



**OMBUDSMAN**  
Western Australia

**The Management, Supervision and Control  
of Operation Safe Trains**

**26 April 2002**

# Index

Executive Summary	3
Introduction	5
Historical context	5
Why we are involved	6
What the Ombudsman is required to do	7
Our investigation	8
The objectives of OST	9
Accountability	12
Accountability in the WAPS and BAMR audits	13
Accountable records in OST	15
BAMR audits in OST	17
Management of OST	18
Day-to-day management	20
Statistics	21
Frontline supervision	24
The 'Lathlain' incident	24
The 'Showgrounds' incident	25
The second 'Showgrounds' incident	25
The 'Warwick' incident	26
The 'red man' incident	27
The 'firearm' incident	28
Intelligence	29
Operation Carrier	30
Operation Safe Trains	30
Did OST meet its objectives?	31
Summary of conclusions	32
Opinion	33
Recommendations	34
Appendix A - Chronology of Investigation	37
Appendix B - Timeline	39

Appendix C - OST Objectives	43
Appendix D - Training and Mentoring	45
Appendix E - Accountable Record Keeping	47
Appendix F - Intelligence Gathering	49
Appendix G – Success of OST	50
Appendix H - Submission by the Commissioner of Police	51
Appendix I - Submission by Assistant Commissioner D	57
Appendix J - Submission by Sergeant A	100
Appendix K - Submission by Inspector H	131
Appendix L - Submission by Inspector K	135
Appendix M - Submission by Superintendent E	140

## EXECUTIVE SUMMARY

- 1.1 This report deals with the management, supervision and control of a joint Police Service and Railways Commission Taskforce known as Operation Safe Trains ("OST"). OST ran for approximately three months, from 11 August 2000 to mid November 2000. Its brief was:
- To reduce anti-social and criminal behaviour on trains.
  - For police officers to mentor special constables about how to deal with criminal and anti-social behaviour.
- 1.2 In the view of this Office, there is no definitive way of measuring whether OST met its anti-social and crime-reducing objective. This is because OST operated in what might be described as an audit vacuum:
- It operated on a system of trust instead of accountability.
  - Its records were insufficient to determine what its officers did or where they were on a day-to-day basis.
  - In the main, statistics compiled during the operation amounted to little more than informed guesswork.
  - Its records were not subjected to the usual Business Area Management Review ("BAMR") audit process at any time.
- 1.3 In our view OST did not meet its mentoring objective either. Notwithstanding that mentoring special constables was both a primary objective of OST and the factor that differentiated it from the single agency Metropolitan Taskforce that preceded it, it would appear that no substantive effort was ever made to achieve this objective.
- 1.4 OST attracted a number of complaints that suggested it adopted overly aggressive policing tactics. Videotape evidence in relation to one of the complaints captured what appeared to be acts of serious misconduct in the presence of the OST supervisor, without his intervention.
- 1.5 Six complaints gave rise to this investigation. In relation to them:
- Seven charges preferred by OST were withdrawn.
  - Six charges were dismissed.
  - Over \$20,000 costs were awarded against police.
  - One man was subjected to force, handcuffed and then released without charge - OST records incorrectly indicated that he was charged.
- 1.6 The lack of accountable records maintained by OST means that it is not now possible to determine whether the approach highlighted by these complaints typified OST's tactics or whether these particular matters were aberrations.

1.7 I have made four recommendations to deal with the problems highlighted by OST:

1. I recommend that the Commissioner of Police review the BAMR system, focussing on:

- Standardisation of record keeping.
- Auditability of records.
- Identification of accountability risks and failures.

The review should proceed with advice and input from the Ombudsman and the Auditor General.

2. I recommend that the Commissioner of Police review the management and reporting structures that exist within the Metropolitan Region with a view to determining whether the management failings of OST were more a function of those structures or the individuals involved, or both.

At the conclusion of the review, I recommend that the Commissioner of Police take whatever action is necessary to rectify the problem.

3. I recommend that the Commissioner of Police review the compilation and reporting of statistics in WAPS. This review should focus on:

- The way in which statistics are currently compiled.
- The extent to which statistics are used to guide operational and strategic decision-making.
- The reliability of statistics currently used.

This review could be usefully incorporated into the review of the BAMR system.

4. I recommend that the Commissioner of Police and the Commissioner of Railways undertake a joint evaluation of the management and communication structures for the Rail Transit Authority in the light of the OST experience. In particular, that evaluation should address the accountability mechanisms and statistical recording practices in place for the Authority. The outcome of that evaluation should be reported to the Minister for Police and the Minister for Transport.

## INTRODUCTION

- 2.1 On 11 August 2000, the Western Australian Government Railways Commission (“WAGR”) and the Western Australia Police Service (“WAPS”) formed a joint taskforce named Operation Safe Trains.
- 2.2 The principal reasons for the formation of the taskforce were to reduce criminal and anti-social behaviour on trains – with particular emphasis on the Perth Railway Station and Concourse - and for police officers to mentor WAGR special constables (“SPCs”).
- 2.3 The taskforce ran for three months. It was staffed by four SPCs and a contingent of police officers that varied in number between eight and ten. It had a roving commission to travel on trains throughout the metropolitan area and came under the day-to-day management of Sergeant A. OST came under the direct control of the Metropolitan Regional Command.
- 2.4 Prior to the formation of OST, WAPS was operating a single agency taskforce, known as the Metropolitan Taskforce (“MTF”), under the control of the Perth District Office. The fundamental difference between OST and MTF was that OST was a collaborative project, which was intended to include the mentoring of SPCs by police officers.

## HISTORICAL CONTEXT

- 3.1 Momentum for establishing OST emerged as a consequence of a history of anti-social and criminal behaviour on metropolitan trains, railway platforms and surrounding areas. The problem was initially tackled in January 2000 when police formed MTF to deal with public disorder and criminal activity in the Perth and Northbridge areas.
- 3.2 On 31 July 2000, a meeting was held between the then Minister for Police, the then Minister for Transport, the Assistant Commissioner (Commander Metropolitan Region) for Police, the then Acting Commissioner of Railways and the then Executive Director of the Metropolitan Division of the Department of Transport. The meeting was held to address what amounted to a public outcry about safety on trains. It resolved to establish OST.
- 3.3 Appendix “B” provides a timeline of the events that shaped the idea of forming OST. Of the many relevant events, those of particular significance were the following:
  - The establishment of the Public Transport Crime Prevention Taskforce Steering Committee on 12 August 1999.

- Pressure from Northbridge business proprietors about crime in the Northbridge area from October 1999 onwards.
- Media interest about train safety from December 1999 onwards.
- A decision made by Assistant Commissioner D, Mr W and Mr Y on 15 February 2000 to form a joint taskforce to deal with anti-social behaviour on public transport, particularly on trains.
- A 'Focus Groups' survey of 1 March 2000, initiated by the Safer Transport Taskforce (Rail) Steering Committee, highlighting growing public concern about train safety.

## WHY WE ARE INVOLVED

- 4.1 The Ombudsman's role in dealing with alleged misconduct by police and SPCs is to enhance the accountability of WAPS and WAGR by reviewing internal investigations and by investigating significant issues as they arise.
- 4.2 In the course of conducting police internal investigations into complaints about the conduct of police officers attached to OST, the police internal investigator identified that there might have been problems with the management, supervision and control of OST, as follows:
- He identified six complaints, which comprised 31 allegations, about the actions of members of OST. That number appeared disproportionate in comparison to other police workplaces. For example, OST staff numbers varied between eight and ten. At the same time as OST was operating, the Perth District, which was made up of between 392 and 404 officers, attracted 30 complaints, which comprised 67 allegations.
  - The nature of the complaints suggested that the taskforce may have adopted overly-aggressive policing tactics.
  - Videotape evidence in relation to one complaint captured what appeared to be serious misconduct in the presence of the OST supervisor without his intervention.
- 4.3 The internal investigator brought these issues to our attention because of their potential seriousness. He also had reservations about his capacity to deal with them within the rank structure of the Police Service.
- 4.4 Following a preliminary assessment of this videotape evidence and the police internal investigator's advice we determined, pursuant to Section 16 of the *Parliamentary Commissioner Act 1971*, to commence an investigation into the management, supervision and control of OST.

- 4.5 It was not the objective of the investigation to look in any detail at the conduct issues considered by the police internal investigators. However, it is not possible to properly analyse the running of OST, particularly the supervision of the officers involved in the incidents that gave rise to this investigation, without reference to the incidents themselves. The six incidents we examined were as follows:
- The 'Lathlain' incident (see page 24).
  - The 'Showgrounds' incident (see page 25).
  - The 'second Showgrounds' incident (see page 25).
  - The 'Warwick' incident (see page 26).
  - The 'red man' incident (see page 27).
  - The 'firearm' incident (see page 28).
- 4.6 Having reviewed the evidence relating to these incidents, we were concerned that there had been real problems with the management, supervision and control of OST.

## WHAT THE OMBUDSMAN IS REQUIRED TO DO

- 5.1 Section 16 of the *Parliamentary Commissioner Act 1971* (“the Act”) authorises the Ombudsman to initiate an own motion investigation.
- 5.2 Section 20 of the Act grants the Ombudsman all of the powers, rights and privileges appertaining to a Royal Commission. In this investigation these powers were invoked and the evidence from witnesses was given on oath or affirmation.
- 5.3 The Ombudsman's role is to form an opinion about the matter under investigation in the light of criteria set out in subsection 25(1) of the Act, which states in part:
- “Where as a result of an investigation conducted under this Act ... the Commissioner is of the opinion that the action taken to which the investigation relates –*
- a) ...*
- b) was unreasonable, unjust, oppressive or improperly discriminatory;...*
- he shall, as in the circumstances of the case he thinks fit, carry out the duties imposed on him by subsection (2).”*
- 5.4 Subsection 25(2) provides that the Ombudsman is to report such opinions to the principal officer of the appropriate agency and may make recommendations.
- 5.5 Section 19(4) provides that prior to completing a report on an investigation that may affect or concern any department, the



Ombudsman must provide the principal officer with the opportunity to comment on the subject matter of the investigation. Draft versions of this report were sent to the Commissioner of Police and the Acting Commissioner of Railways.

- 5.6 Section 25(7) provides that prior to making any comment defamatory of or adverse to any person, the Ombudsman is required to give that person the opportunity of being heard in the matter and his defence is to be fairly set out in the report. Extracts of this report were forwarded to all people about whom potentially adverse or defamatory comments were made and their submissions are attached at Appendices "H" to "M". Extracts were also sent to people who were qualified to comment on the accuracy of particular information in the report.

## **OUR INVESTIGATION**

- 6.1 A chronology of our investigation is provided in Appendix "A".

### **Conducted interviews**

- 6.2 During the investigation, we interviewed the following people on oath or affirmation. The interviews were tape-recorded and transcribed.
- The Acting Commissioner of Railways, (during OST – Executive Director, Metropolitan Division, Department of Transport).
  - The Director of Transperth, (during OST – Acting General Manager, Western Urban Transport).
  - The Manager Security Urban Passenger Division WAGR, (during OST – Manager Security, Westrail).
  - The Assistant Commissioner (Commander of the Metropolitan Region) for Police.
  - Perth District Superintendent.
  - Joondalup District Superintendent.
  - Inspector (prior to OST, OIC at City Police Station).
  - Inspector (from 1 November 2000, Acting Regional Coordinator, Metropolitan Region – later made permanent).
  - Inspector (Regional Coordinator, Metropolitan Region – until transferred ).
  - Sergeant (Officer in Charge of OST).
  - Sergeant (Officer in Charge of Operation Carrier).
  - Nine police officers.
  - Six special constables.

### **Examined documents**

- 6.3 We examined the following police documents:

- Court briefs associated with charges from OST.

- Occurrence books.
- Roster ledger.
- Crime Prevention file 00343 00 FV001.
- Crime Prevention file 02167 99 FV001.
- Drug inventory and movement books.
- Holding Order books.
- Property tracing book.
- Liquor infringement book.
- Return of liquor infringement book.
- Drug bags (small) book.
- Infringement security sheets.
- Drunken persons register forms.
- Property receipts.
- Daily statistic sheets.
- MTF/OST weekly statistics returns.
- Sick leave forms.
- Juvenile apprehension forms.
- Equipment sign in/out forms.
- Stores forms.
- Overtime rosters.
- Internal Investigation files.
- Various documents including inter-office memoranda and correspondence provided by Assistant Commissioner D.

We also examined a number of WAGR statistical documents, videotapes of incidents that occurred involving members of OST, and various internal WAGR documents, including inter-office memoranda and correspondence provided by Mr Z.

### **Considered submissions**

- 6.4 The submissions of those who responded to our draft report are attached at Appendices "H" to "M". Those submissions resulted in a number of minor factual alterations to the report. They did not result in any changes to the opinions expressed in the report.
- 6.5 This investigation targeted the administrative structures within which the police officers and SPCs involved worked insofar as these structures encompassed the management, supervision and control of OST. In so doing, we had to examine the actions of individual Police Service managers and supervisors. However, it must be said at the outset that while the actions of individual officers appears to have at times been misguided, the motivation for establishing the taskforce was born of a clear desire to improve the safety of the train travelling public.

## **THE OBJECTIVES OF OST**

- 7.1 A meeting was called on 31 July 2000 by the Minister for Police in response to a public outcry regarding safety on suburban trains. The meeting involved the Minister for Police, Minister for

Transport, Acting Commissioner of Railways, Executive Director of the Metropolitan Division of the Department of Transport and Assistant Commissioner D, and resolved to establish OST. The stated objectives of OST were to:

- Assist WAGR to target criminal and anti-social behaviour on trains.
- Mentor and train SPCs “on the job”.

### **Mentoring**

- 7.2 It is evident from inter- and intra-agency correspondence, memoranda and the minutes of the Safer Transport Taskforce (Rail) Steering Committee meetings that the mentoring of SPCs was a principal objective of OST.
- 7.3 Further, OST was the principal response to a Ministerial call for action to address the public concern about safety on trains. The importance of the mentoring and training objective was highlighted at the meeting of 31 July 2000. The meeting resolved that WAPS would provide training for and support to SPCs to enhance their approach to policing, safety and security on trains in the long term.
- 7.4 It was therefore fundamental, not only to the success of OST, but in order to comply with the accord reached with the Government, that there be a bona fide attempt to achieve the training and mentoring objective.

### **Trial period**

- 7.5 OST started on 14 August 2000 for a trial period of three months. It coincided with "Operation Nightsafe", a police-only initiative to target crime and anti-social activity in the Northbridge area.
- 7.6 OST carried on from MTF, which had been operating under the control of the Perth District since January 2000. That is, what was previously MTF became OST, with expanded objectives and the inclusion of SPCs.

### **Managers**

- 7.7 Our interviews of the relevant managers of the two agencies demonstrated that they understood the dual objectives of OST. However, in their submissions to us the WAPS managers argued that the mentoring objective either did not exist or was very much secondary to the objective to deal with anti-social and criminal behaviour.
- 7.8 The minutes of the Safer Transport Taskforce (Rail) Steering Committee meetings, correspondence between WAPS and WAGR and evidence from senior WAPS and WAGR witnesses all indicated that OST had both an objective to deal with anti-social and criminal behaviour and a mentoring objective.

## **Officers**

- 7.9 Our interviews of the SPCs and WAPS officers indicated that they had a clear understanding of the first objective. However, it is clear that the WAPS officers had little or no knowledge of the mentoring and training objective.
- 7.10 In fact, almost without exception, the WAPS officers were not even aware of the existence of OST until they received a request to attend our interview. Until then they thought that they had worked on MTF.
- 7.11 Whether or not the officers were aware of the name of the operation is not as important as their knowledge of its objectives. As they were the people at the front line, their lack of knowledge about its mentoring and training objective meant that this objective was never likely to be achieved and, on our interpretation of the evidence, it was not.

## **Diverse views**

- 7.12 The matrix at Appendix “C” summarises the accounts that WAGR and WAPS management, WAPS officers and SPCs gave when we interviewed them. It illustrates the diverse understanding they had about OST’s objectives.
- 7.13 The diversity of these accounts demonstrates that although there was what might be loosely described as a mentoring relationship at the beginning of OST, there was never any demonstrated effort to establish a proper mentoring program. There was little formal training provided for SPCs and, for the most part, the WAPS officers were not even aware of their training and mentoring responsibilities.
- 7.14 Further, the WAPS officers were mostly relatively inexperienced and, by their own admission, not qualified to teach others. In fact, a number of them were probationers who joined OST immediately after graduating from the Police Academy.
- 7.15 Appendix “D” brings together the accounts of WAGR and WAPS management and taskforce officers about how OST ran and whether it was successful in terms of its training and mentoring objective. Their accounts are as varied as their accounts about its objectives.
- 7.16 In order to achieve an objective, it is necessary for the participants to have a clear and shared understanding of what is expected of them. As one of the commissioned officers observed, “...if there is no shared understanding, the objectives get lost”.

## **Conclusion**

- 7.17 OST's mentoring objective was effectively lost before the operation commenced, despite its apparent importance to both

WAPS and WAGR management and to the Minister for Police and the Minister for Transport. Lack of action on this objective was not reported to the relevant Ministers.

## ACCOUNTABILITY

8.1 Accountability in police services is an issue of great public interest throughout Australia. Ensuring that police officers and police services can be held to account for their actions was an important theme throughout the Fitzgerald Inquiry<sup>1</sup> and the Wood Royal Commission<sup>2</sup>. One of the most challenging issues facing police service managers is how to deliver accountability.

### Guiding principles

8.2 In 1995, the New South Wales Ombudsman produced a practical set of guidelines<sup>3</sup> that provide guidance for public authorities about conduct and administrative practice.

8.3 The guiding principles of these guidelines are closely aligned to those advanced in the Commissioner's Orders and Procedures ("COPS") Manual, a handbook issued for the guidance of all police personnel in the performance of their duties and the effective management of the Service.

8.4 One chapter in the NSW Ombudsman's guidelines focuses on the management of public authorities. Of specific interest is section 2.3 -*Management and Administrative Practices*<sup>4</sup>.

8.5 The main points are that:

*"(2.3.1) Public authorities should adopt and maintain:*

- *Management structures and practices which ensure that senior staff are held properly responsible and accountable for their performance and the use of public resources.*
- *Management systems which enable managers within public authorities to monitor and maintain and measure performance against agreed objectives/outcomes.*

*(2.3.3) Administrative practices should be adopted by public authorities which ensure that:*

- *Compliance with applicable procedures and practices is effectively monitored.*

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<sup>1</sup> Report of a Commission of Inquiry Pursuant to Orders in Council, 1989.

<sup>2</sup> Final Report on the Royal Commission into the New South Wales Police Service, 1993.

<sup>3</sup> Ombudsman's Good Conduct and Administrative Practice Guidelines for Public Authorities and Officials, 1995

<sup>4</sup> *ibid*, p2.3

- *Any administrative oversights or errors, once identified, are promptly rectified.*

*(2.3.10) Public authorities and public officials should create and maintain records as evidence of business activities and transactions. This evidence:*

- *Supports policy formulation and managerial decision-making.*
- *Supports better performance of business activities throughout the organisation.*
- *Provides protection and support in litigation, including the better management of risks associated with the existence or lack of evidence of organisational activity."*

8.6 In the course of our investigation we considered whether the management, supervision and control of OST accorded with these guidelines.

### **Accountability in the WAPS and BAMR audits**

8.7 According to the COPS Manual, the WAPS' "Strategic Intentions" are *managerial accountability, Local Service Delivery and Effective Management of Resources.*

8.8 *Managerial accountability* is defined in terms of decision-making based on known responsibilities, measurable outcomes and explicit expectations. *Local Service Delivery* is defined in terms of responsibility and accountability of line management for the success of police activities at a local level. *Effective Management of Resources* is self-explanatory.

### **BAMR audits**

8.9 In 1998, in order to meet these strategic intents in a consistent manner, the Police Service initiated the Business Area Management Review ("BAMR") Program. Its purpose is to identify and address weaknesses in procedures, systems and business area management practices in a timely manner. Although not by design, the BAMR program gives effect to the major managerial and administrative practices guidelines outlined in the NSW Ombudsman's Guidelines, as noted above.

8.10 The relevant order relating to BAMR audits (AD-6.6) specifies that:

*"The District Officer, Specialist or Administrative Support equivalent, or delegate thereof shall conduct scheduled inspections, in accordance with the current Business Area Inspection Manual, of each business area under their management."*

- 8.11 The BAMR system requires inspecting officers to produce a two part report about their area of business, including an audit test plan and a business area risk plan, by April 21 each year.
- 8.12 The Audit Test Plan requires an examination of completed reports to establish their appropriateness, checking to ensure that any recommendations made are followed up and the identification of important trends.
- 8.13 The Business Area Risk Plan requires managers to identify internal and external issues that may affect the efficiency, effectiveness and economy of operations in their area.

### **Accountable records**

- 8.14 The BAMR system anticipates that records evidencing policing activities are created - “accountable records”. The BAMR system also anticipates that accountable records will be monitored to ensure compliance with applicable procedures and policies, with identified oversights and errors being promptly rectified, with this process known as “BAMR audits”.
- 8.15 In our view if accountable records are not created, compliance with applicable policies and procedures cannot be demonstrated. That is, without accountable records accountability in WAPS cannot be meaningfully delivered. Without accountable records, it is not possible for police to:
- Check what contacts were made and what action was taken by personnel.
  - Offer members the necessary level of support or protection to defend disciplinary or legal action.
  - Establish a valid record of past events for the planning of future operations.
  - Meaningfully measure performance against either service-wide or operation specific objectives.
  - Properly account for their performance or use of public resources.
- 8.16 The lessons of Fitzgerald and Wood are important reminders of the potential consequences of failed or non-existent accountability in police services.
- 8.17 Police workplaces utilise various accountable records. They include Occurrence Books, Action Report Books, Journals, Drug Inventory Books, Telephone Message Books and a range of other documents capable of being audited for the purposes of establishing, not only on a daily basis but also on a job-by-job basis, duties performed and decisions made.
- 8.18 It would appear from our interviews of the officers associated with OST that they had quite divergent views about what

constitutes an accountable record. It would also appear that, over the years, the character of key accountable records such as Occurrence Books has to some degree changed.

