



**Joint Standing Committee on the Corruption and Crime
Commission**

The timeliness of misconduct investigations undertaken or overseen by the CCC:

Supplementary report

Report No. 5
September 2013

Parliament of Western Australia

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**Published by the Legislative Assembly, Parliament of Western Australia, Perth.
September 2013.**

ISBN: 978-1-921865-82-4

(Series: Western Australia. Parliament. Legislative Assembly. Committees.
Joint Standing Committee on the Corruption and Crime Commission. Report 5)

328.365

**Joint Standing Committee on the Corruption
and Crime Commission**

The timeliness of misconduct
investigations undertaken or
overseen by the CCC:

Supplementary report

Report No. 5

Presented by

Hon Nick Goiran, MLC and Mr Paul Papalia CSC, MLA

Laid on the Table of the Legislative Assembly and the Legislative Council
on 19 September 2013

Chairman's Foreword

This is a supplementary report following a reference given to the Acting Parliamentary Inspector of the Corruption and Crime Commission of Western Australia, Mr Craig Colvin SC, by the Joint Standing Committee (JSCCC) on 28 November 2012. The Committee wrote to the Mr Colvin to request that he inquire into and report upon the timeliness of misconduct investigations undertaken or overseen by the Corruption and Crime Commission (CCC). That inquiry was substantively handled by Hon Michael Murray QC following his appointment as Parliamentary Inspector on 8 January 2013.

An interim report on this reference was tabled in Parliament on 15 August 2013. It contained three findings and three recommendations, including a finding that this inquiry had led to four major changes in the CCC's procedures. In that report Parliamentary Inspector Murray told the Committee that one matter remained outstanding. This was the remote electronic access granted by WA Police (WAPOL) to the CCC in 2007 to its IPro complaint/investigation management system. This final report has its focus on the extent of the effective use by the CCC of that system.

The Committee is concerned to hear that, through his investigations, Parliamentary Inspector Murray found that the two agencies are at odds over core aspects of the electronic reporting, internal investigation and oversight of misconduct within the Police. Of concern to the Committee is that this tension may lead to some misconduct investigations by the CCC being delayed for an extended period.

The matter that is the subject of this report requires the resolution of the operational tensions between WAPOL and the CCC, particularly over the use of WAPOL's IPro database. The Committee's view is that this is ultimately the responsibility of the Commissioners of these two key State agencies to resolve any conflict between their officers. On this basis the Committee intends to monitor this situation and the fulfilment of its recommendation that the two Commissioners personally intervene to ensure this issue is resolved satisfactorily.

I would like to thank the Parliamentary Inspector, Hon Michael Murray QC, and his Executive Assistant, Mr Murray Alder, for their work in completing this supplementary report.

I also would like to acknowledge the work on this report by my Committee colleagues: the Deputy Chairman, Mr Paul Papalia CSC MLA, the Member for Churchlands, Mr Sean L'Estrange MLA, and the member for the South West, Hon Adele Farina MLC. Finally I wish to thank the Committee's Secretariat, Dr David Worth and Ms Jovita Hogan, for their efforts.

A handwritten signature in blue ink, consisting of a vertical line, a horizontal line, and a large loop on the left side.

HON NICK GOIRAN, MLC
CHAIRMAN

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Findings and Recommendations

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The Parliamentary Inspector's supplementary report to the Joint Standing Committee on the use of the WAPOL IPro database by CCC officers has shown that there exists unresolved tensions between the two sets of staff who use it, even though the CCC has had access to the system for over four years.

Finding 2

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The Joint Standing Committee is concerned that this tension between WAPOL and CCC officers may lead to some misconduct investigations by the CCC being delayed for an extended period.

Recommendation 1

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The Joint Standing Committee recommends that the Commissioner of Police and the CCC Commissioner personally intervene to overcome unresolved tensions between the WAPOL and CCC officers using the IPro database system and assist these agencies put in place more efficient communication protocols by 1 March 2014.

Chapter 1

The Parliamentary Inspector completes his reference from the Joint Standing Committee

My correspondence with the Police and the Commission demonstrates that the two agencies are at odds over core aspects of the electronic reporting, internal investigation and oversight of misconduct within the Police.

