time, so we certainly assess that material in that way and by and large use that information system about a person being suitable for promotion, particularly the commission ranks of inspectors and superintendents.

CHAIR: Would it be all right by you if during our deliberations after the meeting, if we have any questions on notice we wish to pass on, that that would be okay?

Mr CAREY: Yes, certainly.

CHAIR: Thank you very much for your attendance.

(The witnesses withdrew)

(The Committee adjourned at 3.10 p.m.)