### **Local variations**

- 8.19 The officers we interviewed told us that accountable record keeping practices vary from location to location, essentially at the discretion of the Officer in Charge. For example, it may be that a job tasked to an officer is noted in an Occurrence Book at one police station and in an Action Report Book at another. Or, in the case of OST, not noted at all.
- 8.20 However, notwithstanding those differences, the BAMR process still requires that accountable records be kept at every police workplace. Moreover, those records must be sufficient to demonstrate clearly the work performed by the staff attached to that workplace.

### **Accountable records in OST**

- 8.21 OST functioned as a roving taskforce. This means that its accountable record keeping practices needed to differ from the kind of record keeping system maintained by, say, a suburban police station. However, to the extent that it needed to maintain accountable records, OST was no different to any other police workplace that involves roving police work. Its itinerant nature was not a valid reason to opt not to keep accountable records.
- 8.22 Moreover, however they were kept, OST accountable records needed to be kept sufficiently well to enable BAMR audits to be carried out. That is, they needed to establish with a reasonable degree of certainty what OST and individual officers did on any given day of the operation.

### **Accountable records fragmentary and cryptic**

- 8.23 This did not occur. The accountable records that were kept are fragmentary and sometimes cryptic. Although it is possible to determine from the accountable records who was detained by OST, it is not possible to otherwise determine what the taskforce, or any of its individual members, did at any particular time during the operation.
- 8.24 When we interviewed them, there was some debate among police officers who worked on OST about the standard of accountable record keeping during OST. A cross-section of their responses is presented in Appendix “E”.
- 8.25 The available accountable records for OST comprise a ledger detailing the officers working on any given shift plus overtime particulars, and two occurrence books. The occurrence books are, however, no more than detention books containing (and often lacking) details of arrests.



### **Information not recorded**

- 8.26 There are of course other records connected to OST. However, none of these records, including the global file tracking system, provides the necessary information to ascertain where the taskforce was or what it was doing at any given time during the course of the operation. That information was not recorded.

### **Audit vacuum**

- 8.27 The often incomplete nature of the occurrence books in conjunction with the failure to record what OST did on a day-to-day basis means that related records, such as weekly statistical returns, management reports and court briefs, cannot be properly evaluated. These records exist in what might be described as an audit vacuum. Therefore, no reliance can be placed on them.
- 8.28 It is not possible for police management, the public or any other stakeholder to satisfy themselves from the accountable records that:
- The day-to-day functioning of the taskforce was as was expected by police management and WAGR.
  - The operation was properly supervised and any shortcomings in the work of the taskforce were identified and rectified.
  - The operation could be measured against agreed objectives.
  - The way in which OST functioned would be open to scrutiny for the purpose of planning future operations.
- 8.29 We can tell from the accountable records, with reasonable certainty, who was on duty at any particular time, or confirm the details of arrests. However, on the basis of the available records, these are the only things for which OST can be held accountable.

### **Trust**

- 8.30 We were told by one of the commissioned officers we interviewed that whatever deficiencies there may have been with regard to OST's accountable records, they were made right by OST providing comprehensive weekly reports about its operations to the relevant commissioned officers. The author of those reports, Sergeant A - the Officer In Charge of the taskforce - was held in a high degree of trust by WAPS.
- 8.31 However, in our view trusting someone is not the same as holding that person accountable. We also note that this argument fails to meet any of the criteria for accountability as prescribed by the COPS Manual.

### **Action reports and notebooks**

- 8.32 During their interviews, the officers who worked on OST argued that they were unable to record what they did in Action Reports while working on trains because Action Report books are A4 size and therefore too cumbersome to carry around. Further, they

asserted that officers could not be expected to consistently use their police notebooks because to do so could potentially “aggravate” a situation.

- 8.33 We consider those excuses to be disingenuous. SPCs use Action Reports (that call for more data input than do standard police action reports) and SPCs also work itinerantly on trains. In relation to the use of notebooks, we note that there is a very long tradition of police officers writing in their notebooks either when, or shortly after, they take action or talk to people.

### **Conclusion**

- 8.34 OST operated in what amounted to an audit vacuum. A system of trust was used instead of an effective system of accountability. Accountable records were either non-existent or seriously deficient. Aside from the absolute basics about the operation it is not possible to ascertain what OST did on a day-to-day basis.

### **BAMR audits in OST**

- 8.35 OST was never subjected to a BAMR audit. In fact, so far as we have been able to determine, no records compiled by OST were ever checked at any time by any Inspector. The relevant Inspectors looked at the records for the first time when we interviewed them.
- 8.36 When we interviewed Assistant Commissioner D he said that when he became Commander of the Metropolitan Region, Inspectors had not visited MTF for a period of about six or seven months. It was his opinion that, had a BAMR audit been completed during this period, the problems that later surfaced in relation to the operation (and that gave rise to this investigation) would not have occurred. We note, however, that he did not ensure that a BAMR audit was conducted when responsibility for OST transferred from the District to the Region, or at any other time subsequently.
- 8.37 Because of their management roles, two Inspectors were responsible for conducting BAMR audits of OST: Inspector J for a period of three weeks and then Inspector H for the balance of OST's existence.
- 8.38 Inspector J said that he did not have anything to do with MTF until OST commenced in August 2000. When we interviewed him, he said that when he became associated with OST he was advised that OST was “*running a reasonable show*” and that “*there was nothing at all to be concerned about at that stage or any stage*”.
- 8.39 He also said that he did not have any reason to be concerned about whether accountable records were being properly maintained because the BAMR process was in place and every

month a critical area of business, such as an audit of the drug books, was reviewed. However, this consideration was of no assistance as, by his own admission, he did not conduct any BAMR audits of OST - his stated reason being that he was only responsible for OST for 8-9 weeks and that for three weeks of that time he was required to work elsewhere.

- 8.40 In Inspector J's view, it was up to Inspector H to conduct BAMR audits when he subsequently took over. When we interviewed him, Inspector H was asked whether it was of concern to him that OST was under his control and never subjected to a BAMR audit. He acknowledged the importance of drug books being subjected to BAMR audits, but said that he saw the OST drug book for the first time when we interviewed him.

### **Conclusion**

- 8.41 OST was not subjected to BAMR audits. This contributed to the audit vacuum in which OST operated. Had BAMR audits occurred, problems that later surfaced in relation to the operation might have been avoided.

### **Management of OST**

- 8.42 Before July 2000, MTF operated under the umbrella of the Perth District Office. This in turn fell within the portfolio of the Metropolitan Region. Line management responsibility for MTF fell to Inspectors and the day-to-day management to a Sergeant.

### **Management audit**

- 8.43 Following a management audit in June 2000, Regional level concerns emerged about the management of the Perth District. By that time media interest about the public perception of safety on trains had also increased.
- 8.44 Between November 1999 and July 2000, a number of inter-office memos were sent to the District from the Regional command. These memos emphasised the need for strategies to regain control of escalating crime and anti-social behaviour in Northbridge. They also expressed concern about perceived ineffective policing in the District which had given rise to a serious decline in public safety.
- 8.45 However, this view of the District's performance is contested. The opposing view is that any problems in relation to Perth District policing arose because the District was operating under strength.
- 8.46 This contention was not accepted at the Regional Command level, which claimed that the Perth District was in fact operating over strength at the time. The submissions contained at Appendices "I", "L" and "M" are relevant to this argument.

## **Regional control**

- 8.47 When OST was created, the unusual step of taking it out of the control of the Perth District and placing it directly under the control of the Regional Command was taken.
- 8.48 When we interviewed him, Assistant Commissioner D said that the primary reason for this decision was because, by 1 August 2000, “*alarm bells*” were going off in relation to the administrative and auditing side of business in the Perth District. At that time, the results of the preliminary management audit carried out in June 2000 were to hand. He said that this identified that the Perth District Officer and Inspectors had “*neglected their roles and responsibilities*” in relation to the management of the District and that a total of 3,059 items of property had never been audited or inspected.
- 8.49 As a result of the preliminary June audit, the role of Inspectors in the Metropolitan Region was reviewed. This resulted in a document detailing their duties and responsibilities being issued in September 2000. In summary, the document, insofar as it was applicable to OST, required Inspectors to:
- Maintain vigilance over all operational matters occurring within their area of responsibility.
  - Take command of all major incidents that arose during their shift.
  - Enhance and support district operations.
  - Ensure that resources were coordinated and that personnel were adequately supervised.
  - Take control of any situation that was beyond the capabilities of less experienced personnel.
  - Delegate responsibility where appropriate.
  - Regularly visit mobile patrol units at task locations to ensure that correct action was taken and to provide advice, guidance and support.

## **Conclusion**

- 8.50 At no stage did the relevant managers of OST institute a BAMR audit, despite:
- Identified Regional level concerns about accountability in the Perth District.
  - The change of control from the District to the Region when OST commenced because of those identified concerns.
  - Instructions issued to District Inspectors to overcome Regional level concerns.

## **Day-to-day management**

- 8.51 Notwithstanding the fact that no BAMR audits were conducted, it is common ground among the commissioned officers involved

that the person charged with the day-to-day management of OST was also responsible for the initial checking of its records. That person was Sergeant A. However, we note that Sergeant A could not check records that he neither kept nor required the members of his team to keep - one of the issues that a BAMR audit might reasonably have been expected to have identified.

8.52 Comments made to us included that Sergeant A “*must be accountable for what he does*” and that it was his role to check the accuracy of the entries in the Occurrence Books. We were told that “*trust*” was placed in Sergeant A to “*do what he was required to do*”.

8.53 We were also told that Sergeant A had high levels of “*supervisory abilities*” and “*excellent ability at administrative duties*”. One Inspector said that he was “*not aware of any administration faults that occurred during [his] period of command of the taskforce, by Sergeant A*”.

#### **Weekly reports**

8.54 Sergeant A provided the Inspectors, and by extension the Regional Command, with weekly reports that included statistics and a brief narrative of significant events. We understand that there was also a high measure of informal telephone communication about OST's activities.

8.55 Based on what we were told when we interviewed these officers and the documents themselves, we have no doubt that these weekly reports and telephone conversations constituted the accountability mechanism for OST. That is, to the extent OST's activities were checked or audited, such checking or auditing amounted to reading reports and talking to Sergeant A.

8.56 Such a system amounts to no more than a system of trust. While trust may be a meaningful and important element of teamwork, it is not the same as accountability. Accountability can be evaluated against a set of criteria. Trust can only be subjectively measured.

8.57 That said, we were told by Assistant Commissioner D that he was not aware that the accuracy of the statistics contained in Sergeant A's reports had not been verified.

8.58 It is clear from the Commissioner's response to our draft report and more broadly, that all statistics compiled by the Police Service need to be accurate and verifiable. The Commissioner advised us that the Police Service is working towards achieving that goal by way of a series of rolling audits being conducted with a view to assessing compliance by WAPS with legislative requirements and management policies and procedures.

## Conclusion

- 8.59 The accountability mechanism for OST constituted weekly reports and telephone conversations, a system of trust rather than maintaining and reviewing accountable records. In this respect, the day-to-day management of OST did not meet the accountability requirements prescribed by the COPS Manual.

## STATISTICS

- 9.1 One of the measures of the success or otherwise of OST was its performance in a number of areas, as demonstrated by recorded statistics. For example, we were told that the statistics maintained and reported by OST demonstrated that it was very effective in dealing with anti-social behaviour. The statistics purported to show that a high number of anti-social people were spoken to, moved on or arrested. All officers who worked on OST reported various statistics to Sergeant A on a daily basis. We note that statistics were forwarded to the Minister for Police and quoted in the press.

### Informed guesses

- 9.2 It is our view that a significant proportion of these statistics reported were, at best, little more than informed guesses. Our investigation revealed that these statistics were not capable of even the most basic audit or comparison because supporting accountable records of OST's activities did not exist.
- 9.3 For example, an article in the *West Australian* of 13 November 2000 noted that MTF had made 25,000 contacts over a 10-month period between February and November 2000 (the article refers only to MTF, although MTF was replaced by OST on 11 August 2000). We were unable to verify this figure. The records we reviewed included the daily and weekly statistical summary sheets maintained by MTF and OST. Those sheets only ran from the week ending 14 May 2000 to the week ending 17 December 2000. They recorded 18,041 contacts for that period.
- 9.4 Very few contacts were recorded in police notebooks. Members of the taskforce relied on their memories at the conclusion of an eight-hour shift to recall the number of contacts they made during the shift and record them on statistical returns.
- 9.5 The returns recorded that during OST 6,730 contacts were made as follows:
- Anti-social persons moved on (4,381).
  - Juvenile cautions (1,392).
  - *Liquor Act* offences (385).
  - Traffic offences (362).
  - Government Railway offences (210).

### **Anti-social people**

9.6 The details of anti-social people moved on were rarely, if ever, recorded in police notebooks. Since they were also not recorded elsewhere, none of the 4,381 recorded for OST are auditable.

### **Juvenile cautions**

9.7 To the extent that juvenile cautions were issued, there were no written records among the OST records we examined – i.e. all juvenile cautions were verbal. These were also rarely, if ever, recorded in police notebooks.

9.8 However, the records do reveal the names of 70 juveniles on 'Juvenile Action Group Apprehension Forms'. All of these juveniles were apprehended in some way. It is not clear whether these apprehensions were, or ought to have been, included in the 1,392 juvenile cautions. To the extent that they were included, the figure is auditable, albeit that the term "Juvenile Caution" would therefore be misleading or not truly reflect the nature of the interaction, since these 70 juveniles were apprehended, not cautioned.

### **Liquor Act offences**

9.9 To the extent that *Liquor Act* offences were recorded, there were no records of written *Liquor Act* infringements among the OST records. They too were rarely, if ever, recorded in police notebooks. We note that many of the juveniles were apprehended for liquor-related matters. It is not clear whether any of these were also included in the *Liquor Act* category.

### **Traffic offences**

9.10 To the extent that traffic offences were recorded, OST records reveal that five written traffic infringements were issued by OST. Therefore, the remaining 361 Traffic offences must have been dealt with by way of verbal caution, which were rarely, if ever, recorded in police notebooks.

### **WAGR offences**

9.11 There were no records of Government Railway offences that formed part of the OST records.

9.12 When we interviewed Assistant Commissioner D he said that the accuracy of these statistics reflected on the integrity of the Inspectors. Inspector H expressed utmost confidence in the statistics. He was of the view that, given the nature of OST, it was acceptable for officers to rely on memory when reporting them.

9.13 Inspector J was also confident about the reliability of the statistics. He said that he would have noticed any abnormalities in them. He based his confidence on the trust he had in Sergeant A and said that, had he remained in the job, Inspector J would have

checked the figures after about three months. Exactly how he would have checked them is, however, not clear.

### **Indicator only**

- 9.14 All OST officers emphasised that they were instructed not to inflate statistics. A number said that they had no difficulty recalling how many contacts they had made throughout the course of a shift. However, they held a range of views about the need for accuracy in the statistics, with most believing that they only served as a rough guide. Sergeant A also understood that the figures were only an "*indicator*".
- 9.15 Based on what the officers told us when we interviewed them, there was no shared understanding about whether all people dealt with by police were supposed to be recorded as contacts or whether only those directly spoken to by police were supposed to be recorded.
- 9.16 For example, all officers said that they regularly approached large groups of people. At times they spoke with one or two people in the group. Sometimes they simply went and stood near the group without speaking to any of them. At other times they spoke with all the members of the group.
- 9.17 If a group had, for example, ten people in it, some officers would record the 'ten' on the statistical return, even if they simply stood near the group. Other officers would instead register the one or two people they spoke to.
- 9.18 The extent of potential discrepancies (and the degree of guesswork involved in that method) was highlighted by the fact that OST regularly attended Cannington Railway Station on Thursday nights where groups of unruly youths apparently gathered in large numbers – sometimes in their hundreds. The OST contingent in those circumstances was likely to have been between eight and ten officers, and confrontation between the youths and the officers occurred often. Each officer was required to recall the events when they finished a shift and log the number of contacts they had made and the action taken, with varying recording practices and memory skills.

### **SPCs**

- 9.19 Inconsistencies correspondingly appeared in the understanding of the SPCs as demonstrated in interview. They said that they were instructed to record every contact they made, including ticket checks, albeit that it is unclear from the way in which the statistics were logged whether such tickets checks were or were not recorded. If they were recorded, so far as we can determine they were not recorded as Government Railway offences. If they were recorded, they appear to have been included in the "anti-social persons moved on" category.



## **Conclusion**

- 9.20 Statistics maintained and reported by OST were effectively informed guesswork. Reported statistics were not collected in a uniform way and were, on the whole, incapable of being audited.

## **FRONTLINE SUPERVISION**

- 10.1 A number of incidents involving members of OST were the subject of complaints. Because of the absence of accountable records, the only reliable records about the nature of the incidents OST dealt with are the videotapes associated with the complaints we received.
- 10.2 Given the reported statistics and what we were told when we interviewed the officers involved, we believe that OST was involved with many more incidents than these complaints reveal.

## **The ‘Lathlain’ incident**

- 10.3 Two clashes occurred between members of OST and a small group of young men on a train, and, subsequently, at the Lathlain Railway Station. The incident on the train started when police approached one of the young men about his use of obscene language. It ended in a melee that spilled from the train and onto the Lathlain Railway Station.
- 10.4 During the struggle on the train, Sergeant A and another officer drew their batons. One of them, seemingly without provocation, prodded one of the men in the chest.
- 10.5 On the station, the man was backed into a shelter on the station and then struck several times with a baton on the left leg. When questioned during the police internal investigation, police claimed that the man had been suspected of possessing a weapon. However, it is clear from a WAGR train carriage videotape of the incident that this weapon was in fact a mobile phone.
- 10.6 Another of the men was also struck several times with a baton on his left leg for an unknown reason.
- 10.7 The matter resulted in the arrest of two of the men. The charges against one of them were withdrawn. The charges against the other were dismissed. The man who had been prodded and hit by the baton in the shelter was not charged.
- 10.8 The police internal investigation into the matter concluded that the actions of the officers involved were unprofessional, that there was no coordinated strategy to either search for the ‘weapon’ or resolve the situation and that no control was exercised over the officers or the situation.

- 10.9 The police internal investigator recommended that the officers involved be charged pursuant to *Police Force Regulations* with Using Unnecessary Force and that Sergeant A be charged with Neglecting his Duty by Failing to Supervise the Officers Under his Control.

### **The ‘Showgrounds’ incident**

- 10.10 A mother and her daughter were travelling home on the train when the daughter found a purse on a seat. The two women discussed handing the purse in to the authorities - a conversation witnessed by a man who was sitting with his wife across the aisle from the two women.
- 10.11 The women were challenged by officers from OST and a dispute resulted. A larger group of officers attended the scene and both women were arrested. The man across the aisle was also arrested later on the railway station following his criticism of the manner in which the officers had dealt with the women (see 'second showgrounds' incident below). Sergeant A was present at the time.
- 10.12 The videotape of the incident demonstrated that the two women had not committed any offence prior to being arrested. The internal investigation revealed that the videotape was not included on the brief of evidence prepared for court. Subsequently, charges of Refuse Name and Address, Disorderly Conduct and Resist Arrest against the two women were withdrawn with \$3,225 costs awarded against police.
- 10.13 The police internal investigator recommended that one officer be charged with Unlawful Arrest and for Using Unnecessary Force and that Sergeant A be charged with failing to adequately supervise the charging, associated brief preparation and disclosure of evidence.

### **The second ‘Showgrounds’ incident**

- 10.14 The witness to the Showgrounds incident and his wife were travelling to the Showgrounds Station. When the dispute involving the two women occurred, he tried to tell police that the women had been discussing handing in the purse. However, he was told not to interfere or he would be arrested. He continued trying to say what had happened, but police would not listen to him.
- 10.15 When the women were taken from the train onto the station, the witness tried to bring the plight of the women to the attention of other passers-by by telling them that police were harassing the women. An officer then called out that the man was under arrest. The man panicked and ran. He was subsequently pursued,

arrested, handcuffed and charged by summons for hindering and resisting arrest.

- 10.16 The charges against him were withdrawn on 23 March 2001 just prior to trial on the basis that one of the officers involved in the fracas had since resigned from WAPS and was living overseas. Costs of \$550 were awarded to the man.
- 10.17 The police internal investigator recommended that the psychological suitability of the arresting officer to remain in the Police Service be assessed. In the event that a favourable report be received, then it was recommended that he be charged with unlawful arrest and making false and misleading or inaccurate statements regarding the arrest.
- 10.18 It was also recommended that Sergeant A be charged with not carrying out his duty in a proper manner by failing to properly supervise the officer in respect of the arrest, charging and associated brief preparation.

### **The 'Warwick' incident**

- 10.19 The complainant in this case was arrested while travelling on a train. Police said that he was using obscene language, although the complainant denied this allegation. He was initially charged with Refusing to Provide his Name, Assault Public Officer and Resist Arrest.
- 10.20 His arrest involved a struggle. He was removed from the train onto Warwick Railway Station and sprayed with OC spray. There is also evidence that he was assaulted by an officer who dropped his knees onto the man's back while the man was lying face down on the ground.
- 10.21 While this was happening, an independent witness complained about what he considered to be the use of excessive force against the man. The witness was pushed up a descending escalator, thrown to the ground, handcuffed and arrested. This aspect of the incident was captured on videotape.
- 10.22 The witness was later spoken to by police, handcuffs were removed and he was released. An Occurrence Book entry indicates that the witness was to be Summoned for Obstructing Railway Police, but the charge was never progressed.
- 10.23 A friend of the witness complained about his friend's arrest and he too was arrested. The incident was videotaped but it was not clear if he fell to the ground or was pushed. He was charged with Obstruction and convicted.
- 10.24 An allegation was also made that the original man was later grabbed by the hair and that he had his head pulled back for a

period of time. The charges against the original man were dismissed and \$12,000 costs were awarded against police.

- 10.25 The police internal investigator recommended that the police file be forwarded to the Director of Public Prosecutions ("DPP") to determine if there was sufficient evidence to proceed with criminal charges against one of the officers involved. If criminal charges were not to proceed then excessive force charges under the *Police Force Regulations* should be preferred.
- 10.26 The DPP determined that charges should not proceed in view of the cost of bringing two witnesses back to Perth from Ireland for the trial. However, this was conditional on the disciplinary issues being pursued in a timely, vigorous and competent manner.
- 10.27 The police internal investigator made a number of recommendations regarding disciplinary issues that came to his attention during the course of his enquiries, including:
- Unlawful arrest.
  - Failure to provide adequate after-care for and to adequately report the use of OC spray.
  - Failure to record a strip-search.
  - Failure to comply with the full disclosure requirement in relation to court evidence.
  - Failure by Sergeant A to adequately supervise the arrests, charging, OC spray issues, disclosure of evidence and preparation of briefs and evidence.
  - Two OST officers acting in a manner unbecoming a police officer.
  - The way in which the prosecution was handled.
  - An administrative recommendation about securing videotapes.