Hon Michael Murray QC, 5 September 2013

Introduction

This is a supplementary report of a reference given to the Acting Parliamentary Inspector of the Corruption and Crime Commission of Western Australia (Mr Craig Colvin SC) by the Joint Standing Committee on the Corruption and Crime Commission (JSCCC) on 28 November 2012. The Committee wrote to Mr Colvin to request that he inquire into this matter under s195(2)(d) of the *Corruption and Crime Commission Act 2003 (WA)* and report to the Committee by 1 June 2013.

The Committee's original reference was for the Office of the Parliamentary Inspector to report upon the timeliness of misconduct investigations undertaken or overseen by the Corruption and Crime Commission (CCC). The genesis of this reference was a public hearing attended by CCC Commissioner Roger Macknay QC and his staff on 7 November 2012. At this hearing the Commissioner's initial reply to a question from the Committee's Chairman was that 'we do not currently have timelines'.

The Committee's terms of reference to Mr Colvin were that, in relation to matters under investigation for a period greater than 15 months, it wanted to know:

1. the allegations that have resulted in the investigations;
2. which 'appropriate authorities' are currently conducting investigations that have been underway for a period greater than 15 months in total;
3. reasons as to why each of these 18 investigations have been underway for a period greater than 15 months in total;
4. whether (and what) efforts have been made by the CCC to expedite the investigative process in each instance; and
5. the extent of the CCC's 'active follow-up' in respect of each of the 16 'appropriate authority' investigations.

Chapter 1

This reference was undertaken by Hon Michael Murray QC when he was appointed Parliamentary Inspector on 8 January 2013. An interim report on this topic was tabled in Parliament by the Joint Standing Committee on 15 August 2013 and was based on a report it had received on 31 May 2013 from the Parliamentary Inspector¹. In his report, Parliamentary Inspector Murray told the Committee that one matter remained outstanding. This was the remote electronic access granted by WA Police (WAPOL) to the CCC in 2007 to its IPro complaint/investigation management system. Parliamentary Inspector Murray said that there had been insufficient time for him to examine this issue and see how effectively the CCC was making use of access to WAPOL's IPro.

On the 12 June 2013 the Committee wrote to the Parliamentary Inspector requesting that he continue his investigations under the current Committee reference with a focus on the extent of the effective use by the CCC of the remote electronic access granted by WAPOL in 2007 to its IPro system. The Parliamentary Inspector was requested to finalise this matter by 15 September 2013.

This final report consists of the supplementary report given to the Committee by Parliamentary Inspector Murray on 5 September 2013 (see Appendix One) on the CCC's use of WAPOL's IPro system. It also provides some commentary by the Committee on the ongoing tensions between the CCC and WAPOL in investigating complaints of misconduct by police officers.

Information gathered by the Parliamentary Inspector

Parliamentary Inspector Murray wrote on 18 June 2013 to the Commissioner of Police, Dr Karl O'Callaghan APM, requesting that he respond by 17 July 2013 with his comments on:

1. The number of CCC officers who have access to IPro, and when they were provided with that access;
2. Whether the CCC has complained to the Police that IPro fails to achieve the purpose for which access was granted and, if it has so complained, your view of the validity of that complaint;
3. Whether the Police have statistical data showing how often the CCC has accessed IPro to obtain information it needs to fulfil its oversight and review function

1 Parliament of Western Australia, Joint Standing Committee on the Corruption and Crime Commission, *The timeliness of misconduct investigations undertaken or overseen by the CCC: An interim report*, 15 August 2013. Available at: [www.parliament.wa.gov.au/Parliament/commit.nsf/\(Report+Lookup+by+Com+ID\)/9BF8FC0B69FAC03048257BC700191AD5/\\$file/Report+4-+CCC+Timeliness+August+2013-final.pdf](http://www.parliament.wa.gov.au/Parliament/commit.nsf/(Report+Lookup+by+Com+ID)/9BF8FC0B69FAC03048257BC700191AD5/$file/Report+4-+CCC+Timeliness+August+2013-final.pdf). Accessed on 11 September 2013.

of Police internal misconduct investigations (if so to receive a print-out of that information);

4. Whether the CCC explained why it prefers to rely on telephone enquiries, or on calling for documents to determine the progress of Police internal misconduct investigations, and

5. The current and envisaged arrangements between the Police and the CCC for obtaining the information the Commission needs to fulfil its Police internal misconduct oversight and review function.²

Similarly, the Parliamentary Inspector wrote to CCC Commissioner Roger Macknay QC on 18 June 2013 requesting him to provide by 17 July 2013 his comments concerning the following issues:

1. When the CCC was granted access to IPro and the purpose of that access;
2. Whether IPro enables the CCC to access the necessary information to determine the progress of the Police internal misconduct investigations as described by the Police and, if it does not, the nature of its deficiencies;
3. If, as the Police say, the CCC tends to rely on telephone enquiries, or on calling for documents, to determine the progress of the Police internal misconduct investigations, why such approaches are adopted;
4. If the CCC is of the view that IPro does not enable it to obtain the information it needs, the measures taken to rectify the problem, and
5. The CCC's current and envisaged arrangements with the Police for obtaining the information it needs to fulfil its function of overseeing and reviewing the Police internal misconduct investigations.

Assistant Commissioner Staltari APM responded to the Parliamentary Inspector with the information requested on 17 July 2013 and CCC Commissioner Macknay replied on 29 July 2013. Their detailed responses to the five questions raised by the Parliamentary Inspector are in his report in Appendix One.

2 Hon Michael Murray QC, Parliamentary Inspector, REPORT IN RESPONSE TO A REFERENCE BY THE JOINT STANDING COMMITTEE OF THE CORRUPTION AND CRIME COMMISSION TO INQUIRE INTO AND REPORT UPON THE TIMELINESS OF MISCONDUCT INVESTIGATIONS UNDERTAKEN OR OVERSEEN BY THE CORRUPTION AND CRIME COMMISSION (SUPPLEMENTARY REPORT), Perth, 5 September 2013, p4.

Chapter 1

Differing views of the WAPOL and CCC

Parliamentary Inspector Murray reports that his correspondence with WAPOL and the CCC “demonstrates that the two agencies are at odds over core aspects of the electronic reporting, internal investigation and oversight of misconduct within the Police.”³ The Parliamentary Inspector identified six core aspects:

1. The content of the notification guidelines created pursuant to s 30 of the Act which are meant to give effect to the Police obligations under s 21A and s 28 of the Act;
2. The capacity of IAPro to make electronically available to the CCC updated information provided by the Police in respect of misconduct and internal misconduct investigations;
3. The scope and usability of IAPro;
4. Whether the CCC accepts that IAPro is an appropriate mechanism for the Police to electronically notify it of complaints of misconduct;
5. The apparent inevitable need of the CCC to make telephone enquiries to obtain certain information from the Police due to the CCC’s view of the inadequacy of IAPro and insufficient access to other Police databases, and
6. Whether the CCC has expressed to the Police its concerns over the scope and usability of IAPro and, if it has, whether their differences can be reconciled.

The Parliamentary Inspector concludes his supplementary report:

*I am unlikely to reconcile these differences by these means, given the nature of the issues involved, the perspectives of them taken by the Commission and by the Police, and the underlying tension which seems to exist between the parties over this issue.*⁴

Parliamentary Inspector Murray left it to the Joint Standing Committee to decide if it could resolve these tensions and recommended:

...that, if the Committee considers it essential to its Inquiry to reconcile the differences between the Commission and the Police which have been demonstrated in their correspondence with me, that it considers calling the appropriate managerial, operational and technical

3 Ibid, p10.

4 Ibid.

*representatives of both agencies to appear at a private hearing before it to expand on their respective perspectives of these issues.*⁵

Committee recommendations on reducing these tensions

A recent editorial in *The West Australian* newspaper highlighted tensions between the CCC and WAPOL. It said that these tensions involved high-ranking police, including the Commissioner, and that:

*This is perhaps a natural state of affairs, given the role of the CCC is to investigate corrupt practices and misconduct by public officers and this inevitably involves examinations of how police go about their work.*⁶

The Parliamentary Inspector's supplementary report on the use of a WAPOL database by CCC officers has shown unresolved tensions between the two sets of staff who use it, even though the CCC has had access for over four years. As an example of the differences of opinion over the way that the interagency operations involving IPro are currently working, WAPOL responded to the Parliamentary Inspector by saying:

*Apart from the secured (locked) matters which are manually notified, Commission users have access to all IPro electronic files. This includes not only those matters required to be notified to the Commission but also all complaint and investigation matters including use of force, police accidents (POLACC), pursuit returns, secondary employment applications, and positive correspondence. Proposed access for select users to linked files in IPro will allow perusal of running sheets and other linked documents, thereby providing the Commission with information pertaining to file status and other relevant information not included in the summary panel alone.*⁷

However, the CCC Commissioner reported to the Parliamentary Inspector that:

WAPOL says that the Commission has the ability to be immediately updated on all issues and matters under investigation through the use of IPro. This is not correct. Some cases are entered as a 'Secured Report' which the Commission cannot open or view. Nor can the Commission view or access the progress of an IAU [Internal Affairs Unit] investigation other than seeing that the allegation has been

5 Ibid.

6 'EDITORIAL- Police, CCC stand-off harms justice process', *The West Australian*, 11 September 2013, p20.