## **The 'red man' incident**

- 10.28 A 15 year old boy travelled by train into Perth, walked onto Wellington Street from the railway station and crossed towards Forrest Chase "against the red man".
- 10.29 OST officers called out to the boy and grabbed him. He struggled and pushed one of the officers, was arrested, handcuffed and taken to the City Police Post.
- 10.30 When the officers arrived at the Police Station, they explained the circumstances of the arrest of the boy. However, it would seem that the question of whether it was actually necessary for them to have arrested the boy in the first place was not addressed.

- 10.31 The boy was subsequently released from custody and summoned to appear in the Perth Childrens Court on charges of Assault Public Officer and Resist Arrest.
- 10.32 Both matters were dismissed as the Magistrate was not satisfied that the boy assaulted a police officer then acting in the execution of his duty. Costs were awarded against police in the sum of \$400.
- 10.33 Without commenting on the legal issue of whether the arrest of the boy was lawful, the police internal investigator concluded on the evidence that the boy did push one of the officers and that he violently resisted both officers.
- 10.34 However, the police internal investigator commented that, although the complaint was not sustained, the prosecution of the charges failed as a result of the actions of the officers and their failure to comply with verbal judo and other training in passive police practices.

### **The ‘firearm’ incident**

- 10.35 Two officers from another workplace were attending to a domestic dispute involving a young woman who had driven away from an incident in a distressed state.
- 10.36 The officers pursued the woman in a police vehicle and the woman’s sister and her boyfriend prepared to follow in the boyfriend’s vehicle. As they got into their vehicle, an OST vehicle entered the street and another OST vehicle that was nearby blocked the man’s exit from the street.
- 10.37 It is alleged that the man drove off without turning on his car's lights and then did not stop at a stop sign. The first OST vehicle stopped and parked next to the man’s vehicle where the incident took place.
- 10.38 A police internal investigation concluded that an OST officer then pointed his service revolver directly at the man after directing him to stop the engine and get out of his car. At the time Sergeant A was securing the police vehicle.
- 10.39 The police internal investigation concluded that the officer used unnecessary force by pointing his service revolver at the man and failed to carry out certain of his duties pursuant to the *Road Traffic Act*. Further, the internal investigator concluded that he was not properly supervised and that the officers involved were not deployed in accordance with tactical requirements. The internal investigator recommended that the officers involved be charged under the *Police Force Regulations*.

### **Conclusion**

- 10.40 In our view, it is not unreasonable to conclude that there was a lack of proper supervision of OST in relation to all of these matters. In most cases, Sergeant A was present and failed to exercise control over his officers. In other cases, while not present when a particular incident occurred, he had the opportunity to rectify mistakes made by his subordinate officers, but apparently failed to recognise that mistakes had been made.
- 10.41 This is particularly apparent in evidentiary weaknesses relating to problems associated with court briefs that should have been identified well before the matters proceeded to court. Although OST only ran for three months, of the charges preferred in relation to the six incidents described here, seven were withdrawn, six were dismissed and in excess of \$20,000 was awarded against police.

## **INTELLIGENCE**

- 11.1 The majority of police officers interviewed believed OST to be an intelligence-driven operation.
- 11.2 The term “intelligence-driven operation” is open to a wide variety of meanings. Indeed, it seems to us that almost every person who used the term in our interviews interpreted it differently. However, as we understand it, an intelligence-driven operation is one that relies on systematically gathering information from various sources about an identified problem, assessing the reliability of that information, and then using the information to formulate policing strategies.

### **Operational Orders**

- 11.3 Policing strategies are usually found in Operational Orders. The benefits to a taskforce of a comprehensive set of Operational Orders are obvious. All members are left in no doubt about their individual roles and responsibilities and how they are expected to meet the operation’s objectives. That shared understanding between the members and those tasked with the responsibility for establishing and managing the taskforce is fundamental to its success.
- 11.4 When Operational Orders are fashioned from a foundation of good intelligence the members of any taskforce benefit from the understanding that their position in the taskforce - and the responsibilities that accompany that position - is part of a well-considered, deliberate and meaningful strategy.

## **Operation Carrier operational orders**

- 11.5 An example of an intelligence-driven operation was Operation Carrier. Operation Carrier occurred on the Joondalup Railway Line about the same time as OST was operating from the Perth Railway Station.

### **Objectives**

- 11.6 Although the objectives of the two Operations were not the same, they were both concerned with targeting offenders and patrolling “hot spots” at and around train stations in the metropolitan area. They both worked on and off trains and had access to a vehicle.
- 11.7 The Operational Orders for Operation Carrier revealed that people of interest were identified by Warwick and Joondalup detectives and by the Warwick and Joondalup DISC (or District Intelligence Unit) Offices. These people were suspected of having been involved in stolen motor vehicle offences. Their names and associated “hot spots” were annexed to the Orders.
- 11.8 The Orders described how the Operation was to be executed. All officers were directed to complete Daily Running Sheets in addition to which Face Sheets for processed offenders were forwarded to the relevant DISC office for statistical collation. The Orders also required that information about the “hot spots” be supplied on a daily basis to all members of Operation Carrier and police stations throughout the Joondalup District.

### **Outcomes**

- 11.9 Operation Carrier resulted in stolen motor vehicle theft in the District reducing by 57% and burglaries by 34%. There was a concurrent 25% decrease in crime. By the conclusion of the Operation, 188 offenders had been processed and 99 of those arrests resulted from arrests at targeted “hot spots” and railway stations or railway station car parks.
- 11.10 There were no complaints registered about the actions of the taskforce of which either the management of the Police Service or we are aware.

## **Operation Safe Trains Operational Orders**

- 11.11 The Operational Orders for Operation Safe Trains imparted no instruction or operational procedure for members of OST to follow.

### **Objectives**

- 11.12 The objectives of OST - to deal with criminal and anti-social offenders on the urban rail system and WAGR property and provide support for WAGR security through mentoring and on the job training - could be gleaned from the Operational Orders.

However, the Orders imparted no direction or operational strategy for members of OST to follow in pursuing that end.

11.13 It is also significant that, in any event, the majority of the taskforce said they were unaware that they were even a part of OST. By extension, therefore, irrespective of the merits or imperfections of the Orders, the officers could not possibly have allied themselves or their duties to them in any significant way.

11.14 In terms of operational intelligence we were told OST officers acted on informal personal observation, information from shopkeepers at the Perth Railway Station concourse and shared information from WAGR. It was not common practice to contact DISC offices. We were told that the police Offence Report System was checked on only one occasion. Appendix "F" highlights a cross-section of the responses received from the police officers interviewed about the intelligence-gathering aspect of OST.

## **Conclusion**

11.15 Although it purported to be one, OST was not an intelligence-driven operation that systematically gathered information from various sources about identified problems and then meaningfully assessed the reliability of that information to formulate policing strategies. Rather, it was an operation based on anecdotal information, unconfirmed reports from shopkeepers and shared information from WAGR.

## **DID OST MEET ITS OBJECTIVES?**

12.1 Insofar as it relates to dealing with anti-social and criminal behaviour on trains, the answer to whether OST met its objectives depends on who you speak to or what faith you are prepared to place on the statistics OST reported. Given the nature of OST's statistics, there is no reliable way of measuring whether or not OST successfully reduced crime and anti-social behaviour on trains, nor was any reliable way of measuring this objective ever undertaken.

12.2 Insofar as whether OST mentoring SPCs, the answer to whether OST met its objectives must be "no", for all the reasons considered in section four and Appendix "D", since:

- There was little or no formal training provided for SPCs by WAPS.
- WAPS officers attached to the taskforce were largely unaware of the mentoring and training objective.
- Most of the WAPS officers were relatively inexperienced and not qualified to teach others.



- 12.3 Appendix “G” reveals a cross-section of views advanced about the overall success of the operation. The data gathered in our investigation demonstrated that opinion about the success or otherwise of OST is widely varied.

## **Conclusion**

- 12.4 In terms of meeting its objectives OST failed, in overview, because:
- There was no reliable way of measuring whether or not OST successfully reduced crime and anti-social behaviour on trains.
  - There was no serious effort to meet its mentoring objective.

## **SUMMARY OF CONCLUSIONS**

- 13.1 The conclusions reached in this report are:
1. OST's mentoring objective was effectively lost before the operation commenced. Lack of action on this objective was not reported to the relevant Ministers.
  2. OST operated in what amounted to an audit vacuum. A system of trust was used instead of an effective system of accountability. Accountability records were either non-existent or seriously deficient. Aside from the absolute basics about the operation it is not possible to ascertain what OST did on a day-to-day basis.
  3. OST was not subjected to BAMR audits. This contributed to the audit vacuum in which OST operated. Had BAMR audits occurred, problems that later surfaced in relation to the operation might have been avoided.
  4. At no stage did the relevant managers of OST institute a BAMR audit, despite:
    - Identified Regional level concerns about accountability in the Perth District.
    - The change of control from the District to the Region when OST commenced because of those identified concerns.
    - Instructions issued to District Inspectors to overcome Regional level concerns.
  5. The accountability mechanism for OST constituted weekly reports and telephone conversations, a system of trust rather than maintaining and reviewing accountable records. In this respect, the day-to-day management of OST did not meet the accountability requirements prescribed by the COPS Manual.

6. Statistics maintained and reported by OST were effectively informed guesswork. Reported statistics were not collected in a uniform way and were, on the whole, incapable of being audited.
7. In our view, it is not unreasonable to conclude that there was a lack of proper supervision of OST in relation to the seven incidents covered in the report. In two cases, Sergeant A was present and failed to exercise control over his officers. In other cases, while not present when a particular incident occurred, he had the opportunity to rectify mistakes made by his subordinate officers, but apparently failed to recognise that mistakes had been made.
8. Supervisory failure is particularly apparent in evidentiary weaknesses relating to problems associated with court briefs that should have been identified well before the matters proceeded to court. Although OST only ran for three months, of the charges preferred in relation to the six incidents described in the report, seven were withdrawn, six were dismissed and in excess of \$20,000 was awarded against police.
9. Although it purported to be one, OST was not an intelligence-driven operation that systematically gathered information from various sources about identified problems and then meaningfully assessed the reliability of that information to formulate policing strategies. Rather, it was an operation based on anecdotal information, unconfirmed reports from shopkeepers and shared information from WAGR.
10. In terms of meeting its objectives OST failed, in overview, because:
  - There was no reliable way of measuring whether or not OST successfully reduced crime and anti-social behaviour on trains.
  - There was no serious effort to meet its mentoring objective.

## **OPINION**

- 14.1 **In the light of these conclusions I have formed the opinion that the management, supervision and control of OST insofar as the achievement of accountable policing outcomes is concerned was unreasonable, pursuant to section 25(1)(b) of the Act.**

## RECOMMENDATIONS

- 15.1 The Commissioner of Police provided comment to us about the following recommendations in his submission (see Appendix H) and during subsequent discussions, prior to the finalisation of the report. The Commissioner's input was valuable in demonstrating his commitment to overcoming the accountability problems identified in this report. We are encouraged by this commitment and by undertakings given to us that the recommendations will be implemented, either through existing or new initiatives.

### Recommendation One

- 15.2 It cannot be said that the deficiencies and inconsistencies in accountability mechanisms identified in OST can be extrapolated across WAPS. However, as a snapshot of police operations OST may highlight widespread problems. On that point it is significant that:
- OST managers claimed that accountability records were maintained differently from workplace to workplace.
  - The accountability system failed to identify that BAMR audits of OST had not been conducted.
  - OST managers did not appear to understand the difference between trust and accountability.
- 15.3 **I recommend that the Commissioner of Police review the BAMR system, focussing on:**
- **Standardisation of record keeping.**
  - **Auditability of records.**
  - **Identification of accountability risks and failures.**
- 15.4 **The review should proceed with advice and input from the Ombudsman and the Auditor General.**
- 15.5 In his response to the draft report the Commissioner observed that the problems we identified appear to have arisen because of inadequate supervision and control of OST and the absence of a BAMR audit being conducted. During subsequent discussions we were advised protocols within the BAMR systems would be modified to overcome this shortcoming.
- 15.6 We agree with the Commissioner's observations about management, supervision and the lack of a BAMR audit. We are also of the view the protocols proposed are a step in the right direction.

## **Recommendation Two**

- 15.7 It cannot be said that OST's problems demonstrate that widespread management problems in the Metropolitan Region exist. However, it does indicate that this might be the case.
- 15.8 **I recommend that the Commissioner of Police review the management and reporting structures that exist within the Metropolitan Region with a view to determining whether the management failings of OST were more a function of those structures or the individuals involved, or both.**
- 15.9 **At the conclusion of the review, I recommend that the Commissioner of Police take whatever action is necessary to rectify the problem.**
- 15.10 The Commissioner has agreed to this recommendation.

## **Recommendation Three**

- 15.11 OST is not the only example of statistical record keeping problems in the Police Service.
- 15.12 **I recommend that the Commissioner of Police review the compilation and reporting of statistics in WAPS. This review should focus on:**
- **The way in which statistics are currently compiled.**
  - **The extent to which statistics are used to guide operational and strategic decision-making.**
  - **The reliability of statistics currently used.**
- 15.13 **This review could be usefully incorporated into the review of the BAMR system.**
- 15.14 In his response to our draft report and during subsequent discussions the Commissioner identified work currently being carried out by the Management Audit Unit that would address this issue.

## **Recommendation Four**

- 15.15 On 22 March 2002, WAPS and WAGR publicly announced the formation of the Rail Transit Authority. As we understand it, the Authority will involve both WAPS and WAGR officers and will deal with train security, including criminal and anti-social behaviour. It is important, in our view, that OST's mistakes are not repeated by the Authority.
- 15.16 **I recommend that the Commissioner of Police and the Commissioner of Railways undertake a joint evaluation of the**

**management and communication structures for the Rail Transit Authority in the light of the OST experience. In particular, that evaluation should address the accountability mechanisms and statistical recording practices in place for the Authority. The outcome of that evaluation should be reported to the Minister for Police and the Minister for Transport.**

- 15.17 In his submission in response to our draft report and during subsequent discussions the Commissioner clarified that issues of management and communication between the two agencies have been addressed in a memorandum of understanding. Further, he confirmed that this report will be brought to the attention of the Superintendent in charge of the Authority to ensure that OST's mistakes are not repeated.

Deirdre O'Donnell  
**OMBUDSMAN**  
26 April 2002

## CHRONOLOGY OF INVESTIGATION

- 4 May 2001** Inspector K and Senior Sergeant D4 met with Mr Roger Watson, Assistant Ombudsman, and Ms Sharon Retzlaff, Senior Investigating officer, to discuss matters relating to Operation Safe Trains (“OST”). Videotape evidence was examined.
- 4 May 2001** The matters were discussed between the (then) Ombudsman, Mr Allen, Mr Watson and Ms Retzlaff. Subsequently, Mr Allen decided to commence a formal investigation into the management, supervision and control of OST.
- It was noted that since the officer in charge of OST was of the rank of Assistant Commissioner, it therefore seemed appropriate – depending on the view of the Commissioner of Police, Mr Matthews - for the primary investigation to be conducted by the Ombudsman.
- 4 May 2001** Mr Allen contacted Mr Matthews who indicated that he had no objection to the Ombudsman's Office commencing an investigation into aspects of the taskforce operation pursuant to the agreement between the agencies – that this Office will conduct primary investigations into matters involving officers of the rank of Assistant Commissioner or above - and Sections 16 and 19 of the *Parliamentary Commissioner Act 1971* (“the Act”).
- 7 May 2001** The Ombudsman wrote to Mr Matthews confirming the discussion of 4 May 2001.
- 31 May 2001** The Commissioners of Railways and Police and the Ministers for Police and Transport were advised, pursuant to Section 19(1) of the Act, of the decision to commence a formal investigation into the Management, Supervision and Control of OST.
- June** Police made a Senior Sergeant available to assist with obtaining and examining OST documents.
- June/July** OST documents were obtained from Perth District Office, Assistant Commissioner D and Western Australian Government Railways Commission (“WAGR”).
- 25 July 2001** Police Union of Workers advised that members would not attend interviews voluntarily.
- 26 July 2001 -  
19 December 2001** Summonses were served on the relevant officers. 26 interviews were conducted with WAGR and WAPS staff and officers. Evidence was examined and a draft report prepared.
- 20 December 2001** In accordance with Section 25(7) of the Act copies of the relevant extracts of the draft report were forwarded to all people about whom comments in the report were made that might be considered adverse or defamatory. Extracts were also sent to people who were able to comment on the accuracy of the report.
- In accordance with Section 19(4) of the Act, a copy of the draft report was forwarded to the Commissioner of Police and the Acting Commissioner of Railways.
- A copy of the draft report was forwarded to Inspector K who, in his capacity as police internal investigator, was responsible for investigations conducted into the incidents initially complained about. This was to ensure that our understanding of the facts in relation to those matters was accurate.

- 5 March –  
12 March 2002** Submissions received from Mr Matthews, Assistant Commissioner D, Superintendent E and Inspectors H and K. Sergeant A provided an oral submission on 5 March 2002.
- 15 March 2002** Sergeant A's legal counsel was forwarded a copy of the tape and transcript of interview for the purpose of making any amendments, with a request for comments by 21 March 2002. No response was received.

## Timeline – the background to Operation Safe Trains.

Key persons referred to:

<b>M</b> –	(then) Acting Director Transperth
<b>E</b> -	Perth District Superintendent
<b>Z</b> –	Manager Security, WAGR
<b>Y</b> –	(then) Acting General Manager, Western Urban Transport
<b>N</b> -	Contract Administration Manager, Transperth, Department of Transport (secretariat)
<b>STT (Rail) SC</b> –	Safer Transport Taskforce (Rail) Steering Committee
<b>S</b> –	(then) General Manager, WAGR Urban Transport
<b>D</b> –	Assistant Commissioner of Police
<b>T</b> –	(then) Acting Manager Security, WAGR
<b>W</b> –	(then) Executive Director, Metropolitan Division – Department of Transport
<b>B2</b> -	(then) Acting Commissioner for Railways

<b>Event</b>	<b>Date</b>	<b>Detail</b>
Letter W to D re: recent meeting.	<b>16 July 1999</b>	Agreement to form Public Transport Crime Prevention Taskforce Steering Committee to coordinate efforts to improve policy and operational matters relating to crime prevention and public transport.
Inaugural meeting of Public Transport Crime Prevention Taskforce Steering Committee comprising senior members of the Department of Transport, Transperth, WAGR, South West Rail and the Police Service.	<b>12 August 1999</b>	The need for a plan to enhance security on public transport confirmed.
Safer Transport Taskforce Workshop and Reactions Document.	<b>9 September 1999</b>	1. Multi-agency approach to the implementation, administration and coordination of safer transport strategies identified as beneficial. 2. Recommendation that Ministerial endorsement be sought for creation of high level select working party.
Letter Executive Director – Outcare to Commissioner of Police.	<b>21 September 1999</b>	Regarding recent burglaries and request for additional patrols.
Meeting with Northbridge business proprietors and President of the Northbridge Business and Community Association.	<b>21 October 1999</b>	Concerns expressed about problems in and around their business premises. Action taken by E to rectify – complaints reduced as a result.
Various letters from business proprietors/ managers in the Perth and Northbridge areas following a meeting with D on 10 November at Council House, Perth.	<b>10 &amp; 11 November 1999</b>	Regarding criminal and anti-social behaviour in and around their premises and at the Perth Railway Station.



<b>Event</b>	<b>Date</b>	<b>Detail</b>
Memo D to E.	<b>10 November 1999</b>	Inadequate policing and need for safety issues to be brought under control.
Letter from President of the Northbridge Business and Community Association to the Commissioner of Police.	<b>28 November 1999</b>	Raised criminal and public disorder offences in Northbridge and the lack of police resources in the area.
Memo E to D.	<b>10 December 1999</b>	Detailing meeting of 21 October 1999 (see above).
Article – <i>The West Australian</i> Alston Cartoon.	<b>13 December 1999</b>	“Attack sparks blitz at rail trouble spots”.
Email Editorial Manager, WA News to D.	<b>15 December 1999</b>	Regarding safety on trains. Links train safety to Christmas road safety campaign. “...people who are drinking should be encouraged to take a train. But they must feel safe...”.
Acknowledgment letter D to Editorial Manager.	<b>29 December 1999</b>	Answering email and undertaking that concerns will be addressed.
Letter T to D.	<b>4 February 2000</b>	Regarding anti-social behaviour at Joondalup railway station: 1. Escalation in crime – particularly assaults on SPCs 2. General increase in anti-social behaviour 3. Police to provide assistance on a random basis for a short period.
Meeting D, W and Y.	<b>15 February 2000</b>	Joint taskforce to be created to deal with anti-social behaviour on public transport – particularly WAGR and trains.
Letter business proprietor to D.	<b>23 February 2000</b>	Thank you letter regarding actions of taskforce in Northbridge precinct in controlling compromising behaviour.
Meeting STTSC – W, Y, N, D, S.	<b>1 March 2000</b>	1. Discussion of growing public concerns (perception) about safety revealed in recent survey 2. WAGR said police need to play bigger role.
STT (Rail) SC Focus Groups survey.	<b>1 March 2000</b>	1. Most participants said they felt “mostly safe” although unsafe at certain times. 2. Nighttime travel least safe. “It’s quite safe during the day”.
Interview - 6PR Morning Show.	<b>7 March 2000</b>	Regarding problems in Northbridge. Praise for D who “admits” there is a problem.
Meeting STT (Rail) SC – W, Y, M, N, D, J, S, T.	<b>24 March 2000</b>	Joint strategy to be “genuine fix” or media will not be interested and strategy needs to be communicated by media.

<b>Event</b>	<b>Date</b>	<b>Detail</b>
Letters to the Editor – <i>The West Australian</i> .	<b>1 April 2000</b>	“Our Ride of Fear” “Daytime Violence”.
Editorial – <i>The West Australian</i> .	<b>7 April 2000</b>	“Fear on the Streets as Perth Grows”.
Memo D to E	<b>13 July 2000</b>	Four phases outlined to “clean up” Northbridge area. A joint portfolio approach. Phase four being in relation to public transport and the Perth Concourse Area in conjunction with WAGR and the Department of Transport under Sergeant A.
Meeting called by Minister for Police in response to public outcry regarding safety on trains. In attendance – Minister for Police, Minister for Transport, W and D.	<b>31 July 2000</b>	Agreed that Sergeant A and his team from the Metropolitan Taskforce would provide training for and support to the SPCs on trains to enhance their approach to policing, safety and security on trains. The Operation would commence immediately under the control of Inspector J from the Metropolitan Police Region.
STT (Rail) SC Meeting.	<b>1 August 2000</b>	Joint operational plan to be formally launched 4 September 2000.
Business Case Submission – Operation Nightsafe.	<b>4 August 2000</b>	Operation to run for 3 months from 11 August 2000 targeting unlawful and anti-social behaviour in the Northbridge precinct (including the Railway Concourse and all platforms within the Perth Central Railway Station) under the direction of Sergeant C.
Various memos and correspondence between the relevant commissioned police officers and WAGR management.	<b>August 2000</b>	Development and implementation of taskforce under the operational leadership of Inspector J.
OST begins.	<b>11 August 2000</b>	
Operation Safe Trains Orders.	<b>14 August 2000</b>	To build the capacity with WAGR Security to deal with criminal and anti-social offenders on the urban rail system and WAGR property.
STT (Rail) SC Meeting.	<b>22 August 2000</b>	Transperth advise preference for 25 police officers to properly assist with security. Police advise of problems with that number.

<b>Event</b>	<b>Date</b>	<b>Detail</b>
Letter, draft security initiative and funding document – Minister for Police to Minister for Transport and Cabinet Summary and Decision Sheets.	<b>24, 28 and 29 August 2000</b>	1. Confirming mentoring role, partnership arrangement with WAGR and security strategy for 3 month trial period. 2. Outlining financial implications and costing. 3. Terms of 4 options and endorsement of Option 1.
STT (Rail) SC Meeting.	<b>21 September 2000</b>	Security strategy discussed.
Letter BI to W.	<b>3 November 2000</b>	Expressing “disappointment” that STT(Rail) SC Meetings used by WAPS to “denigrate” WAGR.
OST ends.	<b>11 November 2000</b>	
Articles in <i>The West Australian</i> .	<b>13 November 2000</b>	“Train Security off Rails: passengers” “The Dread of Night” “A ticket to ride puts pressure on passengers” “Train Ride on the Wild Side”.

**OST Objectives -**  
**A summary of the accounts of WAGR and WAPS management, WAPS and SPCs illustrating their diverse understanding of OST objectives.**

	<b>Objectives</b>	<b>Shared Understanding of objectives and roles?</b>	<b>Lead Authority – was WAPS or WAGR required to take the lead role in the partnership?</b>
WAGR Management	<ul style="list-style-type: none"> <li>• Deal with security issues and the public perception of safety on trains.</li> <li>• Training and mentoring of WAGR staff.</li> <li>• More officers on trains and platforms.</li> </ul>	<ul style="list-style-type: none"> <li>• Supported police view of need to be “tougher”.</li> <li>• Primary objective is policing with some mentoring</li> <li>• Team rather than group Operation</li> <li>• One-on-one partnership between SPCs and WAPS officers</li> <li>• Mentoring to be two way street between agencies</li> </ul>	<ul style="list-style-type: none"> <li>• Difficult to work in partnership with police as they are critical of WAGR and find it hard to share power and control</li> <li>• police to be responsible for mentoring</li> <li>• police best placed for policing</li> <li>• police to supervise but it worked out that they took over from SPCs</li> </ul>
Police Management	<ul style="list-style-type: none"> <li>• To deal with anti-social behaviour on the railway platforms and trains.</li> <li>• To address public outcry about safety</li> <li>• Joint enterprise – certain amount of mentoring of SPCs</li> <li>• To assist WAGR to tidy up trains and assist them to develop strategies to deal with problems.</li> <li>• Conduct skills audit between agencies</li> </ul>	<ul style="list-style-type: none"> <li>• WAGR to develop strategies but some managers not prepared to concede they have a safety problem.</li> <li>• Shared understanding should be gained through Operational Orders.</li> <li>• Would have strong concern about officers being seconded to OST without knowing exactly what was required of them.</li> <li>• Lack of communication between WAGR and WAPS as to objectives</li> <li>• To provide assistance, intelligence and any help requested by WAGR, which was not dealing adequately with problems on trains</li> <li>• WAGR agreed to group work rather than SPCs and WAPS working in pairs. If they are now claiming pairs are a better strategy then they are not telling it how it was agreed.</li> </ul>	<ul style="list-style-type: none"> <li>• WAGR to take lead role – police in support role</li> <li>• WAPS and SPCs had similar but different roles. WAPS worked mainly by themselves.</li> </ul>

	<b>Objectives</b>	<b>Shared Understanding of objectives and roles?</b>	<b>Lead Authority – was WAPS or WAGR required to take the lead role in the partnership?</b>
Police Management (cont.)		<ul style="list-style-type: none"> <li>• WAGR to retain responsibility for anti-social and criminal behaviour.</li> <li>• WAPS to assist with briefs and evidence – supporting role to upskill and mentor.</li> </ul>	
Sergeant A	<ul style="list-style-type: none"> <li>• Core function to address anti-social behaviour but change from MTF to OST was to support WAGR and enhance their abilities.</li> <li>• Objectives of MTF and OST the same</li> <li>• Break down barriers with WAGR</li> <li>• Formation of group that could cross boundaries to deal with offenders</li> </ul>	<ul style="list-style-type: none"> <li>• Partnership with WAGR to share data</li> <li>• MTF and OST the same but OST had 4 SPCs attached to it</li> <li>• To assist SPCs</li> <li>• To train each other</li> </ul>	<ul style="list-style-type: none"> <li>• WAPS was the lead authority although WAGR officers took the lead in relation to safety issues as they knew more about trains.</li> <li>• SPCs remained WAGR's responsibility.</li> </ul>
WAPS officers	<ul style="list-style-type: none"> <li>• Co-operation with WAGR SPCs to deal with anti-social behaviour on trains and in Perth District</li> <li>• Improving relationships between agencies</li> <li>• Responding to media reports of anti-social behaviour and crime on trains</li> <li>• Ensure safe passage of railway patrons</li> </ul>	<ul style="list-style-type: none"> <li>• To settle hostility between agencies</li> <li>• To assist one another</li> </ul>	<ul style="list-style-type: none"> <li>• Worked together, no lead agency</li> <li>• WAPS officers used their additional powers</li> <li>• Police would take lead role</li> <li>• SPCs expected WAPS to take lead and stood back</li> <li>• Animosity from SPCs as WAPS on their property</li> <li>• Would only “buy in” if SPCs needed assistance</li> <li>• If Railway By Laws being infringed then SPCs took lead, WAPS took lead if criminal matter</li> <li>• The most senior SPC fell below the most junior WAPS officer and WAPS would take lead when required.</li> </ul>
SPCs	<ul style="list-style-type: none"> <li>• To cut disorderly conduct and anti-social behaviour on trains</li> <li>• Joint operation to work in conjunction with police and gain knowledge from one another</li> <li>• Trying to cut down on gangs</li> </ul>	<ul style="list-style-type: none"> <li>• Both agencies operating under two different masters with different expectations</li> <li>• Police not required on trains as the SPCs already had reduced the crime rate</li> <li>• SPCs unsure of WAGR management's expectations as their role was constantly changed</li> </ul>	<ul style="list-style-type: none"> <li>• SPCs had more experience than WAPS officers</li> <li>• Both did the same job basically</li> <li>• SPCs seen as “tag-ons” by WAPS</li> <li>• Told that police were “superior” officers and to take instructions from them if necessary</li> <li>• WAPS officers butted in and took over</li> <li>• Settling in period of “us and them”</li> </ul>

**Training and Mentoring -  
The accounts of WAGR and WAPS management and taskforce officers as to how OST ran and whether it was successful in terms of its mentoring and training objective.**

<p>WAGR Management</p>	<ul style="list-style-type: none"> <li>• Police not keen to mentor private operators – “hung up” about who they were dealing with</li> <li>• Police operated autonomously</li> <li>• Imbalance in terms of firmness of policing – police more confrontational, less inclined to conciliate – harder style of policing</li> <li>• It was expected that SPCs would benefit from mentoring</li> <li>• The way the taskforce operated was not what was wanted by WAGR who wanted to infringe rather than arrest offenders</li> <li>• SPCs uncomfortable with mentoring</li> <li>• Taskforce needed greater level of supervision</li> <li>• WAGR envisaged partnering – one-on-one with WAPS officers</li> <li>• Mentoring was to be two way street between the agencies</li> <li>• Initially there was no mentoring, that came later</li> <li>• SPCs just treated like second class citizens by WAPS officers</li> <li>• The idea was that SPCs would pick up police skills</li> </ul>
<p>Police Management</p>	<ul style="list-style-type: none"> <li>• SPCs were to receive 2-3 days training from Sergeant A</li> <li>• Sergeant A to train, develop and enhance SPCs’ skills</li> <li>• Mentoring was too much responsibility for Sergeant A and junior officers</li> <li>• Police had inadequate “trainers” skills</li> <li>• Sergeant A overwhelmed by SPCs’ lack of knowledge</li> <li>• Police to be in support role</li> <li>• Purpose was transfer of skills between agencies</li> <li>• Young police officers do not know how to deal with “hot” situations</li> <li>• SPCs had lack of purpose and direction</li> <li>• OST was mentoring and operational group</li> <li>• WAGR and Police are two different cultures, one is security and customer based, the other is a policing culture</li> <li>• WAPS officers too inexperienced to mentor, needed mentoring themselves</li> <li>• Mentoring not successful as there was a “them” and “us” attitude prevailing</li> <li>• Sergeant A mentored his troops well</li> <li>• Conflict with WAGR regarding level of policing and SPCs’ lack of training</li> <li>• WAGR officers did not have good attitude</li> </ul>
<p>Sergeant A and Supervisors</p>	<ul style="list-style-type: none"> <li>• Some WAPS were probationers and needed mentoring themselves</li> <li>• SPCs’ skills level not as expected</li> <li>• Requested more experienced officers</li> <li>• Provided no field training for SPCs – conducted video interview training</li> <li>• WAGR organisationally failed mentoring approach – SPCs very committed</li> <li>• Supervised WAGR officers</li> </ul>

WAPS Officers	<ul style="list-style-type: none"> <li>• No mentoring – was always on with a junior police officer</li> <li>• Mentored probationers a couple of times</li> <li>• No awareness of mentoring requirement</li> <li>• Mentoring of SPCs was in relation to paperwork only</li> <li>• Often only 1/C constables supervising – learned how not to do things</li> <li>• No mentoring – it was a two way street – learned a lot from SPCs</li> <li>• No mentoring – mutual learning experience</li> <li>• No mentor plan as such</li> <li>• Heard from SPCs that mentoring was successful</li> </ul>
SPCs	<ul style="list-style-type: none"> <li>• No mentoring role</li> <li>• SPCs had more experience than WAPS officers</li> <li>• Mentoring in relation to brief preparation only</li> <li>• SPCs and Police had different roles</li> <li>• SPCs refused to ride trains with heavy handed OST Taskforce</li> <li>• No mentoring of SPCs.</li> <li>• WAPS were mentored by SPCs</li> <li>• Senior WAPS officers mentored police probationers</li> <li>• Mentoring only in relation to administrative procedures</li> </ul>

**Accountable Record Keeping -  
A summary of the accounts of WAGR and WAPS  
management, WAPS supervisors, WAPS officers and SPCs  
illustrating their understanding of the nature of accountable  
record keeping**

<p>WAPS management</p>	<ul style="list-style-type: none"> <li>• Can't expect a travelling taskforce to be accountable but expect reasonable balance such as accurate records in notebooks</li> <li>• Weekly information [on Taskforce] sent to Assistant Commissioner D should not be sufficient for Inspector or Superintendent</li> <li>• First line of accountability is Sergeant A but the buck stops with the Inspectors</li> <li>• Would expect to be able to make connection between statistics and Occurrence Books</li> <li>• Can't audit properly without accountable records</li> <li>• Need audit trail for any given day</li> <li>• Need to record jobs in Occurrence Books or Action Reports</li> <li>• Occurrence Books to register day-to-day duties of police officers if no other written records</li> <li>• Expect accountable documents to be initialled as having been checked</li> <li>• Expect comments to be registered in Occurrence Books if summons not proceeded with</li> <li>• Occurrence Books are generally checked and signed by Inspectors at the end of each page</li> <li>• OST Occurrence Books were not as detailed as they should have been but there was a lot of trust in Sergeant A and he provided comprehensive weekly reports</li> <li>• Because of nature of the tasks, wouldn't expect detailed entries in the Occurrence Books</li> <li>• Extremely important that drug books are subject to BAMR checks</li> <li>• Would be concerned if accountable records were not checked for 3-4 months</li> <li>• Occurrence Books lack detail</li> <li>• Would expect to see in Occurrence Books where OST was on any given night</li> <li>• OST was accountable in that they were seen by people at places</li> <li>• Expect them to be auditable</li> <li>• Expect notes in notebooks, most pages of Occurrence Books to be signed as some indication they were checked</li> <li>• Would expect to be able to reconcile records</li> <li>• Action Reports too large to use on trains</li> </ul>
<p>Sergeant A and Supervisors</p>	<ul style="list-style-type: none"> <li>• Technology used to record</li> <li>• Didn't sign Occurrence Books but checked them regularly</li> <li>• First concern was risk assessment, all else secondary</li> <li>• No Action Reports as beats don't carry AR's</li> <li>• Can't carry tape recorder</li> <li>• Occurrence Books used in the same way across the board</li> <li>• Administrative work fitted in at the end of a shift</li> <li>• No responsibility to keep complete records</li> <li>• The Occurrence Book just recorded people in custody</li> <li>• Sergeant A used to check Occurrence Book entries meticulously</li> <li>• Unable to recall Occurrence Books being checked by Inspectors</li> </ul>



WAPS officers	<ul style="list-style-type: none"> <li>• The records were checked by Sergeant A</li> <li>• All contacts brought into office were put into Occurrence Books as was anything out of the ordinary</li> <li>• Every station operates differently in relation to accountable records</li> <li>• Occurrence Book should provide a log of day-to-day runnings</li> <li>• Police Stations different [in respect of accountable records] than OST</li> </ul>
SPCs	<ul style="list-style-type: none"> <li>• We use Action Reports when not with OST</li> <li>• When not with OST we use an Incident Book with more narrative than the Occurrence Books used for OST</li> </ul>

**Intelligence Gathering -**  
**This table provides a cross-section of the responses received**  
**from WAPS management, WAPS officers and SPCs**  
**interviewed about the intelligence gathering aspect of OST**

Police management	<ul style="list-style-type: none"> <li>• You can't get intel from talking to shopkeepers</li> <li>• You can't just pick an area – reports are needed</li> <li>• Any information needs to be authenticated</li> <li>• Officers need to be put where they can meet people's needs – driven by intelligence</li> <li>• OST was not technical intelligence but through visual observations</li> <li>• Informal intel was best for OST as it was a small group</li> <li>• OST's approach – speaking with shopkeepers and businesses – was adequate and the ends justified the means</li> <li>• Sergeant A was building his own intelligence</li> </ul>
Sergeant A	<ul style="list-style-type: none"> <li>• Asked community and businesses what they wanted</li> <li>• Intelligence gleaned from WAGR staff</li> <li>• Collated intelligence at meetings with staff</li> <li>• Looked up Offence Report system once</li> </ul>
WAPS officers	<ul style="list-style-type: none"> <li>• Definitely intelligence led</li> <li>• Specific areas targeted</li> <li>• Only intelligence received was in relation to Cannington Train Station</li> <li>• Had no input into intel and don't know where it came from</li> <li>• It's not hard to figure where the trouble spots are</li> <li>• No strategy, a fluid arrangement</li> <li>• Intel was the information received by OST</li> <li>• Informal intelligence from the night before – word of mouth</li> <li>• We advised Sergeant A of the problem areas</li> <li>• Needed sharing of information and intelligence with WAGR</li> <li>• Information came from DISC's and WAGR</li> <li>• OST would get phone calls</li> <li>• Intel from day-to-day personal observations</li> </ul>
SPCs	<ul style="list-style-type: none"> <li>• Problem areas targeted from experience</li> <li>• Would be advised of recent intel at muster</li> </ul>

**Success of OST -**  
**This table illustrates the cross-section of responses received**  
**from WAPS management, WAPS officers and SPCs we**  
**interviewed about the success of OST**

Police management	<ul style="list-style-type: none"> <li>• MTF regained control of City Centre and Railway Concourse</li> <li>• People now feeling safer on trains</li> <li>• Enormously successful reducing crime and anti-social behaviour</li> <li>• Northbridge cleanup already successful prior to OST – surprised that OST was started</li> <li>• Problems in Northbridge increased after Sergeant A went to OST</li> <li>• Almost immediately things at Central Railway Station improved</li> <li>• Public happy with police on trains as there was a perception that WAGR guards weren't doing anything</li> </ul>
WAGR management	<ul style="list-style-type: none"> <li>• No difference on trains, it was perception only</li> <li>• Other initiatives running at the same time as OST – improved SPCs</li> <li>• OST possibly cleared up some of the problems but there is no real measurement</li> <li>• Good scope to continue joint initiative but more cooperation required</li> <li>• SPCs felt that the system didn't allow them to do a good job</li> <li>• Security still the most important issue for people</li> </ul>
Sergeant A	<ul style="list-style-type: none"> <li>• Dropped incident rate at Perth Railway Station</li> <li>• Now OST is not there it is a nightmare again</li> </ul>
WAPS officers	<ul style="list-style-type: none"> <li>• Good feedback from the public – previously a jungle</li> <li>• Very successful</li> <li>• Many drugs and pushers off trains</li> <li>• Vast improvement since OST</li> <li>• Drop in offences</li> <li>• Recidivists moved away</li> <li>• Public happy to have police on trains</li> <li>• Elderly people felt safer</li> <li>• Significant impact when there</li> </ul>
SPCs	<ul style="list-style-type: none"> <li>• OST made no difference to criminal activity</li> <li>• Same number of arrests</li> <li>• Improvements were already in place prior to OST</li> <li>• SPCs had already reduced crime</li> <li>• No problem before and no safer afterwards</li> <li>• Not as unsafe as media stated</li> <li>• Good idea to work together as police presence boosted public confidence</li> <li>• Can't see the need for police on trains</li> </ul>

## SUMMARY OF COMMISSIONER OF POLICE'S SUBMISSION

We have extracted key points from the Commissioner of Police's submission to provide an overview of his response to our draft report. On the following pages is the full text of the Commissioner's response. Our response to the Commissioner's comments is highlighted.

- The BAMR system was designed to enhance the capability of supervisors and managers to perform their respective roles.
- The BAMR system addresses the issues raised in the Ombudsman's report, providing it is properly employed.
- It is unfortunate and regrettable that the system was not adhered to in relation to Operation Safe Trains ("OST").
- Management failings in relation to functions and disciplinary action will be investigated and corrective action will be taken as appropriate.
- Auditability of records is the primary responsibility of local level management in the Police service.
- Variations in police practice throughout the Service will be examined.
- The Police Service is moving towards ensuring that all its statistics are accurate by way of a series of "rolling audits".
- A balanced and objective statement regarding prosecutions launched by OST members and the result of those charges should be made.
- Not all police operations can be based on intelligence. OST was one that could not be.
- It should not be stated that OST attracted an "unusually high" number of complaints without comparison to a similar operation.
- The Police Service is presently undertaking a project that will result in recommendations about better supervision within the Service.

*The Commissioner then responds to each of the recommendations made by us in detail.*

- The Commissioner's response is from an "organisational perspective" and does not purport to present the positions of individual officers.

## **SUBMISSION BY COMMISIONER OF POLICE**

...At the outset I wish to point-out that the Police Service is mindful of its position within the community in relation to safety and security matters and is committed to the need for it to operate in an environment of accountability and openness. It is important that such a statement of position precedes the comments below so there is no mis-understanding of the way in which the Police Service views itself.

I am bound to say I found your draft report disturbing although I have not had the opportunity to read the perspectives of those who set up and ran the Operation. It is apparent from your conclusions there has been a breakdown in communication lines between some officers. As you will appreciate, even with the best of intentions, human factors sometimes work against the achievement of objectives and goals. As it transpires, the Police Service is presently examining ways in which supervision can be enhanced and that review has already identified communication issues as one of the problems and put forward solutions which when implemented could resolve this issue.

Also apparent is the fact that in some areas line managers and supervisors were found to be wanting in the discharge of their overseeing practices. As correctly identified in the draft report, the BAMR system was designed to enhance the capability of supervisors and managers to perform their respective roles. To that end the BAMR Audit Test Program identifies some 50 separate areas of accountability risk for the agency. These areas are subject to annual review by MAU and modified to ensure that the Agency continues to meet changing needs and address high-risk areas. A recent area identified by the Service was the absence of RBT audit, which is now covered in the program. Accordingly, it is the Police Service's view that BAMR itself is sufficient to address the issues raised providing it is properly employed.

It is unfortunate and regrettable the system was not adhered to in relation to OST. In that regard I note that some officers of the Police Service have been implicated in failing to properly carry out managerial functions and disciplinary action has been commenced. Subject to this being carried forward to the final report, I intend to have this matter inquired into at appropriate levels within the Police Service and take remedial or developmental action as is appropriate. The Police Service's view on this issue is that in a devolved organisation such as the Police Service, auditability of records is the primary responsibility of local level management.

The BAMR Test Program stipulates minimum standards and is the guide for identifying those areas of greatest risk. This of course does not absolve local managers from their responsibility to also examine and audit other records that are specific to their individual operational circumstances.