7 Hon Michael Murray QC, Parliamentary Inspector, REPORT IN RESPONSE TO A REFERENCE BY THE JOINT STANDING COMMITTEE OF THE CORRUPTION AND CRIME COMMISSION TO INQUIRE INTO AND REPORT UPON THE TIMELINESS OF MISCONDUCT INVESTIGATIONS UNDERTAKEN OR OVERSEEN BY THE CORRUPTION AND CRIME COMMISSION (SUPPLEMENTARY REPORT), Perth, 5 September 2013, p5.

Chapter 1

received and that it has been assigned to a particular officer. The Commission does not have access to 'General IAU files'. Most significantly, the overwhelming majority of internal investigations are carried out in WAPOL Districts. In these cases, although the fact that an initial allegation is underway and can be seen on IAProl, the details of the investigation itself are not entered into IAPro until it is completed.

In addition to the issues identified above, the Commission is unable to access such records as:

- (a) recorded interviews*
- (b) CCTV footage*
- (c) photographs*
- (d) Police Operations Centre audio recordings*
- (e) investigation running sheets entries*
- (f) police vehicle AVL data, or*
- (g) witness statements.*

There has been discussion between the Commission and Police in order to improve the Commission's access to IAPro. WAPOL has indicated it is willing to provide the Commission with extended access to IAPro, but has yet to do so. Such extended access would reduce the need for status report requests to some extent. But it would not eliminate the need for them. Furthermore, until such time as WAPOL enters District internal investigations into IAPro in 'real time', the Commission has no choice but to request progress reports for District investigations⁸

In considering the Parliamentary Inspector's report, the Joint Standing Committee resolved that it is the responsibility of the Police Commissioner and the CCC Commissioner to resolve the operational tensions between WAPOL and the CCC, particularly over the use of WAPOL's IAPro database.

Of concern to the Committee is that this tension may lead to some misconduct investigations by the CCC being delayed for an extended period.

Finding 1

The Parliamentary Inspector's supplementary report to the Joint Standing Committee on the use of the WAPOL IAPro database by CCC officers has shown that there exists unresolved tensions between the two sets of staff who use it, even though the CCC has had access to the system for over four years.

8 Ibid, pp7-8.

Finding 2

The Joint Standing Committee is concerned that this tension between WAPOL and CCC officers may lead to some misconduct investigations by the CCC being delayed for an extended period.

Recommendation 1

The Joint Standing Committee recommends that the Commissioner of Police and the CCC Commissioner personally intervene to overcome unresolved tensions between the WAPOL and CCC officers using the IPro database system and assist these agencies put in place more efficient communication protocols by 1 March 2014.

Appendix One

Parliamentary Inspector's Report

REPORT IN RESPONSE TO A REFERENCE BY THE JOINT STANDING COMMITTEE OF THE CORRUPTION AND CRIME COMMISSION TO INQUIRE INTO AND REPORT UPON THE TIMELINESS OF MISCONDUCT INVESTIGATIONS UNDERTAKEN OR OVERSEEN BY THE CORRUPTION AND CRIME COMMISSION

(SUPPLEMENTARY REPORT)

S 201 of the Corruption and Crime Commission Act 2003 (WA)

5 September 2013

1. BACKGROUND

This Supplementary Report to my Report submitted to the Joint Standing Committee of the Corruption and Crime Commission (Committee) on 31 May 2013 is in response to the Committee's extended reference made to me under s 195(2) of the Corruption and Crime Commission Act 2003 (WA) (Act) on 12 June 2013.

The purpose of this extended reference was for me to further investigate the effectiveness of the use by the Corruption and Crime Commission (Commission) of the remote electronic access granted to the WA Police (Police) complaint / investigation management system in 2007.

I was requested by the Committee to report back to it by 15 September 2013.