Some mention has also been made of there being different practices employed at various locations and offices throughout the Police Service. This will need close examination to determine whether the variations are acceptable. The Police Service operate on identified minimum requirements for recording in the Accountable Forms Register (including Monetary Forms)<sup>5</sup>. There is provision for business units to utilise forms/items specific to their business area and is the basis for identifying

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<sup>5</sup> COPS Manual Instruction AD - 52.14.1 refers

those records requiring audit in the BAMR Test Program. This is subject to update or modification as circumstances change.

Similarly, it has been reported that the method of gathering statistical information was flawed. As you are aware the Police Service was recently confronted by a situation in relation to random breath testing statistics that was quickly resolved. Having said that, it might be helpful to know that the Police Service is moving towards ensuring that its statistics, at all levels of the organisation are accurate. To this end, results of a scoping exercise were approved for implementation early in February 2002. It is expected that, amongst other things, a series of rolling audits<sup>6</sup> will be conducted with a view to assessing compliance with legislative requirements and management policies and procedures. These will ensure the adequacy of standards, policies and procedures as far as the giving of clear instructions in relation to capture, compilation, processing and reporting of performance information. This will be enhanced by the establishment of audit trails.

It is difficult to come to a conclusion about the picture that appears to be portrayed in the second paragraph under the heading "8 Frontline supervision" ... The manner in which the paragraph presently reads is suggestive that Operation Safe Trains members were involved in many more questionable incidents than those mentioned in the report. If that is the intended position, the statement should be supported by empirical evidence in fairness to the Police Service, police officers generally and the community.

***In our view this paragraph provides fair commentary based on the information we reviewed. Unfortunately the lack of records kept by OST means that it is impossible to tell whether or not OST was involved in many more questionable incidents than those mentioned in the report. In our view any review of the evidence to hand would give rise to a reasonable suspicion about this issue. Also taking into consideration that some of the officers we interviewed alleged that OST employed excessively aggressive policing tactics, in the circumstances we do not believe that this paragraph overstates the position.***

In the last paragraph on page 26 of the draft report there is concern about the manner in which evidentiary problems associated with OST briefs are presented. The paragraph could be taken to be one-sided and a selective representation of facts. The Police Service's suggestion would be that as well as making comment in relation to the matters already mentioned, some comment ought also to be made as to the number of other prosecutions launched by OST members and the fate of the charges that were laid. In that way a balanced and objective statement of the facts is presented.

***We agree that there almost certainly would have been charges laid by members of the taskforce that resulted in successful prosecutions. The aim of this paragraph is to make the point that, had Sergeant A identified the evidentiary weaknesses apparent in a number of those matters, then the charges withdrawn and dismissed and the financial cost to the Police Service would not have been so great.***

Some issue must be taken with the representation that has been made about the diversity between OST and Operation Carrier. The target of OST was chiefly a

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<sup>6</sup> Using standards for the professional practice of internal auditing issued by the Institute of Internal Auditors

transient anti-social element across the metropolitan area. It is true that in some police operations it is possible to draw together intelligence upon which to base operations. This was not possible for OST and reliance had to be placed on other evidence. It is the nature of police work that at times functions have to be performed without the best available information. This is clearly recognised in the Target Patrol Guidelines published by the Police Service, a copy of which (minus the case studies) is enclosed; see particularly item TP-3.2.

***We accept that it is not always possible to draw together intelligence upon which to base police operations. Although the Commissioner argues that this was not possible in OST we note that the people who ran OST held it out as an operation that did so. In our view there were a number of risks associated with that.***

***OST held itself out to be intelligence-driven and then claimed to be successful. By extension, therefore, OST purported to make progress towards defined objectives. One of those objectives was to reduce anti-social and criminal behaviour. Without intelligence about the actual levels of this behaviour, before, during and after the operation, such claims of success have been based on personal experience and unverifiable statistics. Moreover, we note that even if those statistics were reliable they were not actually capable of measuring progress towards that objective. Such an approach is, at least, misleading.***

***Further, in our view, it seems likely that the lack of endeavour to gather bona fide intelligence and frame its policing activities accordingly meant the hazards associated with OST's lack of accountability were heightened. If it was intended to be an impromptu roving taskforce, then it should have been identified as one and appropriate accountability mechanisms put in place to deal with that role. We note that such accountability mechanisms are likely to be different to a bona fide intelligence-driven taskforce.***

The third dot point in the "Summary of conclusions" ... presents the position that OST attracted an unusually high number of complaints during its life. In using the term "unusually high" it is presumed this can be justified against some other operations of a similar nature and which can provide the basis for comparison. If that cannot be done, then the facts and the number of complaints that were attracted by a few officers as against the purported or real number of contacts with the public should be left to speak for themselves...

***In our view the argument that OST attracted a high number of complaints is well supported. We have amended the report to include statistics for the same period for the Perth District and OST to allow for comparisons to be made.***

In relation to the seventh dot point, first sub-dot point under "Summary of Conclusions" ... it is timely to repeat the advice that the Police Service is presently undertaking a project that will provide recommendations as to how better supervision can occur.

Throughout the report several members of the Police Service are named. The Police Service's view is that the naming of the officers is not helpful to achieve the objectives... that the draft report sets for itself, nor is the naming necessary in relation to the recommendations that are made. It is noted that in the report that dealt with the issue of RBT statistics, individual officers were not named. While this

is a matter for your Office, I see no useful purpose in identifying the officers involved.

*We agree. For the records it was never our intention to refer to any of the police officers by name in the final report. Our draft report used names so as to avoid any confusion. We have done our best to limit the possibility that individual officers will be able to be identified, even though they are not named. However, regrettably, that possibility cannot be completely eliminated.*

In relation to the draft recommendations, I provide the following comments.

*Our views about the Commissioner's response to the recommendations are dealt with in the body of the report.*

### **Recommendation 1**

The Police Service is of the view that Recommendation 1 [which proposes that there should be an independent review of the BAMR program] is not necessary and not justified on the basis of the information presented in the draft report. The failures identified in the draft report would appear to have arisen as the result of inadequate supervision and control of OST and the absence of a BAMR audit being conducted by those responsible locally for the operation. The failure was not due to any shortcomings in the BAMR program.

In 2001 the Office of the Auditor General (the "OAG") conducted a review of BAMR and found that the program operated satisfactorily. The OAG's findings indicated that:-

- the application of BAMR is across the majority of business areas within the police service;
- the Management Audit Unit's work program to review the implementation and application of BAMR is comprehensive;
- there is appropriate action and correction of issues arising from BAMR Inspection Program and the Management Audit Unit's BAMR Review Program;
- there is adequate and appropriate follow up action where business areas have been identified as not providing letters of compliance for the BAMR Inspection Program; and
- themes and trends arising from MAU random audits and BAMR audits conducted locally by designated inspecting officers are reported to high risk areas identified, to be carried out at business areas. The BAMR coordinator issues senior management and are also used to develop a "spot" audit program of instructions to all business areas when common issues are found in a number of audits

The OAG recommended that MAU continue to follow up compliance with the BAMR Inspection Program and continue to develop and implement agency wide strategic risk management that is integrated with strategic and business programs.

A follow up review of BAMR is to be undertaken by the OAG in consultation with MAU as part of its 2002/2003 program for the Agency.

### **Recommendation 2**



I agree.

### **Recommendation 3**

Recommendation 3 is, in my view not necessary, as I expect the work currently being undertaken by the Management Audit Unit in the area of statistical accuracy, will address this issue.

### **Recommendation 4**

In relation to Recommendation 4, as you are aware the Western Australian Government Railways Commission and the Western Australia Police Service have commenced a partnership in relation to safety and security measures on public railway systems; part of this was the formulation of the Police Transit Unit that will work closely with Westrail's Urban Passenger Division.

The issues of management and communication have been dealt with in a Memorandum of Understanding (the "MOU") signed by the Commissioner of Railways and the Commissioner of Police on 28th September 2001. A copy of the MOU which is enclosed for your information;-

- covers the areas of objectives;
- forms a steering committee and outlines its responsibilities;
- describes performance measures;
- describes the operations of the Police Transit Unit and WAGR Security.

Consequently, it is considered that Recommendation 4 has already been put into effect and an evaluation of this plan will determine its effectiveness. Notwithstanding, the failings that have been identified in the draft report will be brought to the attention of the police superintendent in charge of the Police Transit Unit with a view to ensuring they are not repeated.

I note you have afforded individual members of the Police Service the opportunity of responding to the draft report into the management, supervision and control of "Operation Safe Trains". I am not in receipt of copies of these responses and it would be inappropriate for the Police Service to "second-guess" what the members might say. Accordingly, this response does not seek to put forward the positions of individual members but rather responds to the report from an organisational perspective.

After you have considered all of the responses and completed a draft of your final report, I would appreciate the opportunity to provide further comment. This opportunity will enable me to examine the responses provided. In the alternative, you may see fit to recognise that the issues raised in the responses of these officers will be adequately addressed in my acceptance of your Recommendation 2...

## **SUMMARY OF ASSISTANT COMMISSIONER D'S SUBMISSION**

We have extracted key points from Assistant Commissioner D's submission to provide an overview of his response to our draft report. On the following pages is the full text of Assistant Commissioner D's response. Our response to the Assistant Commissioner's comments is highlighted.

The assistant Commissioner provided commentary in relation to:

- The purpose of the taskforce and how it was established.
- The management of Perth District and the role of the Assistant Commissioner in relation to the control of OST.
- The success of the taskforce and his view that it did achieve its objectives in relation to reducing crime and anti-social offences on the trains.
- His view that Where problems were identified with OST, they were addressed.

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## SUBMISSION OF ASSISTANT COMMISSIONER D

### ...INTRODUCTION.

On December 21, 2001, the Assistant Ombudsman, Mr Roger Watson forwarded his report and expressed opinions and comments on his findings in relation to the inquiry he conducted into 'Operation Safe Trains', a joint operation conducted and managed by Westrail and State Police from 18 January 2000 and completed on 5 January 2001.

*These comments are factually incorrect. Operation Safe Trains (“OST”) ran from 11 August 2000 to 11 November 2000. Mr Watson did not have carriage of the investigation nor did he compile the report. Mr Watson forwarded a draft report to Assistant Commissioner D that contained the preliminary opinions of the Ombudsman’s Office.*

Upon receipt of this report and review of issues raised, I have identified a number of inaccurate opinions and findings arrived at by Mr Watson in what he confirms on 21 December, 2001 as his 'substantially completed' enquiry. His report clearly reflects his Misunderstanding of the composition and rationale for the Joint Westrail and State Police 'Public Safer Transport (Rail) Taskforce' implemented in early 2000, the duration and continued involvement of State Police and Westrail personnel.

The report reflects an extremely narrow focus and understanding of the terms of reference of the ' Public Safer Transport (Rail) Taskforce' Committee which comprised of joint agency senior representatives. During initial meetings, the committee provided operation names for the particular joint staff activities. The first code name applied to the Police and Westrail Staff operations from 18 January 2000 from a policing perspective was 'The Metropolitan Taskforce'. When reporting relationships changed with the Police Unit from Central Metropolitan District management to the Regional Operations Co-ordinator, Metropolitan Regional Command, the safety on trains, managed by both Westrail and WAPS through the 'Public Safer Transport (Rail) Taskforce Committee', became known 'Operations Safe Trains' with the same committee and staffing and Joint policing roles continuing during 2000 and into 2001.

*This assertion is inconsistent with the evidence. Every document we reviewed and each person we interviewed told us that WAGR staff did not participate with the State police in any policing activities, except perhaps on an ad hoc basis from time to time, prior to the commencement of OST. OST involved State police and SPCs working together in a dedicated fashion, for the first time, under the management of police.*

Despite explicit evidence and exhibits continually provided to the contrary, the final report by Mr Watson certainly reflects a narrow perspective in relation to the time frame that he determined would be personally reviewed. This was only the period from August 2000 to December 2000. On the evidence previously provided and now confirmed during my investigations, Mr Watson certainly had a clear responsibility to consider and review the total duration of the joint agency operation, which actually commenced on 18 January 2000 and concluded on 5

January 2001 inclusive. He also failed to address the initial and critical areas of responsibilities of each agency (Westrail and WAPS) in relation to management and supervision of personnel from both agencies that actually occurred during the total twelvemonth period.

*Our report focused on Operation Safe Trains (“OST”) which ran between 11 August and 11 November 2000. This was the timeframe of our investigation for the reasons explained in our report under the heading "Why we are involved".*

*The complaints that gave rise to our investigation emanated from that period. OST was different to MTF. We advised the Commissioner of Police and Assistant Commissioner D that our investigation was limited to that period. Neither the Commissioner nor the Assistant Commissioner advised us of an expectation on their part that we should extend our investigation beyond that time frame.*

*Prior to the commencement of OST, police operated the Metropolitan Taskforce (“MTF”). However, while we acknowledge that the Public Safer Transport (Rail) Taskforce Committee meetings were attended by representatives from both agencies, the MTF did not actively engage WAGR Special Constables and it was not until a Safer Transport Taskforce (Rail) Steering Committee (“STT (Rail) SC”) meeting on 1 August (6 months after the commencement of the MTF) that it was resolved to formally launch a joint operational plan on 4 September 2000. Therefore, it seems to us that to describe what amounted to co-operation and collaboration between police, WAGR and the Department of Transport as a joint agency taskforce greatly overstates the position*

*Although it included the word "taskforce" in its title, the STT (Rail) SC amounted to no more than a committee that met to try and develop strategies to deal with public safety on trains. One of those strategies was to establish the MTF. Another was to establish OST. The distinction between MTF as a single agency taskforce and OST as a joint agency taskforce is important. Moreover, that distinction is well supported by evidence from interviews with WAPS and WAGR management, the Officer-in-Charge of MTF and OST and WAGR and WAPS officers and the Minutes of STT (Rail) SC meetings.*

*Notwithstanding, in any event, even if our description of what ought to be viewed as co-operation and collaboration and what ought to be described as a taskforce is wrong, that description does not alter the fact that our investigation was about the management, supervision and control of OST. Events leading up to the establishment of OST (which are covered in detail in this submission) are interesting and relevant insofar as they place OST in an historical context. That is why we refer to them in our report. In the final analysis, however, our investigation was about what happened during OST.*

The question as to appropriateness of findings out of his enquiry and the fact that Mr Watson has not commented upon critical evidence specifically provided to him and documented relevant aspects in his report of 21 December, 2001 fails to justify the opinions and findings he arrived at with demonstrated 'unbiased determinations' in respect to a number of issues.

This report information contained therein is provided to ensure that you are appropriately informed regarding the management and supervision and control of the joint agency operation named 'Metropolitan Taskforce' and then 'Operation Safe

Trains' undertaken in 2000 into 2001 and appropriately respond to the Assistant Ombudsman's report and comments therein.

***Our comments above apply.***

As a matter of process, a copy of this report outlining events and 'substantive evidence' in respect to the adverse comments documented by Mr Watson has been provided to my appointed legal advisor. This action has been undertaken to ensure an appropriate legal examination is undertaken of the recorded concerns in this report and to review what I consider are possible breaches of legislation I have identified in relation to the manner this enquiry was conducted by the Assistant Ombudsman in conjunction with other officers or personnel and to review the extent of facts and evidence disregarded in the final determinations and recommendations the Assistant Ombudsman has placed upon official record.

***We are unsure of the legislation to which Assistant Commissioner D refers. However, we are unaware of any breaches of the Parliamentary Commissioner Act 1971. We have not received any advice from Assistant Commissioner D's legal advisor about breaches of any legislation.***

The information and facts now provided in this report will clearly reflect that the Assistant Ombudsman has ignored important facets of the joint WAPS and Westrail public safety endeavours and the overall management, supervision and control of the operation and the clearly defined term of its existence throughout 2000.

***Our report is no more, and no less, than a snapshot of the way in which OST was managed, supervised and controlled. We do not suggest that the way in which OST was managed, supervised and controlled is indicative of a lack of endeavour or misguided endeavour to enhance public safety. It is a credit to the Assistant Commissioner that he was willing to tackle the problem of public safety on trains.***

This report sequentially outlines the involvement of State Police Officers, the specific concerns and the related issues addressed over a protracted time frame. It addresses individual and joint agency operations, ministerial involvement and in particular, management, supervision and control of policing of the Metropolitan Taskforce comprising State Police and joint operations with Westrail Guards during the specific period of operation from 18 January 2000 to 5 January 2001.

***For the sake of clarity, it would appear that Assistant Commissioner D is referring to his submission when he uses the word "report" in this paragraph.***

The format of this report and related information is outlined as follows;

1. Introduction:
2. Background on Policing - Perth CBD, Railway Concourse and Trains.
3. Safer Public Transport (Rail) Taskforce - Joint Agency Implementation.
4. Reporting and Management of Police Contingency.
5. Westrail and Police Safer Public Transport Taskforce - Specific
6. Management of the Police Unit by Central District management team.
7. Changes in reporting to Regional Operations Co-ordinator.
8. Incidents and Complaints - Westrail and Police Staff
9. Specific Complaints and Investigations - Police.
10. Overview of issues.
11. Reference Documents Numbered 1 - 33.

## **BACKGROUND INFORMATION ON POLICING - RAILWAY CONCOURSE AREAS AND TRAINS AND SAFER PUBLIC TRANSPORT (RAIL) JOINT AGENCY TASKFORCE.**

### **January 1999.**

Numerous public concerns were expressed with requests to review the Westrail passenger trains. The general public was expressing concerns that the rail system and trains were unsafe. Demands for review were ongoing and increased through public forums, political arena, business fraternity and various agencies.

### **January 1999.**

A personal review revealed that the Westrail areas and concourse area in the city centre were exposed to increased levels of anti-social behaviour, stealing, robbery and serious assaults. This included large groups of Aboriginals undertaking family feuding. This behaviour was also occurring at various metropolitan Westrail concourse areas and on various trains.

It was obvious to the community, commuters, Government and various forums that the Westrail Management and Security workforce were experiencing difficulty in maintaining an adequate level of public safety and security on trains and concourse areas within the Metropolitan Region. Evidence was forthcoming that this had been the case for three to four years. It was evidenced again from the extent of media articles, reported serious crime, anti social conduct and the extent of correspondence received via ministers constituents and the general public.

There was an emergence during early hours of Saturdays and Sundays of the situation where upwards of 200 Aboriginal and Caucasian youth and young children were congregating in the early hours of the morning in the vicinity of the central concourse area and on trains leaving Perth city centre.

Youths were responsible for serious offences and intimidating practices that had been ongoing for an extended timeframe. Personal observations from travelling on trains and ongoing evaluation by experienced senior police officers provided clear evidence of the following.

- Passengers were placing feet on seats, spitting, consuming food contrary to signs and throwing food or wrapping paper on the floor of carriages.
- Large groups of youth on trains intimidated passengers.
- Solvent abuse and inhalation from plastic bags and the consuming of alcohol was blatant and escalating in observed incidents and related anti social behaviour.
- Obscene language, anti-social behaviour and obvious intimidatory behaviour by groups of youth (male and female) created a tense and hostile environment for elderly, female and young passengers utilizing the public transport trains.
- Incidents were reported of youths fighting with 'carpenters hammers' and various weapons.

- Incidents were increasing where passengers were subjected to assaults, ongoing obscene language, groups screaming and fighting on trains and concourse areas and then observed Westrail Security Officers either pretending not to see or hear the incidents, walking away or walking off the train and leaving the group to carry on their behaviour as the train leaves the station area.

### **May 1999.**

The extent of **ongoing** concerns reported from the public and business fraternity regarding gang activities, anti social behaviour, assaults on trains and concourse areas in Perth District necessitated instigation of a meeting with Department of Transport senior management. This initial meeting resulted in a joint agreement and proposal to implement 'A Safety on Public Transport Committee' to evaluate the issues of public safety on railway properties and trains in respect to;

- General public concerns regarding safety and security on rail transport.
- Video surveillance and monitoring of railway and bus stations.
- Review response strategies and opportunities for security improvements both on trains and around stations.
- Rail station design issues including developing systems of floor to ceiling closed and controlled access and egress to trains.
- Ticket purchasing, youth conduct and public perceptions of rail system
- overall management and prosecution of offenders by Westrail.

There was no further contact or action from the Department of Transport to follow up the initial proposal from May 1999 meeting. The policing of the Railway Concourse Areas and Trains remained the responsibility of Westrail.

### **August 12, 1999.**

Following a presentation on Westrail's proposals for expanding of rail services to the Peel District, the Executive Director of Westrail Metropolitan Division, Mr W forwarded correspondence establishing a meeting between himself, Mr Alan Piper CEO of MOJ, Assistant Commissioner D (Metropolitan Region), Assistant Commissioner L (Southern Region), Mr Y, Director Transperth, Mr S, General Manager, Western Urban Transport. This meeting was held at Room 1, 7<sup>th</sup> floor, 441 Murray Street. Superintendent Z represented myself at this meeting. Proposals were documented under the September 9,1999 report. No action followed from this meeting.

### **September 30, 1999.**

Instructions were provided to the Perth District Superintendent regarding the extent of policing required in relation to licensed premises and implementation of specific strategies for effective policing within the Perth CBD, Railway Concourse and Northbridge and maintain accountability policing activities within this district (*Reference Document No 1*).

***We note that the relevant memorandum is dated 4 November 1999. It makes no reference to the Railway Concourse but highlights concerns held by Assistant Commissioner D for safety and security in Northbridge.***

### **September - December 1999.**

Meetings requested by forums comprising between 30 and 100 Business, Local Government and Community representatives were attended with myself.

Continually, the main concerns raised were in respect to complaints regarding the lack of policing and safety and security on the central railway concourse areas, trains, Forrest Place, Perth CBD and Northbridge that allegedly had been ongoing for the past 3-4 years.

**November 4, 1999.**

Directives in writing were provided from myself to Superintendent E regarding the requirement to re open Beaufort Street City Station, effectively utilise resources, enhance overall policing within Northbridge and regain control of the streets from gangs, anti social behaviour, organised crime and reported issues by community, city council and business fraternity. A specific requirement was for the District Superintendent to develop strategies to police Northbridge, the railway concourse, trains and surrounding areas. Police Officers (including Senior Executive Police), community and business fraternity members visiting Northbridge, the central railway concourse and utilising trains raised concerns in relation to reported incidents of crime and anti social behaviour in Northbridge and on trains and surrounding areas.

**November 10- 11, 1999.**

Correspondence was received from members of the business fraternity, local government, media and general public regarding the levels of safety and security in Northbridge and on the railway public transport systems.

**November 10, 1999.**

The increasing number of public communications received, public meetings requested and personal complaints received regarding the perceived and identified shortfall in policing, officers endeavour, supervision and leadership and observed action by police in the Perth District regarding Northbridge, Central Railway Station and trains resulted on my taking firm action to address the frequent issues and complaints raised. A specific instruction was issued to Superintendent E, Central Metropolitan (Perth) District to review the leadership, management, rostering practices and policing strategies and then implement a Joint policing operation with Traffic and Operations Support and the Crime Investigation Support Portfolios and manage the serious trends and issues emerging in Northbridge and on the Central Railway Concourse areas and Trains within his area of responsibility.

A report was compiled outlining my personal observations and evaluation of policing services currently being provided within the Central Metropolitan Police District and particularly within the Perth CBD, railway concourse area and trains, Northbridge and related areas. The report drew reference to explicit observations regarding crime and anti social behaviour and directed the District Superintendent to address issues of policing and establish a coordinated response to what were clearly areas of need.

Specific instructions were detailed regarding policing in Northbridge, on trains and the Perth central concourse station areas and the provision of appropriate level management, leadership, supervision and control and management practices in relation to the specific areas of,

- Appropriate rostering, supervision, policing, with appropriate leadership, direction and supervision.
- Implementation of traffic programs and road safety policing. Policing of licensed premises.



- Maintaining systems of records and statistics regarding arrests, deployment of staff, and number of events and monitoring of resource deployment during peak demand periods.
- Develop management systems to identify juveniles contacted or apprehended with a directive to provide details to each district superintendent within the region for follow up actions with families of children through Safer WA committees and OIC's of stations.
- Appropriate management, direction setting, policing and supervisory practices to be immediately enhanced. (*Reference Document No 2*).

**November 17, 1999.**

The District Superintendent reported on extent of policing practices and services being undertaken and implemented into Northbridge and the direction and accountability introduced to ensure senior officers were leading and taking command and control of operations within the Perth CBD, Northbridge and Concourse railway areas and trains.

**November 17, 1999.**

Superintendent E submitted a report on the safety on Westrail trains and his request to District Officers, South East Metropolitan (Cannington) and East Metropolitan (Midland) Districts for the special deployment of a taskforce of several uniformed officers to increase the total officers deployed to Westrail trains under 'Operation Long line'. This was to maintain control of crime and anti-social behaviour in the Central Metropolitan (Perth) District. Westrail reportedly also increased their security presence to attempt to regain some degree of control and safety for passengers within areas of responsibility on trains and concourse areas.

**November 25, 1999.**

A meeting was held with Mr Vincent Tan and Mr Charles Hopkins wherein they expressed concerns regarding lack of policing in Northbridge and need for increased policing presence and activities. Concerns expressed over lack of policing endeavour by particular officers and senior officers on the beats.

**November 1999.**

In November 1999 a specific audit of Central and City Stations and associated sections and branches was ordered and proceeded with as a regional wide Business Area Management Review. The District Superintendent confirmed with the Metropolitan Regional Commander in writing '*that the District Management Audit and Management Plan was in place following the earlier audit of March 1999 and that internal systems of control and management were established.* '

**December 9, 1999.**

The Department of Transport through the Executive Director Metropolitan Transport developed and completed a joint workshop regarding the safety and security needs of the entire public transport rail system. This document was forwarded as a record of determinations by the Westrail in respect to safety and security issues on trains and outlined response strategies, infrastructure issues, events management issues and workshop conclusion. (*Reference Document No 3*).

**December 10, 1999.**

Correspondence was received from Mr Tan, President of the Northbridge Business and Community Association outlining the business and community support and

need for the Metropolitan Regional Command to address the problems that were cited as ongoing for two to three years. (*Reference Document No 4*).

**December 13, 1999.**

West Australian newspaper articles were published regarding the state of unsafe environment in trains and concourse areas in Perth. "Aboriginals punching and kicking man on platform by gang and victim in coma in RPH". (*Reference Document No 5*).

**December 14, 1999.**

Reports were forwarded from Metropolitan Regional Command to Assistant Commissioners O and P requesting assistance with operations support in relation to safety on trains. Requested an ongoing commitment to safety and security and staffing from support portfolios.

**December 14, 1999.**

Mr W, Executive Director, Metropolitan Transport forwarded correspondence to the Commissioner of Police requesting input by state police for development of a Safer Transport Taskforce. The taskforce objectives were to examine security improvements, strategies, and priorities and achieve consensus in developing a coordinated approach to improving the security of passengers on railway transport throughout the Metropolitan Region.

**December 15, 1999.**

Commissioner of Police and Assistant Commissioner D and Hay met with Editors in Chief of newspapers and television stations to discuss general policing issues and public safety. Mr Peter Jeanes, Editorial Manager, West Australian Newspapers expressing particular concern at the safety of passengers on trains and the threats, extortion and stealing that was being perpetrated constantly and expressed concerns that it would be an 'uphill battle' to get the safety standards back onto trains where the public felt safe again. A memo and directions were provided to Superintendent E, Perth District to specifically address the issues of complaint and concerns on the Central Metropolitan (Perth) District railway lines and concourse areas complained about. (*Reference Document No 6*),

*For accuracy, document six is in fact a copy of an email sent by Mr Peter Jeanes to Assistant Commissioner D concerning train safety.*

**December 15, 1999**

Letters were forwarded to Perth City Mayor from Wellington Surplus Store, Wellington Street, Mr Smales regarding extent of problems and lack of policing within Perth District. Letter forwarded expressing support from Councillors and Lord Mayor for efforts by Regional Command, Metropolitan Region to address issues and concerns.

**December 21, 1999**

A meeting was requested by the Lord Mayor, Peter Natrass and advice was forwarded regarding the extent of anti social behaviour in Perth CBD, Northbridge and railway concourse areas and trains. Explicit reference was drawn to public perception and understanding that '*Police in Northbridge and surrounding areas were constantly observed walking away from incidents witnessed and doing nothing*'.

## **December 22, 1999**

Commissioner Matthews appointed Assistant Commissioner D, Metropolitan Region as the Western Australia Police Service representative on Safer Public Transport Committee with Department of Transport Executive and Westrail Management.

*Although we have not been provided with all the documents referred to by Assistant Commissioner D, we have no reason to doubt the history he has presented. We again make the point that it is to his credit that he was willing to tackle the problems of public safety on trains.*

## **PUBLIC SAFER TRANSPORT JOINT TASKFORCES - DISCUSSIONS AND IMPLEMENTATION**

### **January 19, 2000**

A meeting was held with the State Commander, Mr Brennan regarding the need for the implementation of a component of State Police Officers to undertake policing operations on the Westrail Trains and assist Westrail to regain and then retain law and order on the public transport system and associated areas.

The Police Unit was required to undertake policing and maintain the safety and security of the public and assist Westrail Security Staff to undertake their security roles and functions according to legislative parameters and within their area of responsibility (trains and concourse areas). There was a clear requirement to also endeavour to operate jointly with Westrail and within the Westrail Security contrasting mixed union award's and workplace agreements and rail officers training limitations.

A decision was taken that the issues of railway policing and public safety and security by Westrail had reached such a state, that State Police needed to become involved and assist Westrail with re-establishing control and hence, the safety and security of the public on trains. This necessitated undertaking a review of Westrail practices and procedures, organisational structure and ability to manage the public safety.

A major issue and concern identified was the fact that the Perth District CBD Central Railway Concourse area had deteriorated to such an extent in relation to anti-social behaviour, that in addition to the Westrail Management, the Central Metropolitan District Superintendent required direction and assistance to rectify issues existing.

A Police Unit was formed comprising of Sergeant A and seven officers selected by the Metropolitan Region District Superintendents for deployment and involvement in a Westrail and Police joint agency approach to enhance safety and security on the railway systems.

The Joint approach to this public safety and security endeavour was coordinated by a structured management committee titled the 'Safer Public Transport (Rail) Joint Agency Taskforce'. This was a structured management committee developed through Westrail Management with invited Police representation and involvement by myself as the Police Metropolitan Regional Commander.

The selected State Police Officers and Westrail Security Officers were to jointly undertake general long-term safety and security strategy to enhance the safety and

security on trams. For identification purposes, the police personnel involved in any area of this policing were initially referred to as "The Metropolitan Taskforce".

*All of the available evidence indicates that MTF did not utilise the services of WAGR Security Officers, except perhaps on an ad hoc basis. It was not until OST was created that WAGR officers joined forces with WAPS officers.*

Specific strategies were formulated through the structured management committee chaired by Westrail to develop and implement protocols and processes for a collective Police and Westrail Staff staffing and application of policing practices to address public safety and security on all areas of the Westrail Railway Transport System and specifically the City Concourse Centre in Perth due to escalating anti-social behaviour that had permeated throughout the areas.

Sergeant A was selected for this appointed role and responsibility based upon personal recommendation by Superintendent E and also his reported level of performance for the past two years as the Officer In Charge of the Perth District Support Group. He was cited as an NCO with a confirmed and sustained professional leadership and supervisory ability.

Superintendent E cited Sergeant A as one of his most effective, efficient and professional Police Sergeants in his district. Senior staff were highly commendable of this officers work ethic, his leadership, supervision and more importantly, his ability to guide, direct and manage difficult environments and policing areas in a professional and compassionate manner whilst gaining total community support.

Sergeant A was recognised for the manner he trained staff ensured their professional conduct and his demand for adherence to appropriate practices and policing. His ability to identify officers who were less than professional was evident in the number of officers he later returned to the districts as 'not suitable or professional' in their balanced approach to railway policing functions that followed the implementation of the Safer Public Transport (Rail) Joint Taskforce. This reputation and obvious skills level was the deciding factor in selecting this officer for this task and assigning him to a difficult situation and joint operational tasks.

## **INITIAL REPORTING AND MANAGEMENT OF POLICE TASK GROUP.**

Initially, the taskforce was requested to be formed and report direct to myself as the Regional Command to operate throughout all districts within the Metropolitan Region. It was also a decision taken because of the obvious need to avoid the cited possible 'intervention' by personnel who may have been keen to ensure the 'Police Unit' railway taskforce did not succeed and possibly 'show up' the general workforce that had not been reasonably successful in policing endeavours within areas of the Metropolitan Region and particularly in some areas of the Central Metropolitan District.

Prior to this unit being appointed, the State Operations Commander, Mr Brennan met with myself and as a result issued specific instructions that Superintendent E was the appropriate officer to be appointed to manage the police personnel and unit working on the railway system with Westrail Staff The Police Officers assigned to this unit were to report direct to Superintendent E.

Superintendent E personally met with Sergeant A on January 18 or 19, 2000 and confirmed with him the direct reporting and management relationship to himself as the District Superintendent. This was subsequently confirmed by Sergeant A and Inspector J as the police unit was actually formed. Superintendent E was personally instructed by myself in regard to specific requirements and the direct reporting relationship. This was also confirmed with him by the Deputy Commissioner (Operations).

The 'Metropolitan Taskforce' State Police Officers commenced on 18 January 2000 and were physically located at the Central Railway Concourse facilities under the direct management, supervision, and control of Superintendent E and his team of Commissioned officers in Inspectors Q, K, R, U and G or Senior Sergeant V until August 14, 2000.

A specific memo was forwarded to Superintendent E outlining the need to retain appropriate statistics and records of events, arrests, summons's, warrants, cautions and a record of the referrals to Safer W A Committees for agencies to deal with youth and juveniles referred for support and all of agency dealings with their families in any suburb of Perth.

Evidence has since been forthcoming and confirmed from a number of personnel that in fact, neither Superintendent E nor his appointed Inspectors visited, directed or audited the performance nor offered direction, guidance or support on any occasion to the Metropolitan Taskforce officers at any time during their term of appointment with the Central Metropolitan District over seven months. Evidence had been documented and verified by the members of the police unit.

It was later confirmed in July-August 2000 that Sergeant A was not provided any form of introduction, orientation or direction by Superintendent E or the appointed Police Inspectors or Senior Sergeants within the District. Standard Operating Procedures, statistics and information gathering and records were not addressed as specific management functions or requirements. There was no formal establishment of appropriate management systems and audits for this particular unit from the Central Metropolitan Police District Management.

The nominated Inspectors within the Central Metropolitan District were all rostered periodically throughout the period of January 2000 to August 2000 as the senior officers managing the deployment and operations of the district resources and to ensure effective visitations, inspections and review of functions. A primary responsibility of Inspectors within this district was to ensure appropriate Business Area Management Audits were undertaken within all units and branches. My review of issues subsequently revealed that this did not occur at any time during the period that the police unit was under the supervision of Sergeant A for approximately seven months from 18 January 2000 to 14 August 2000.

Specific agency and regional instructions were drafted from my office and provided for all senior level managers (Inspectors Q, G, U, R and K) for appropriate leadership and management with the Inspectors roles and responsibilities outlined in a specific draft document to complement the Commissioners Orders and Procedures Guidelines.

Written instructions were very specific in relation to ensuring appropriate statistics were maintained and that Sergeant A and the assigned officers were appropriately monitored, checked and supervised during any operation or unit functions.

Daily and weekly statistics and a structured report on the status of policing in regard to trains and Westrail joint agency policing were prepared weekly for seven months by Sergeant A and personally submitted to Superintendent E for perusal who would ensure correctness of detail and provide the authority for Sergeant A to present these statistics to the Regional Commander.

In fact, the statistical format and reporting was the same process and information but with additional outline and status report attached as that which was utilised within the District and Region for the previous two years prior to implementation of the Railway Policing Unit in 2000.

***We assume that the 'Railway Policing Unit' was MTF.***

An essential component of responsibility and accountability in any Police District in this agency is for the District Superintendent to review the correctness of all information, correspondence and specifically statistics before transmission to the Regional Commander for the Metropolitan Police Region and hence, forwarding and reference to the Commissioner or Ministers if necessary. I have confirmed constantly that this was the case in respect to the statistics provided by Sergeant A and copies were provided to the District Superintendent for subsequent authority and or approval to disseminate these statistics to the regional Command.

***As noted earlier, our investigation addressed the management, supervision and control of OST. One of the relevant factors in this investigation was that Assistant Commissioner D assumed overall control of OST. At that point Superintendent E was no longer involved.***

***We note with interest and agree with the proposition advanced by Assistant Commissioner D that Superintendent E was responsible for ensuring the accuracy of statistics compiled under his command prior to them being sent on to Regional Command. It seems to us that this responsibility could not have disappeared once OST started. It could only have shifted either to the Assistant Commissioner or to another officer under his control.***

## **SAFER PUBLIC TRANSPORT (RAIL) TASKFORCE: DIRECTIONS, IMPLEMENTATION, MANAGEMENT AND ADMINISTRATION**

Sergeant A and Inspector J were briefed by myself in January 2000 prior to commencing any related duties with Westrail and safety and security on trains. They were specifically briefed together in relation to the Safer Transport Taskforce (Rail) Steering Committee functions and roles, the Police units and staff functions for a joint agency policing role on trains, the reporting roles and responsibilities of the Central Metropolitan District Management. The requirements for a balanced approach between 'targeted policing' and implemented strategies across the region for 'social crime management' were reinforced during my pre deployment briefings to both officers. They were also briefed explicitly on the changed reporting relationship direct to Superintendent E and for his responsibility to implement the joint railway taskforce procedures and policing strategies.

Importance was placed on the need to refer juveniles and deal with people in an appropriate manner but within the letter of the law. Emphasis was placed on working with all statute laws possible and then need to retain professionalism, conduct appropriate policing and maintain the required standards whilst training Westrail personnel and reviewing their command structure and practices. There was a need for the State Police Unit personnel to assist to rectify Westrail Security Patrols and operations whilst also dealing with escalating violence and offenders on trains and concourse areas across the entire Metropolitan Police Region.

The unit personnel were required to work a rolling roster to provide intermittent coverage between 8am to 4am Monday to Sunday. Based on intelligence gathered by the unit staff and supplied from other sources both within the Police Service or by other external agencies and the community.

*We note the Assistant Commissioner's comments about training WAGR personnel and reviewing their command structure and practices. Interestingly, Sergeant A argues elsewhere that training was not a primary concern of OST or the MTF. For that matter so too does the Assistant Commissioner elsewhere in his submission.*

*In any event, it seems to us that this part of the Assistant Commissioner's submission supports both the documentary evidence compiled by the STT(Rail)SC and the comments expressed in our report that a primary objective of OST was to mentor and train WAGR SPCs.*

Sergeant A and Inspector J were specifically briefed in relation to the requirements for all staff to be fully trained and briefed before entering on trains and to become heavily involved in social crime management, with particulars of juveniles regularly found at risk supplied to Family and Children's Services.

Local Safer WA Committees established in all police sub-districts were to support the concept of *prevention and diversion* rather than arresting offenders. OIC of stations and District Superintendents were required to provide feed back in relation to following up the juveniles referred by the Juvenile Action Group and in need of care, and also to case manage the families dysfunctional social values and specific needs and to undertake a prominent role in dealing with 'causal' anti social issues.

#### **February 4, 2000**

Correspondence was received from Mr T, Acting Security Manager for Westrail regarding an escalation of anti-social behaviour on Joondalup Railway station and one week and a noticeable escalation of general assaults, assaults on Westrail Special Constables and a general increase in antisocial behaviour on trains and concourse areas. He had taken a decision to increase the number of Special Constables from one to four. He requested assistance from Sergeant A for policing trains and concourse areas.

*We note that this letter did not refer to any shared functions or responsibilities between WAGR and WAPS. Rather, it requested that, in view of an escalating crime problem on the Joondalup line, WAPS provide assistance to WAGR on a 'random' basis.*

#### **February 15, 2000**

Because of the ongoing delays and escalating public safety concerns on the railway systems, a meeting was requested immediately with Mr W, Executive Director, Metropolitan Transport and Mr Y, Director Transperth and regarding the need to immediately establish, plan and implement the following:

1. A joint taskforce to deal with increasing anti social behaviour on trains and escalating into all mediums of public transport.
2. To establish a firm date for a recorded committee meeting with appropriate outcomes planned.
3. That a meeting be held in four weeks to plan specific strategies with greater emphasis on Westrail to adequately police trains.
4. Rectify the issues of fare evasions, the practice of Westrail issuing upwards of 120 cautions for fare evasions before actioning court appearances or infringements against individual repeat offenders.
5. Propose a strategy to deal with the obvious lack of support cited by Westrail management by the Magistrates and Courts.

*We note that point one of the proposal was to implement a joint taskforce. Elsewhere in the Assistant Commissioner's submission he argues that MTF was the joint taskforce. MTF was established on 18 January 2000, nearly a month before this meeting took place. Therefore, in our view his submission, on this point at least, supports our argument (and the documentary evidence) that MTF was not a joint taskforce.*

#### **February 15, 2000**

A specific meeting with Department of Transport and Police resolved:

1. That Westrail clearly had to maintain full responsibility for policing and security on trains and enhance policing capabilities.
2. That a Westrail / Police joint taskforce, staffing and operations be implemented to deal with anti-social behaviour on Westrail trains.

*Again, point two highlights that a joint taskforce had not yet been started at this time.*

3. To review the issues of appropriate offender management for anti-social behaviour, fare evasion, Westrail policing and apprehension of offenders. This included the issue of support by Magistrates and the need to address the identified justice system inadequacies in dealing with Westrail offenders.

#### **February 18, 2000**

A letter received from W outlined that a Safer Public Transport (Rail) Taskforce Steering Committee meeting was scheduled for March 1, 2000 to address following issues:

- Seeking support and involvement of State Police in development of and coordinated multi agency approach to the implementation, administration and coordination of Safer Transport strategies.
- All agencies to suggest strategies with differing approaches.
- Westrail Management recommended that Safer Railway Taskforce be established immediately because **the public highlighted that security on**



**trains in WA the single most significant issue facing transport in Western Australia.**

**February 18, 2000.**

Executive Director of Department of Transport Metropolitan Division), Mr W advised that Westrail and Transperth had already committed to developing an agreed strategy over the forthcoming 3-4 months. He advocated that the recently formed 'Safer Public Transport (Rail) Taskforce / Committee' continue to work together to develop further strategies.

**February 23, 2000.**

A letter received from Safer WA Northbridge Chairman and businessman, Mr Rob Smales commenting on the input, efforts and results of Sergeant A and staff and the substantial improvement of policing in Northbridge and associated areas under his supervision within four weeks of commencing this role. (*Reference Document No 7*).

**March 1, 2000.**

Meeting with Safer Public Transport Taskforce Committee was held and following issues were recommended or resolved. Assistant Commissioner D reviewed the previous meeting held and was emphatic that this Committee maintain some accurate records of meetings and expressed concerns in this regard. Explicit in that minutes were to be maintained and distributed for an official record of meetings and discussions. (*Reference Document No 8*).

*This meeting determined that the joint approach to public safety on the rail systems should be referred to as the Safer Public Transport (Rail) Taskforce) to reflect the growing concerns as to the level of safety on trains by the public. Accordingly, the focus of the Taskforce personnel should be directed at targeted strategies to address these concerns.*

*It was resolved there was a need for community consultation and for the Department of Transport to set clear standards of behaviour required and enforcement of those standards with appropriate actions against juveniles, with parents' responsibilities addressed.*

*The Police Officers comprising the joint 'Metropolitan Taskforce' very early in the joint tasking identified certain trends and management issues within the Westrail organisational structures that required attention. Sergeant A undertook a prominent role in identification of these issues of concern regarding structure, organisation reporting, management, supervision, lack of endeavour, insufficient training of Westrail Guards, problems associated with a mixed workforce of special constables and private security guards with minimal training and the inability for the Westrail personnel to effectively deal with minor offenders and offences and were walking away from obvious offences and offenders in full view of the public.*

*Westrail provided 2-3 security officers to work with the Metropolitan Police Taskforce on trains / concourse areas.*

***We note that this section of Assistant Commissioner D's response is italicised. However, we are unable to identify its source as it does not appear to have been***

*taken from the Minutes referred to in the body of the text. According to the Minutes of the meeting on March 1, no decision was made at this time to create a joint taskforce nor was there any reference to the observations evidently made by Sergeant A . Further, there was no dialogue regarding the number of officers to be provided by WAGR. In any event, when OST was formed, the WAGR contingent comprised of four Special Constables.*

**March 1, 2000.**

Newspaper articles (West Australian) were reporting on safety and security of trains and the perceived ongoing apprehension of the community on trains. Newspaper articles regarding concerns of the public on the platforms and on trains draws reference to this issue. (*Reference Document No 9*).