2. INQUIRY

My correspondence with the Police

In response to the Committee's extended reference, I wrote to Commissioner of Police, Dr Karl O'Callaghan APM, on 18 June 2013 informing him of the Committee's action. I requested him to provide me with his comments concerning the following issues:

1. The number of Commission officers who have access to IAPro, and when they were provided with that access;
2. Whether the Commission has complained to the Police that IAPro fails to achieve the purpose for which access was granted and, if it has so complained, your view of the validity of that complaint;

3. Whether the Police have statistical data showing how often the Commission has accessed IAPro to obtain information it needs to fulfil its oversight and review function of Police internal misconduct investigations (if so to receive a print-out of that information);
4. Whether the Commission explained why it prefers to rely on telephone enquiries, or on calling for documents, as stated by Assistant Commissioner Staltari, to determine the progress of Police internal misconduct investigations, and
5. The current and envisaged arrangements between the Police and the Commission for obtaining the information the Commission needs to fulfil its Police internal misconduct oversight and review function.

I requested Commissioner O'Callaghan to respond by 17 July 2013.

On 17 July 2013 Assistant Commissioner Staltari APM responded to my letter. His views on the five issues were:

1. There are 16 Commission users who currently have access to IAPro with most having been provided read access in 2009. Recently one additional access (included in the 16 total) has been granted following discussion with the Commission;
2. No complaint has ever been received from the Commission about the applicability of IAPro to its intended purpose;
3. An audit conducted of Commission accesses to IAPro for period 01 January – 31 May 2013 inclusive revealed that of the 16 users, three have not accessed the system at all during the period. The other 13 have accessed IAPro extensively to view complaints, investigations and other file types both electronically and in printed format. A table providing detail of this audit is appended at the conclusion of this correspondence;
4. This matter was raised at the WA Police / Corruption and Crime Commission Liaison Group meeting of 17 January 2013 as discussion (sic) into notification guidelines under s 30 of the Act. I put the WA Police view that access to IAPro was given to the Commission as a means to fulfil the notification obligations under ss 21A and 28 of the Act.

Mr Roger Watson, Director Corruption and Prevention, stated the Commission's interpretation of s 30 of the Act enables the Commission to determine what allegations do not need to be notified, what allegations need to be notified under certain circumstances, what allegations should always be notified, and ways in which notifications should be made. Mr Watson indicated he was not sure he wished IAPro to be the notifying mechanism as it did not fit in with how the Commission did business;

5. Apart from the secured (locked) matters which are manually notified, Commission users have access to all IAPro electronic files. This includes not only those matters required to be notified to the Commission but also all complaint and investigation matters including use of force, police accidents (POLACC), pursuit returns, secondary employment applications, and positive correspondence. Proposed access for select users to linked files in IAPro will allow perusal of running sheets and other linked documents, thereby providing the Commission with information pertaining to file status and other relevant information not included in the summary panel alone; and

6. To assist with identification of Commission relevant matters in IAPro, the file summary panel, which is visible at first view of the system, now identifies each matter with a descriptor inclusive of both the WA Police classification and the relevant section of the CCC Act. A screen capture to illustrate this information has been provided as an attachment.

In addition to further assist the Commission, the IAPro Administrator at IAU [Internal Affairs Unit] has been tasked with preparing a Daily Report from IAPro for transmission to the Commission to ensure advice of these matters is provided.

The Commission acknowledges in its 2012 Annual Report that WA Police has a lower threshold for reporting misconduct than other public authorities. Because the Commission has access to all IAPro entries inclusive of matters not falling with ss 21A or 28 of the Act, it follows that WA Police is providing notifications to the Commission well beyond the minimum legislative requirement. WA Police remains of the view that in many instances the provision of IAPro access to the Commission meets the notification obligations under ss 21A and 28 of the Act.

My correspondence with the Commission

I also wrote to Commissioner Macknay QC on 18 June 2013 informing him of the Committee's action. I requested him to provide me with his comments concerning the following issues:

1. When the Commission was granted access to IAPro and the purpose of that access;
2. Whether IAPro enables the Commission to access the necessary information to determine the progress of the Police internal misconduct investigations as described by the Police and, if it does not, the nature of its deficiencies;
3. If, as the Police say, the Commission tends to rely on telephone enquiries, or on calling for documents, to determine the progress of the Police internal misconduct investigations, why such approaches are adopted;

4. If the Commission is of the view that IAPro does not enable it to obtain the information it needs, the measures taken to rectify the problem, and

5. The Commission's current and envisaged arrangements with the Police for obtaining the information it needs to fulfil its function of overseeing and reviewing the Police internal misconduct investigations.