**March 24, 2000.**

A meeting outlined the need for strategic planning and was held at Department of Transport. (W, D, Y, M, Smith etc). The meeting resolved pertinent issues as follows. (*Reference Document No 10*).

1. Juvenile Justice team meetings to refer juveniles and inability for that forum to handle issues and referrals.
2. Referred to 1100 fare evasions by persons with more than four separate fare evasion offences each in last year of service and that this process was unsustainable.
3. Targeted policing but more importantly the need for social crime management to manage through the repeat offenders and minimise arrests, lockup detentions.

*According to the Minutes of the meeting on 24 March, there was no reference to targeted policing or arrests. The focus of the meeting was Juvenile Justice Issues and the only reference to police was regarding a joint ‘marketing activity’ corresponding to a Code of Conduct for behaviour on the public transport system.*

1. Signs developed outlining offences on trains for display on concourse areas and trains

**April 7, 2000.**

Newspaper clipping West Australian regarding the public perception on Perth railway transport utilities. (*Reference Document No 11*).

**MANAGEMENT AND ADMINISTRATION OF POLICE TASKFORCE BY PERTH DISTRICT OFFICER AND INSPECTORS**

Superintendent E was tasked with the responsibility for maintaining effective management and control of the Metropolitan Taskforce police contingency from January 18, 2000 to August 14, 2000 with the unit reporting direct to his command and through his inspectors. Records were maintained and scrutinised by him and then forwarded to Inspector J and then myself for information regarding statistics, outcomes and policing results and trends.

**March 27, 2000.**

As a result of continued Regional Management focus on Business Area Management Audits (BAMR) and the need to review the Central Metropolitan

District, I was again assured by Superintendent E in writing that aside from several minor issues, all issues were in order regarding the management of City-Central and Perth Police Stations and Branches/Units.

As Superintendent for the District and with Inspectors G, K, Q and U, it was expected that these officers would have invoked standard operating procedures, monitored performance, checked Business Area Management Reviews (BAMR) and charges and accuracy of records.

The statistics and reporting on effectiveness of the Police contingency of the Safer Transport Railway Taskforce was specifically required to be monitored by Superintendent E and his Inspectors on a weekly basis with appropriate copies of the reports and statistics forwarded to Inspector J (Metro Region Operations Coordinator) for monitoring results and trends and to ensure that policing was not being diverted away to other less important areas.

### **June 2000**

Following the March 2000 audit and report, on June 2000, a preliminary audit check requested by myself by the Management Audit Unit revealed that 1219 items of property and separate issues still needed addressing and attention. There was clear evidence emerging that the District Superintendent and Inspectors were not conducting their required audit and management checks on staff, property, drug inventory issues, management processes. Inspectors in particular appeared to be neglecting their responsibilities in this regard across this district.

City Station and Concourse Station showed property on hand from August 1996 to July 18, 2000. No evidence of audits, management checks by Inspectors or District Superintendent for 2 years.

### **July 2000**

Personal checks, visitations and audits found that Nightsafe figures provided by Superintendent E and district Inspectors indicted clearly that officers and identified units that were not effective in their policing roles in this district environment. There was a clearly a lack of leadership, direction, super-vision and policing by senior officers in the Northbridge and Central Concourse Railway areas.

***This would appear to be inconsistent with the commendations in the letter of 23 February 2000 highlighted by Assistant Commissioner D to emphasise the improvement in policing in Northbridge since the beginning of February 2000.***

A check of statistics revealed that 'operation night safe' staff that were not subjected to direction or leadership were working for three months without any contact, arrests or cautions with offenders in Northbridge being obtained or recorded. Some officers were obviously not effective in the policing roles and were not being held accountable in this regard by the District Management Team.

Inquires with the Police contingency of the Safer Public Railway Taskforce (Metropolitan Taskforce) provided evidence that the Taskforce had not been visited by Superintendent E or his Inspectors for the total duration of the reporting relationship within that district from 18 January 2000 to August 14, 2000.

Superintendent E was counselled regarding his management and audits. Specific instructions were provided for him deal with statistics, records, audits and lack of

endeavour, leadership and general management of specific branches, units and staff within his area of responsibility.

**July 13, 2000.**

The continual escalating issues with Westrail security and the combined issues of Northbridge and the Central Concourse Railway complex and trains safety and security required explicit action to ensure appropriate policing by the respective District Superintendents. Explicit instructions were issued personally to Superintendent E to deal with Northbridge and as a critical phase, to continue with the policing of public transport and the associated concourse areas in conjunction with Westrail and Department of Transport and the Metropolitan Taskforce for safer Railway Transport under the helm of Sergeant A and officers seconded from districts. (*Reference Document No 12*).

**July 28, 2000.**

Refers to a letter from the Ombudsman, Mr Allen regarding several complaints made against Westrail special constables where he confirmed in writing that having had the opportunity to consider these matters, he decided not to review them as Westrail complaints but refer them to the police for criminal investigation. The correspondence also confirmed "*if, after being advised by police as to the outcome of their investigation a complainant is dissatisfied, only then will I open a formal police complaint file*". This correspondence verified that several complaints against Westrail staff had been identified prior to this date and were not recorded or commented upon by the Assistant Ombudsman in his final report. (*Reference Document No 13*).

***Assistant Commissioner D appears to have misinterpreted our letter to the Commissioner. The purpose of that letter was simply to confirm that any complaints made against WAGR Special Constables of a criminal nature would be forwarded directly to police by WAGR for criminal investigation in the same way that criminal offences have always been investigated by police. It was not appropriate to refer to those matters in our report as they were nothing to do with OST.***

**July 31, 2000.**

A specific meeting between Minister for Police, Minister for Transport, Western Australia Police Service and Westrail was convened by the Ministers. Assistant Commissioner D attended and the Minister for police expressed his concern to the Commissioner for Railways at the lack of policing by Westrail Security, the lack of control and safety on trains and the comparative successful police actions. The meeting resolved to review Westrail security personnel performance and involvement in regaining some resemblance of public safety and security on trains was essential. (*Reference Document No 14*).

The following resolutions were identified and actions recommended:

1. It was clearly identified that the Metropolitan Police Taskforce of seven to nine officers had been instrumental in regaining control of the city centre railway concourse area with substantial contacts and firm policing.

***There is no suggestion in the file note (reference document 14) that this was the case.***

2. Clearly identified that safety and security of community on trains was an issue and that Westrail Security Officers needed to enhance their organisational structures, supervision, policing and security and management requirements.
3. It was agreed to continue with support from police with the Police Metropolitan Taskforce of one sergeant and seven officers, as had been the case since January 18, 2000.
4. Police Inspector J was appointed the police representative to coordinate assistance from within the Metropolitan Police Region. This role is now undertaken by Inspector H.
5. Mr Z, Manager of Westrail Security was tasked to develop strategies to enhance Westrail management and structure, supervision, operating procedures and guidelines and policy development and implementation.
6. Clearly define roles and responsibilities of the security officers on trains. The Police Taskforce officers were to provide training and support within their minimal capabilities with identified key personnel if and when they were appointed to supervisory positions within Westrail.

*The decision to provide training and support for security officers was not conditional on key personnel being appointed to supervisory positions. According to Assistant Commissioner D's file note, the decision was for "...Sergeant A and police officers [to] provide an initial two to three days training and then the support on trains to enhance the security officers approach to policing and safety and security on trains."*

7. Critically review the Metropolitan (Police) Taskforce commitment to Westrail support with a proposal to continue policing and support for a further three months. Westrail to address issues of policing and concerns by December 2000 and undertake their full responsibilities in relation to policing and security on trains.

*According to the file note, the "final decision" was made at this meeting to put into operation a "joint taskforce".*

The main thrust of this meeting and outcomes was to ensure the Westrail Security Staff and Management could position their workforce so that they could completely manage their areas of responsibility regarding policing and security of the community on trains with their workforce of about 135 officers.

Assistance in the interim was to be ongoing by the police officers working on the safety and security programs and providing guidance and support with training and brief preparation or assistance with specific incidents. The strategies were implemented and maintained from August 14, 2000 until January 5, 2001.

#### **August 1, 2000.**

Minutes of the meeting of the Safer Transport Taskforce Rail Steering Committee outlining the results of the Ministers' meeting and to implement strategies for police support on the railways system and introduction of a 'code of conduct' for rail commuters. (*Reference Document No 15*).

*The Minutes of this meeting also refer to the development of a “joint operational plan to commence operations two weeks prior to formal launch of Safer Transport strategy.”*

**August 1, 2000.**

Memo from Assistant Commissioner D to Deputy Commissioner Brennan verifying the need for new strategies, areas of responsibility and the pending change of reporting relationship from the Perth District Superintendent to the Regional Command under Inspector J. (*Reference Document No 16*).

*No mention is made in the memo about the Perth District Superintendent being removed from the management chain of command. However, Assistant Commissioner D did refer to seeing the strategies to deal with “problems” on trains as a Regional initiative.*

**August 1, 2000.**

Memos were forwarded to Inspector J and Superintendent E outlining the continuing safety on public transport and the requirements of Inspector J to assist the appointed Manager for Westrail Security, Mr Z to develop short and long term operational strategies. The memo to Superintendent E outlined the need for change of reporting relationship because of the declining regional management trust and confidence emerging regarding the (*This entry ends at this point in the original document, although it seems that Reference Document 17 –relates to this entry.*)

**August 2, 2000.**

Correspondence was forwarded to Mr W, Executive Director, Department of Transport confirming that I had tentatively appointed Inspector J as the Operational Commander to assist Westrail Manager, Mr Z develop short and long term policy and strategies with the emphasis on transferring of policing of trains to Westrail. (*Reference Document No 18*).

**August 2, 2000.**

Internal Agency communication was forwarded to Assistant Commissioners and the Deputy Commissioner (Operations) for an agency response to police Northbridge and to link with the program 'Safe Railways' transport operations to be commenced by Inspector J and Sergeant A with a view to returning the responsibilities of policing and security on trains back to Westrail. (*Reference Document No 19*).

**August 8, 2000.**

Correspondence was forwarded to Acting Assistant Commissioner I confirming the outcome of the meeting between the Minister for Police, -Minister for Railways, Acting Commissioner for Railways, Assistant Commissioner D. Correspondence confirmed the outcomes for the focus on supporting Westrail security to develop strategies to undertake their policing role and to reallocate the resources of the metropolitan taskforce (Sgt A and staff) to assist with operational policing of trains and stations for a period of a two -three month trial until Westrail could accept full responsibility by 5 January 2001. (*Reference Document No 20*).

*This memo confirms that a joint taskforce had not yet commenced and that preliminary negotiations were underway in respect of arranging for the secondment of four WAGR security staff to work with police for a six week period on a rotational basis. A decision was made to re-allocate the resources of the*

*MTF to assist with operational policing of trains and stations (OST) on a two month trial basis. The operation was set to commence on 14 August 2000.*

**August 9, 2000.**

Correspondence was received from the Acting Commissioner of Railways to the Commissioner of Police raising issues of support from Inspector J and Sergeant A and seeking more police to enhance the level of passenger security on trains. (Reference Document No 21).

*The role of police officers acting as mentors to WAGR security personnel was also confirmed in this letter.*

**August 10, 2000.**

Specific correspondence was forwarded from Superintendent E to Inspector J confirming that 'he would make Sergeant A and his team available from 14 August 2000 and thereby relinquish the command, control and management in total of this taskforce' that he had retained since 18 January 2000. (Reference Document No 22).

*The memo has been inaccurately cited. There is no reference to Superintendent E "thereby [relinquishing] the command, control and management in total of this taskforce". In fact, the memo directs Inspector J to take certain steps in relation to the operations of the taskforce, overtime management and the factoring in of OST with Operation Nightsafe. If anything, this suggests that Superintendent E was unaware of his exclusion from the chain of command in relation to the activities of the taskforce at that time.*

**August 14, 2000.**

Inspector J drafted and implemented Operational Order outlining the direction and Joint strategies with Westrail and Police to commence on 14 August 2000 for a trial period of three months and outlined the following: (Reference Document No 23).

1. The terms of reference, resourcing and specific requirements.
2. Protocols, operating procedures and assistance to Special Constables.
3. Briefing of Sergeant A and Special Constables.
4. The taskforce (Sergeant A) to develop a mentoring capacity and development of Westrail Special Constables to deliver consistent
5. Develop the necessary skills and knowledge of Westrail staff to collect evidence and prepare briefs and to liaise with each district

## **CHANGE OF TASKFORCE REPORTING AND MANAGEMENT**

**August 14, 2000**

The officers attached to the police contingency involved in the joint agency program of "Operations Safe Trains" were removed from under the command and control of Superintendent E and his Inspectors on August 14,2000.

The memo from Superintendent E of August 1,2000 verifies this requirement and the reporting relationship was direct to Inspector Jim J who was responsible for conducting an overview and review and then identify specific management issue required and to address shortfalls identified within this unit and Westrail Security Operations. He was also required to move towards downsizing the Police Taskforce Unit whilst assisting Westrail to take over their full responsibilities in total.

This change became effective as of August 14, 2000 whilst the continual Business Area Management Reviews and audits of Central and City Stations and associated organisational units were scrutinised by Management Audit at the request of the Regional Command. The audits had been directed and ongoing within the Central Metropolitan District commencing in mid 1999 into March 2000 and then again in August 2000 and December 2000 as a result of instructions and direction of myself as the Metropolitan Regional Commander.

This change in line management reporting of the Metropolitan Taskforce direct to Inspector J provided the necessary time frame for Inspector J to evaluate the current status of the unit and issue directions, operating procedures and orders to the Taskforce Police Officers which had been not been implemented for the prior eight months under the District management. Inspector J was attached to the Metropolitan Regional Command and reported direct to myself as the Regional Commander.

Inspector J commenced his review and had virtually only four weeks from August 14, 2000 prior to undertaking leave and transfer from the Regional Command to ascertain the state of affairs, conduct a review of Westrail and report on same. In this time frame he prepared standard operation orders and briefings for the Taskforce to continue operating from August 14, 2000 until the responsibilities were later returned to Westrail on 5 January, 2001.

The focus, functions and composition of the initial Police Metropolitan Taskforce and officers duties did not change. The same police officers involved from commencement in January 18, 2000 continued on with their primary duty of safety and security of trains but were also required, where possible, and whilst undertaking normal policing activities, to provide on the job tactical training and advice for appointed supervisors from Chubb Security who had already completed a series of accredited training to attain the status of special constable.

The objectives established jointly with Westrail in July 2000 were for the police contingency to cease operations on trains on the projected and agreed date of January 5, 2001. This decision was taken because Westrail were failing to undertake their designated full responsibilities for the management, safety and security on trains until a concerted decision was taken by myself in this regard. Westrail management then confirmed what would be the date that agency and management would take over full responsibility for safety and security of trains with appointed managers, supervisors and additional staff.

***The alleged failure by WAGR staff to take responsibility for safety and security on trains is a contentious matter and by no means a premise accepted by WAGR management. The contrasting views in that regard are detailed in Appendix "C" of our report.***

From August 14, 2000 Westrail Transit Management commenced to implement a complete organisational change and appointed a Transit and Security General Manager, Mr Z to undertake complete responsibility with his appointed Westrail workforce for security on trains. State Police through Sergeant A and 7 officers were to provide a further four months of policing and assistance and advice to Westrail personnel. The Police Academy was approached and where possible, provide advice and assistance to Westrail with certain areas of tactical, legal, patrol and specific areas of training required.



Inspector A1 was redeployed from Communications branch and positioned at Perth District. Instructions were issued for staff movements and organisation of Perth District workforce to ensure appropriate rostering, redeployment, increased supervision, accountability of workforce in relation to individual and collective policing endeavours. Inspector Grieves was instrumental in undertaking a further review of policing in Northbridge and Perth City) and surrounding areas of the Perth Railway concourse area and train systems in the Perth District.

**August 18, 2000.**

This draft documentation refers to Inspector J's overview of the taskforce and the development needs of Westrail and the areas of concern identified. Inspector J also verifies the extent of skills and reorganisation urgently required by Westrail. (Reference Document No 24).

*This memo reaffirms the mentoring aspect of the operation and advises of an extension of that objective from two months to three months. It referred to “on the job training” for “the team”, the “constructive” and “positive partnering” developing between the two agencies and the “rapport” and “commitment” of both parties. It also emphasised that, by 18 August 2000, the “combined team” of WAGR special constables and “re-tasked” WAPS officers had only been operation for one week – again highlighting the distinction between MTF and OST.*

**August 19, 2000.**

Documentation provided (copy) refers to the Cabinet Submission forwarded by Westrail outlining to the government requirements for increased staff, infrastructure, finances, security strategies, parking, lighting, customer service and fare evasion

The change in reporting of the police contingency was preceded by Department of Transport (Westrail) requesting Cabinet funding and approval to proceed toward increased staffing to ensure appropriate management and security of trains was undertaken completely by that agency. A joint decision was taken between the respective Ministers of the day for Police and Government Railways to upgrade the Westrail accountability and management assisted by the Metropolitan Police involved in the Taskforce. The decisions that followed included renaming the continued joint Westrail and WAPS agency approach to safety and security as 'Operations Safe Trains ". (Reference Document No 25).

**August 22, 2000.**

Refers to Safer Transport Taskforce (Rail) Steering Committee minutes, the safer transport initiatives, code of conduct and ongoing actions emanating from the steering committee in relation to the joint agency 'Operations Safe Trains'. (Reference Document No 26).

**September 4, 2000.**

A report by Inspector J outlined specific issues and directions being implemented and drew reference to the fact that Westrail Special Constables Westrail were lacking organisation direction, structure, training which was required to be addressed as a matter of priority by Westrail Management. (Reference Document No 27).

*Again, this is a contentious issue and not a matter about which the two agencies necessarily agreed.*

**September 21, 2000.**

Safer Public Transport (Rail) Taskforce Steering Committee outlined concerns arising in relation to the combined policing of trains by Westrail and Police in relation to command, structure, leadership and discipline issues because of the move by Westrail to downsize their initial trained Special Constable 'core staff' to obtain a cheaper forum of lesser trained private security guards on trains. (*Reference Document No 28*).

**September 27, 2000.**

Inspector J's report in relation to the history of Westrail, Special Constables, the backlog of reported offences (500) by Westrail for offences such as robbery, indecent assault dating from 1998, the lack of apparent expertise by Westrail to investigate offences and prepare quality briefs. He drew specific reference to the fact that Westrail Management did not want their personnel involved in policing or management of complicated offences, brief preparation, drug related issues and serious assaults. He drew reference to the 'directions of Westrail Management' for Special Constables from Westrail not to leave trains and letting people who commit offences 'walk away' and the change of leadership in urban rail and appointment of Mr Z as Security Manager. (*Reference Document No 29*).

*In his report Inspector J also identified the difficulties associated with expecting junior, inexperienced police officers on the taskforce to mentor and assist the WAGR staff. He also acknowledged that a "no-tolerance" approach to policing did not sit comfortably with the WAGR officers as they came to the job with a "different focus" to police.*

**October 26, 2000.**

Minutes from Safer Transport Taskforce (Rail) Steering Committee outline where Assistant Commissioner D raised concerns about the mixed workforce of guards, their duties and standards of Special Constables and their inability to deal with briefs, serious assaults and leave trains to pursue offenders. The document confirms the need for Police involvement with Westrail for a further six to eight weeks to assist in development of certain staff whilst Westrail also finalised their organisational strategic policy and direction and negotiated utilising the Police Academy to provide certain areas of training. It also referred to the appointment of the Security Manager, the establishment of Westrail staff job descriptions, rank structure and increased training and supervision and the implementation of joint operational strategies and procedures. (*Reference Document No 30*).

**November 3, 2000.**

Correspondence was tabled with the Safer Transport Taskforce (Rail) Steering Committee Chairperson outlining the objections by Mr Y in respect to Assistant Commissioner D raising a lack of endeavour, management practices, training and operating procedures by Westrail Staff and management accountabilities to rectify these issues in a steering committee forum. The matter was recorded in this forum due to a lack of progress over twelve months by Westrail. (*Reference Document No 31*).

**November 10, 2000**

Following a directed meeting held with Assistant Commissioner D, Inspector H and Mr Z, Manager of Westrail Security, the following strategies were agreed upon for implementation by the Safer Transport (Rail) Taskforce

1. Metropolitan Police Taskforce to remain on trains and work with Westrail until January 5, 2001. Westrail to take on full responsibility for public safety and security on trains from that date. Westrail continually requested to enhance its policing capability since mid 1999.
2. The Metropolitan Police Taskforce officers and Police Academy to Jointly provide advise (sic) on Westrail Training. Ongoing training input either 'on the job' or during Westrail Structured Training Programs was to be provided when Westrail management review and identify requirements.

**November 22, 2000.**

Inspector J was transferred to South East Metropolitan District. Inspector H was appointed to the position of Metropolitan Regional Coordinator. The officers of the Metropolitan Taskforce were now operating jointly with Westrail Security officers addressing train security under the joint operation name of 'Operation Safe Trains", Sergeant A reported directly to Inspector H who on appointment required a period of review of the Taskforce functions to ascertain the extent of orders, statistics, control and functions that had been put in place over the past seven months under the management of the Perth District.

Inspector H was also required to liaise with Westrail and the newly appointed manager, implement the transition and management of safety and security to Westrail and manage the general operations coordination of the Metropolitan Region.

**November 27, 2000.** The Cabinet Standing Committee on Law and Order met on Monday 27 November, 2000. The committee drew reference to the extent of policing completed by one Police Sergeant and seven Police Officers in comparison to the performance of the Westrail Security Officers.

**November 28,2000.**

Correspondence in the form of minutes of the meeting held by the Safer Transport Taskforce (Rail) Steering Committee and draws reference to acceptance that Westrail required attention to work practices, standards of service, training, levels of supervision and a workforce capacity to deal with serious offences occurring on trains. (*Reference Document No 32*).

**November 13,2000.**

Newspaper articles (Western Australia) outline the media response to current issues and public perception of safety and security on the Westrail Trains. (*Reference Documents No 33*).