I requested Commissioner Macknay QC to respond by 17 July 2013.

On 19 July 2013 Commissioner Macknay QC informed that there would be a short delay in responding to my request.

On 29 July 2013 Commissioner Macknay QC responded. Before he provided his views on the five issues I raised with him, he made more general comments about aspects of the relationship between the two agencies concerning the existing framework of Police misconduct reporting, internal investigation and oversight by the Commission. Those which may be considered relevantly connected to the five issues I raised with were:

1. The proposition that the Commission insists on manual type reporting systems is only correct in so far as this represents the only way the Commission can access all of the information it requires to perform its assessment, monitoring and review functions;

2. The Commission has a strong interest in exploiting IAPro, or any other systems used by WAPOL, which contains records related to misconduct. The Commission has taken the initiative in seeking access to those systems and despite regular assurances to the contrary, WAPOL is yet to provide that access;

3. Almost all notifications of misconduct from WAPOL to the Commission are electronically received, and the Commission is in favour of using one electronic notification to advise the Commission of multiple suspicions, rather than attaching relevant paper records to notifications which refer the Commission to relevant records in WAPOL systems. Presently WAPOL does not provide the Commission with electronic access to those records, and as a consequence, WAPOL must email those records to the Commission;

4. The Commission neither has access to a majority of WAPOL electronic records, nor are WAPOL's available electronic records always complete;

5. WAPOL does not electronically advise the Commission that it has completed its internal misconduct investigations, nor does it direct the Commission to the relevant records in its systems. Rather, WAPOL provides paper copies of internal investigation files to the Commission, but the fact that documents, rather than electronic records, are provided to the Commission is not something that the Commission insists upon.

Neither has WAPOL ever raised the prospect of providing these records to the Commission electronically.

6. The extent to which the information exchange mechanism with WAPOL exploits available technology occurs largely at the Commission's instigation, and it is the Commission which sought access to WAPOL systems, provided the means for WAPOL to send electronic notifications, proposed and provided the means for WAPOL to include multiple suspicions on single electronic notifications, and actively monitors and examines WAPOL systems, and

7. Even if the Commission has unfettered access to IAPro, which it does not, it would not accept a WAPOL argument that such unfettered access is a viable form of notification. This would require the Commission to examine WAPOL records to identify misconduct itself, rather than WAPOL meetings its statutory reporting obligations of misconduct under ss 28 and 21A of the CCC Act.

Commissioner Macknay QC's views on the five issues I raised with him were:

1. The Commission was granted access to IAPro on 8 June 2009, but did not gain working access until 23 August 2009. The purpose of that access was to provide the Commission with:

- (a) early identification of 'at risk' behaviour
- (b) details of behavioural incidents
- (c) streamlining of complaint management
- (d) risk assessment information
- (e) 'hot-spots' in relation to particular stations
- (f) 'hot-spots' in respect of problem officers
- (g) identification of risk at individual / supervisor level
- (h) the ability to monitor at-risk officers; and
- (i) complaint histories;

2. The short answer to this question is 'no'.

WAPOL says that the Commission has the ability to be immediately updated on all issues and matters under investigation through the use of IAPro. This is not correct. Some cases are entered as a 'Secured Report' which the Commission cannot open or view. Nor can the Commission view or access the progress of an IAU investigation other

than seeing that the allegation has been received and that it has been assigned to a particular officer. The Commission does not have access to 'General IAU files'. Most significantly, the overwhelming majority of internal investigations are carried out in WAPOL Districts. In these cases, although the fact that an initial allegation is underway and can be seen on IAProl, the details of the investigation itself are not entered into IAPro until it is completed.

In addition to the issues identified above, the Commission is unable to access such records as:

- (a) recorded interviews
- (b) CCTV footage
- (c) photographs
- (d) Police Operations Centre audio recordings
- (e) investigation running sheets entries
- (f) police vehicle AVL data, or
- (g) witness statements.

There has been discussion between the Commission and Police in order to improve the Commission's access to IAPro. WAPOL has indicated it is willing to provide the Commission with extended access to IAPro, but has yet to do so. Such extended access would reduce the need for status report requests to some extent. But it would not eliminate the need for them. Furthermore, until such time as WAPOL enters District internal investigations into IAPro in 'real time', the Commission has no choice but to request progress reports for District investigations;

3. Commission Corruption Prevention officers request information about the status of internal investigations by telephone and/or in writing primarily because that is the only way they can obtain the relevant records;

4. The Commission regularly raises its access to IAPro with WAPOL. WAPOL has indicated that it is willing to improve access, but has not yet done so. Although gaining access would improve efficiency, the current state of affairs is neither untenable nor unacceptable.

In any event, for all the reasons discussed above, improved access to IAPro is not a measure that could significantly improve efficiency. Significant improvements could only be achieved if WAPOL enters all internal investigations, including those referred to Police Districts, into IAPro in 'real time'. WAPOL does not do this. Absent this the

Commission will continue to make periodic requests for updates and other information.

It appears that the root of WAPOL's concerns is its objection to the Commission seeking progress reports on internal investigations. This is a necessary condition that will remain absent significant improvements to WAPOL systems.

5. For the reasons discussed above, the Commission will continue to monitor and analyse WAPOL systems, including IAPro. If it requires information that such monitoring and analysis cannot be provided, it will request information from WAPOL. The Commission will support any move by WAPOL to improve the effectiveness and efficiency of its systems, and improved access to these systems by the Commission.

In the meantime, the current arrangements are not undermining the Commission's ability to fulfil its functions. When the Commission needs information that is not readily available from IAPro or other systems it either asks for it or issues a notice under section 95 of the CCC Act. If the information is needed urgently, the Commission acts accordingly.

3. CONCLUSION

My correspondence with the Police and the Commission demonstrates that the two agencies are at odds over core aspects of the electronic reporting, internal investigation and oversight of misconduct within the Police.

These core aspects of disagreement are:

1. The content of the notification guidelines created pursuant to s 30 of the Act which are meant to give effect to the Police obligations under s 21A and s 28 of the Act;
2. The capacity of IAPro to make electronically available to the Commission updated information provided by the Police in respect of misconduct and internal misconduct investigations;
3. The scope and usability of IAPro;
4. Whether the Commission accepts that IAPro is an appropriate mechanism for the Police to electronically notify it of complaints of misconduct;
5. The apparent inevitable need of the Commission to make telephone enquiries to obtain certain information from the Police due to the Commission's view of the inadequacy of IAPro and insufficient access to other Police databases, and
6. Whether the Commission has expressed to the Police its concerns over the scope and usability of IAPro and, if it has, whether their differences can be reconciled.

I have considered for some time the nature of these issues and the extent to which they might, if at all, be reconciled through further correspondence from either me or the Committee during the remaining stages of the Committee's Inquiry.

I have concluded that I am unlikely to reconcile these differences by these means, given the nature of the issues involved, the perspectives of them taken by the Commission and by the Police, and the underlying tension which seems to exist between the parties over this issue.

I respectfully leave the Committee to decide if it thinks it can be successful by using such means.

An alternative to my recommendation, such recommendation appearing on the following page, is to await the outcome of the further discussions the Commission says is planned between the parties concerning negotiated improvements to the electronic reporting, investigation and oversight of Police misconduct.

4. RECOMMENDATION

I respectfully recommend that, if the Committee considers it essential to its Inquiry to reconcile the differences between the Commission and the Police which have been demonstrated in their correspondence with me, that it considers calling the appropriate managerial, operational and technical representatives of both agencies to appear at a private hearing before it to expand on their respective perspectives of these issues.

This course of action appears to me, with respect, to be the most practical means by which the Committee could hope to satisfy itself of the basis for each agency's perspective.

HON MICHAEL MURRAY QC
PARLIAMENTARY INSPECTOR

Appendix Two

Committee's functions and powers

On 21 May 2013 the Legislative Assembly received and read a message from the Legislative Council concurring with a resolution of the Legislative Assembly to establish the Joint Standing Committee on the Corruption and Crime Commission.

The Joint Standing Committee's functions and powers are defined in the Legislative Assembly's Standing Orders 289-293 and other Assembly Standing Orders relating to standing and select committees, as far as they can be applied. Certain standing orders of the Legislative Council also apply.

It is the function of the Joint Standing Committee to -

- a) monitor and report to Parliament on the exercise of the functions of the Corruption and Crime Commission and the Parliamentary Inspector of the Corruption and Crime Commission;
- b) inquire into, and report to Parliament on the means by which corruption prevention practices may be enhanced within the public sector; and
- c) carry out any other functions conferred on the Committee under the *Corruption and Crime Commission Act 2003*.

The Committee consists of four members, two from the Legislative Assembly and two from the Legislative Council.