**December 3-13, 2000**

An initial request for a full audit of Central Metropolitan (Perth) District Central and City Stations was requested by Management Audit Unit in August 2000. Delays emerged and then Management Audit Unit was specifically instructed by myself through Professional Standards to undertake a full management audit review of the Perth District in relation to Central and City stations which included the attached sections and branches such as the City Watch and Metropolitan Taskforce Unit.

Their independent audit reported that there were *'significant and glaring anomalies and shortfalls in the management of and accuracy of inspections, appropriateness of inspections, working papers, handing over statements and potential risks in a number of areas.*

As earlier discovered, it was identified that the District Officer and Inspectors had neglected their roles and responsibilities in relation to Business Area Management Audits. The Management Audit Unit reported that this audit would reflect on the performance of the personnel responsible for the management of these areas. This report referred to the District Management Team.

A total of 3059 items of property had not been audited and other issues were identified in need of immediate attention and appropriate management. The District Officer was counselled and instructed to rectify this situation immediately and to prepare a plan to address specific shortfalls identified by the MAU and Inspectors were to address their range of responsibilities and the District officers was required to confirm the status of recovery and appropriate management practices.

The District Superintendent was required to report on why I had been misled and why this management processes (sic) had reached this level. He reported back on March 9, 2001 that ' he was disappointed to think that the Regional Commander had been misled'.

The Performance Assessment of Superintendent E was completed and reflected the shortfalls in the management of units and branches in relation to inappropriate audits and management practices for the period throughout 2000. Recommendations were made in relation to the transfer of a number of Commissioned Officers from this District in line with statewide deployment requirements.

*According to Assistant Commissioner D's evidence when we interviewed him, the first management audit was conducted in June 2000 resulting in his initial concerns about the management of Perth District. A more comprehensive audit was conducted in August when "alarm bells" went off for him in relation to administrative shortcomings in the District. However, having identified administrative and auditing inadequacies, it would seem from the evidence gathered during the course of our investigation, that they were allowed to continue, unchecked, all the way through OST. Superintendent E had no control over either the operational or administrative functions of OST. Inspector J and Sergeant A were required to report directly to Assistant Commissioner D.*

## **INCIDENTS / COMPLAINTS - WESTRAIL AND POLICE AGENCY STAFF.**

### **JULY 28,2000.**

The joint agency operation regarding conducting safety and security policing on the train systems throughout the Metropolitan Region continued between Westrail and the Police contingency of Sergeant A and seven constables seconded from the Districts. It is important to realise that the joint agency policing and staff undertaking same were then operating under what was named "Metropolitan Taskforce" which was a title emanated out of the steering committee management meetings first established. This was purely a code name for the entire joint agency approach to safety and security policing on trains.

On this date, it was identified that there were complaints of conduct or incident occurring involving Westrail Special Constables. These complaints had been directed to Mr B2, Acting Commissioner for Railways who in turn brought these incidents and the question of investigation authority and responsibility to the notice of Mr Allan, Ombudsman for Western Australia.

On July 28,2000, the Ombudsman corresponded with the Commissioner for Railways and verified therein that he had received information regarding several incidents involving or made against Westrail Special Constables. The Ombudsman confirmed in this correspondence that *'he had reviewed same and had decided not to review these matters as Westrail Complaints. He decided that these several complaints against Westrail Officers should be investigated by Police and that he should continue to receive advice from Westrail and the Commissioner of Railways of continuing incidents or allegations'*. This verified that there were a number of allegations and complaints occurring throughout the year against transit staff or Westrail security special constables staff prior to the movement of the state police contingency away from the Perth District superintendent and Inspectors to report to the Metropolitan Region Coordinator. A copy of this correspondence has been referred to previously in this report. (Reference as attached. (*Reference Documents No 13*).

***We reiterate that Assistant Commissioner D has misinterpreted our letter to the Commissioner. The purpose of the letter was to simply confirm that any complaints made against WAGR Special Constables of a criminal nature would be forwarded directly to police by WAGR for criminal investigation.***

During the week following August 14, 2000, members of the police contingency working with Westrail Security Officers were subject to an internal Investigation complaint. The initial complaint was investigated by Inspector C3 from Professional Standards Portfolio.

From the onset it must be recorded that the resulting Internal Investigations arising commenced as an internal investigation with Inspector C3 and then sequentially Inspector K at Perth District regarding an incident involving allegations against a constable attached to the Metropolitan Taskforce.

These specific matters were initially kept confidential between the Inspector, District Superintendent and the Assistant Ombudsman. As a result of certain discussion between Senior Police Officers and the Assistant Ombudsman, Mr Roger Watson, the specific incidents involving officers of the State Police operating on trains were then directed into a 'specific investigation' conducted by Mr Watson in conjunction with Inspector K and others as an investigation into the management, supervision, and control of operation safe trains.

***This is factually incorrect. Mr Watson could not have kept anything confidential between himself, Inspector K and the District Superintendent in late August 2000, as the Assistant Commissioner is implying. He was not appointed as Assistant Ombudsman until 12 March 2001 and worked at another agency in the 18 months or so prior to that date. He met the District Superintendent for the first time when he was interviewed on 3 September 2001 pursuant to this investigation. He met Inspector K for the first time on 4 May 2001, when issues about the management, supervision and control of OST were first raised. There was no***

*degree of secrecy about these matters beyond that generally applied to internal investigations and Ombudsman's reviews.*

*A number of complaints were being investigated by police internal investigators from the Perth District Office. Associated with some of those complaints was videotaped evidence that caused the investigators some concern that the actions of some members of the OST taskforce appeared to be acts of serious misconduct and further, that their actions seemed to be unsupervised. The videotapes were brought to the attention of this Office through a system of consultation with WAPS in relation to complaints about police. On 4 May 2001, the police internal investigators met with Roger Watson and Sharon Retzlaff of this Office who viewed the videotapes and subsequently discussed the issues raised by that evidence with the (then) Ombudsman, Murray Allan. Mr Allan was of the view that the videotaped evidence raised a number of questions about the operation, supervision and control of OST that required closer examination and decided to investigate the matter. At no time were the specific incidents involving State police directed into a specific investigation. The conduct issues raised in these complaints were investigated by police and reviewed by us in the usual way. That we did not investigate them is clear from our report.*

Due to initial information retained and in possession primarily of Inspector K and the Assistant Ombudsman, a decision was taken by the Ombudsman, Mr Murray Allan to correspond with the Commissioner of Police on 31 May 2001 in order to 'commence an investigation under the Parliamentary Commissioners Act 1971 into aspects of 'Safe Trains'. The Ombudsman had already undertaken certain discussions with Inspector K and Senior Sergeant D4 from the Perth District Internal Investigations Unit.

*This is factually incorrect. The Ombudsman had no discussions with Inspector K or Senior Sergeant D4 about this matter. We also note that the investigation was not into aspects of 'Safe Trains'. It was into the management, supervision and control of OST.*

The Ombudsman explicitly cited that 'At this stage, our intention is that my investigation will not look at the same issues as those being examined by inspector K and others. Rather, our focus will be on the management, supervision and control of operations and other aspects not covered by the internal investigations. "

The intention stated clearly by the Ombudsman indicates that Inspector K and others have certainly drawn reference to the management, supervision and control of the police contingency by the Metropolitan Regional Command and more explicitly discussed and prompted or cited the need for a specific investigation into my role in this year long policing project.

*Assistant Commissioner D's role in the management, supervision and control of OST was not the focus of this investigation. However, as he played an important role in establishing and managing the taskforce, his role and that of his subordinate managers has been examined.*

*Insofar as Assistant Commissioner D's comments about whether Inspector K "prompted or cited" the need to specifically investigate Assistant Commissioner D's role, such comments are no more than speculation. The Assistant Commissioner was not at the meeting on 4 May 2001. He has not asked us what*

***was said at that meeting. As it turns out, his theory as to what occurred at the meeting is incorrect.***

The internal investigation reports and records of Inspector K would certainly have indicated where this issue initially arose and discussions with the Ombudsman. What is exceptional in this instance is that neither Inspector K nor Superintendent E briefed myself or provided my office with the required information regarding these specific Internal Investigations being undertaken in my Region.

***We do not know if it is routine police procedure for the Assistant Commissioner to be informed about internal investigations. We would however add that to the extent that these officers did not advise the Assistant Commissioner about their concerns about the management, supervision and control of OST, this was not inappropriate. If, as the Assistant Commissioner alleges, these officers raised concerns about his role, they placed themselves in the role of 'whistle blowers' and, given the disparity in rank between them and the Assistant Commissioner, it was neither inappropriate nor unusual for them to protect themselves from retribution by maintaining a degree of secrecy. We would have grave concerns about any attempt to punish them for maintaining that secrecy, if indeed they did so.***

In pursuing this course, it is my opinion that the Ombudsman and Assistant Ombudsman have erred in that their actions are contrary to section 14 (1a) of the Parliamentary Commissioners (sic) Act which is clear in it's interpretation that the Ombudsman may investigate issues ' Provided that the Parliamentary Commissioner shall not investigate such actions until the Commissioner of Police has had a reasonable opportunity to conduct his own investigation into such action '.

***We are confident that we are acting both within the Ombudsman's jurisdiction and in keeping with a long standing agreement between this Office and the Commissioner of Police that we will conduct primary investigations into matters involving officers of the rank of Assistant Commissioner or above.***

Disregarding at this time these pertinent issues, this investigation by the Ombudsman's Office was primarily undertaken by the assistant Ombudsman as Mr Allen was publicly reported under Public Sector Standards and Anti Corruption Commission Investigation regarding management practices within his area of responsibility and office and therefore was unable to proceed in this regard.

***We note that the former Ombudsman was never investigated nor publicly reported by the Anti-Corruption Commission. These comments are irrelevant..***

The resulting investigations into state police activities on trains then took what is evidently a narrow perspective, disregarding the obvious twelve months of the operation involving Westrail Security Staff and State Police involvement and joint management of the initial operation called "Metropolitan Taskforce commencing January 18,2000 and continuing into August 14, 2000.

***As stated earlier, we never undertook to investigate state police activities on trains. The focus of our investigation, the management, supervision and control of remained consistent.***

Despite evidence to the contrary of complaints and incidents occurring prior to August 14,2000, Mr Watson has primarily concentrated only on the three months period of 14 August, 2000 to 5 January, 200 under the code name 'Operations Safe Trains' with the same staff and joint agency involvement in policing of trains and safety and security of the public on trains and concourse areas.

***The distinction between the two operations has already been addressed.***

The focus of this investigation clearly commenced at the instigation of Inspector K in discussion with the Ombudsman and now the Assistant Ombudsman. This officer has obviously raised this mode of enquiry for an unidentified or unknown reason to myself. It is quite apparent that there has been a deliberate focus at the management of the state police contingency and issues regarding the supervision and management of the 'Operations Safe Trains' at the Regional Metropolitan Police Region Command level. (Inspector J, H and myself) after the reporting relationship was shifted from Superintendent E and his team of Inspectors which included Inspector K.

***As stated earlier, Inspector K never discussed the matter with the former Ombudsman.***

There is a clear line of process and a deliberate strategy emerging or directed at myself as the assistant Commissioner for the Metropolitan Region to ensure the Ombudsman's Office undertakes a specific targeted enquiry for whatever reason. Evidence has been forthcoming direct to my office that at the time investigations commenced, that Inspector K had made comments regarding myself in his workplace which reflect his personal dislike of myself for whatever reason.

***We are unable to comment on personal relationships within the Police Service. However, it is not open to any police officer to “ensure” that a “specific targeted enquiry” is undertaken by this Office. The decision as to whether or not to commence an investigation is made independently and impartially on the merits of each case. If the implication to be drawn from the Assistant Commissioner’s comments is that our investigation targeted him on a personal level, he is wrong. He was involved in our investigation for no other reason than he was one of the people involved in the management, supervision and control of OST.***

#### **SPECIFIC COMPLAINTS AND INVESTIGATIONS:**

The specific incidents and areas of complaint that have emerged in August -December 2000 involving members of the State Police Service working on the trains with Westrail Security Staff under the ongoing operation ' Operation Safe Trains' have not been brought to my notice in a timely and appropriate manner to implement corrective management process to rectify identified issues or (***overtyped on original – unable to decipher***) on trains.

Formal information and advise of incidents occurring and that the Ombudsman was conducting an enquiry into the management, supervision and control of the Police Staff involved in policing trains was in August 2001 when the Assistant Ombudsman formally advised in writing that he was conducting an investigation and required my presence for an interview with a legal advisor present if necessary. These matters have been kept totally confidential and deliberately retained within the area of the Assistant Ombudsman and also with Inspector K. It emanated that



there was a deliberate decision taken or a failure to inform myself as the Assistant Commissioner for the Metropolitan Police Region of sequential incidents or investigations.

There are clear indications that this was an obvious or deliberate strategy because of the discussions held with and between the Assistant Ombudsman and Inspector K and others, and the individual or collective opinions and courses of action decided in relation to maintaining a 'code of silence' and hence, the level of surprise investigation and or inquiry that followed.

***The suggestion that there has been a conspiracy between this Office and Inspector K to keep certain matters from the Assistant Commissioner, has no basis in fact. Further, there was no “surprise” element to the investigation. The (then) Ombudsman discussed his decision to commence an investigation by telephone with the Commissioner of Police on 4 May 2001 – the same day that the videotapes were brought to our attention. That discussion was confirmed by letter dated 7 May 2001, in which the Commissioner was also notified of Assistant Commissioner D’s involvement in the matter.***

The information since obtained and reviewed raises concerns as to the proposed and subsequent action. There is little doubt that this has been a deliberate strategy in this regard by a number of people directed by Mr Watson and or others. This resulted in serious ramifications as outlined in the incidents I have now been informed of and personally reviewed with the limited information available and in concurrence with the 'confidentiality' and 'no discussion' requirements placed upon officers by the Assistant Ombudsman.

***The ‘confidentiality’ and ‘no discussion’ requirements relate to directions routinely given to witnesses in the course of formal investigations by this Office, pursuant to Section 23 of the Parliamentary Commissioner Act 1971. No exception was made in this case.***

To this date I have not been formerly advised or briefed on the investigations and issues of concern involving respective incidents, causes or officers involved within the Metropolitan Region. The Assistant Ombudsman has directed that no officer discuss these issues under a strict confidentiality requirement placed upon officers. He has undertaken this action by utilising and asserting powers of the Parliamentary Commissioners Act. Neither Superintendent E or Inspector K have briefed me or advised me as the Regional Commander of the investigations as they independently arose or before evidence was forthcoming or identified sufficiently where an 'assertion' could be made regarding the regional command level supervision, management or control of operation 'Safe Trains' over a four month period from August 14,2000 to 5 January 2001. My subsequent personal reviews of the incidents that have occurred are now identified and are outlined as follows,

***Although Assistant Commissioner D said he was not briefed about these specific matters, he had, by his own admission, heard “alarm bells” going off in August 2000 in relation to the administration of the Perth District. We contend that if, having identified that there was a problem, action had been taken to rectify such apparent deficiencies in the system, particularly in relation to the issue of accountability, then those matters would have undoubtedly come to the Assistant Commissioner’s notice.***

*Moreover, his argument is inconsistent with the fact that the investigation into specific incidents of misconduct were neither the subject of investigation by us nor the subject of direction to maintain confidentiality. Mr Watson's direction to Mr D was limited to the evidence he gave when he was interviewed and the contents of the draft report sent to him on 20 December 2001.*

**Incident No 1. Internal Investigation File Number 0085300DO.**

**Incident occurred on 2-9-2000.at Warwick Train Station. Complaint received on 8-9-2000 alleging an 'assault and use of capsicum spray on a member of the public by Constable F6'.**

Detective Senior Sergeant I9 was the appointed investigator from Perth District Office. Investigation commenced in parallel with Inspector C3 complaint but there was no notification to Inspector H or Assistant Commissioner D regarding this matter from the date of the incident until the date of completion of I9's role and responsibility with the investigation. Inspector K took over responsibility the investigation (sic) on 1 July 2001. He completed it on 15 August 2001. To date, neither Inspector K or Superintendent E has brought this incident or occurrence to notice of myself or regional management commissioned officers in a written notification or formal briefing.

The matter was however subject of discussion between Insp K and Mr Watson and again, both did maintain a 'secretive style investigation' with officers involved required by the Assistant Ombudsman not to discuss the issue with any person. This process, for whatever reason, unwittingly or intentionally manifested the inability to address any shortcomings or prevent ongoing issues or malpractice of junior officers within the regional workforce by the Metropolitan Regional Command.

*The false assertion regarding a clandestine investigation conducted by Inspector K in concert with this Office has already been dealt with.*

**Incident 2. -Internal Investigation File Number 0089400DO**

**Occurred 9-9-2000. Location - Train Station and Trains at Lathlain Station.**

A broad overview of this incident that I can ascertain occurred is as follows;

- 8 youths were on trains intoxicated and loudly using obscene language.
- Westrail Special Constable J10 (Chubb Security) and female state Police Officer K11 entered train and spoke to rowdy youths and warned DM regarding his language and conduct.
- Sgt A and Const G7 entered train carriage.
- M used obscene language again and was warned for second occasion. M continued using obscene language and was ordered off the train.
- Const G7 involved in altercation with another youth pushing him onto a train seat.
- M moved forward in angry confrontational manner yelling and (*overtyped – unable to decipher*) grabbed by officers. Situation deteriorated. Youths were yelling obscenities and directing anger at Police and Westrail Guards.
- Sgt A used his baton fend off one youth by pushing him in the chest.

- Youths left the train and commenced yelling obscenities on the platform at police.
- Special Westrail Constable arrested an offender for disorderly conduct and struck offender several times with his baton to the legs.
- Sgt A struck an offender with his baton because he was of opinion offender had an instrument or weapon in his hand.
- Charges were recommended by Investigator Inspector C3 against A and G7 for excessive force and failing to supervise staff.
- Investigator concluded that "although officers were well intentioned in maintaining law and order and safety on trains, they created a situation which required force to restore a deteriorating situation"

***Assistant Commissioner D's interpretation of the evidence does not correspond in all aspects with our understanding of the incident. The incident has been summarised under the heading 'The 'Lathlain' incident in our report.***

The Internal Investigation Report was concluded and forwarded to Regional Command Office (Inspector H) to address any supervisory issues or management issues arising and identified. The investigation determinations and report was forwarded to Inspector Ray H on **January 22, 2001**, six months after the incident and approximately one month after the Taskforce was closed down to rectify management or supervisory issues identified in early September 2000 through an appropriate Internal Investigation. The results of this investigation and recommendations were brought to my attention on February 23, 2001.

This was the first and only attempt by senior officers or in fact commissioned officers (Inspector C3 and Inspector H) to bring to notice the nature of the incident and allegations regarding Sgt A and Constable G7 and Westrail Special Constables.

This was the first incident or occurrence after policing a public transport environment where an estimated 30,000 million people annually utilised the train systems. However well meaning the notification was, it was too late to put in place or rectify any anomalies and this arises now as a critical issue in this whole insidious process that unfolded through the Perth District Office Internal Investigations Unit and District Management and subsequently the Assistant Ombudsman.

This important and obvious requirement of senior officers from either the police agency or Ombudsman's Office of early notification and thereby timely intervention or advice to enable application of remedial management process to prevent an escalation of incidents is critical.

***We concur with the view that early notification is important and reiterate that the Ombudsman discussed the issue with the Commissioner of Police on the same day that he became aware that there appeared to be a problem with the management, supervision and control of the OST taskforce. To imply that there was anything sinister about the means by which this particular investigation unfolded is to demonstrate a misunderstanding of the internal investigation process and the long-established administrative arrangements that exists between police and the Ombudsman's Office.***

This is particularly important with Westrail Officers or State Police during following operations and incidents, particularly after the 9 September 2000

allegations and Internal Investigation which was either negligently failed to be identified and addressed or purposely not raised as later investigations by Inspector K continued. This action has been manifested by the Assistant Ombudsman Mr Watson who also reviewed this case and obviously discussed issues at length with Inspector K. It is obvious from evidence emerging that neither officer has realised the benefits from early advise, risk assessment and notification and discussion and implementation of appropriate management practices if this was the case identified at that time.

This initial neglect or action was compounded by following actions undertaken by Inspector K and Mr Watson and the obvious decision taken when dealing with a series of sequential and separate incidents not to notify myself or any other responsible officer of this Regional Command of the possibility of management or tactical training or supervisory issues that may easily have been identified and prevented from escalating.

In contrast, there appears to have been what can only be described as a deliberate action to keep pertinent information and early notification of incidents and workforce practices from either inspector H, Inspector J or myself. In doing so, both Mr K and Mr Watson have unwittingly contributed to the repeat of incidents through their identified need to gather evidence from 'sequential incidents' in secrecy and confidence to address alleged Metropolitan Taskforce mismanagement.

*In our view, the incidents referred to by Assistant Commissioner D should indeed have been brought to his attention. However, to assign the responsibility for the provision of that information to Inspector K and/or this Office is to fail to take into account the inadequacies of the reporting structures in place during OST. Had more reliable management and reporting structures been in place within the Metropolitan Region then we doubt that incidents as significant as those referred to in our report would have gone unchecked. That Assistant Commissioner D was not made aware of those matters goes some way in supporting our view that the structures in place, or the individuals operating within those structures, at the time were not all that they could have been.*

*Moreover, the argument that Mr Watson somehow failed to notify police management or had long discussions with Inspector K is both factually incorrect and speculative. The then Ombudsman spoke to the Commissioner of Police the same day the possibility that the management, supervision and control of OST might not have been all that it could was brought to our attention. The alleged long discussions with Inspector K did not occur.*

**Incident 3. Internal Investigation File Number 0046801D9 Occurred at Claremont Showgrounds on 30-9-2000 at 2104 hours.**

It has been ascertained as recently as 15 February 2002 by myself that this incident involved the following allegations;

- (1) Three uniformed officers accused a woman of stealing a handbag. A witness AR interjected and was arrested for hindering Police. (HU File No 004680 1 D9)
- (2) Complainant alleges she was travelling on the train and that an officer arrested her for no reason, grabbed her arm, pushed his knee into her back during an arrest. (HU File No 0035501DO)

The officers involved in the incident and subject to investigation were Sergeant A (sic). The complaint was received and recorded on 6 April 2001. Inspector K was the assigned investigator from Central Metro District.

The complaint was discussed with the Ombudsman and again the matter was deliberately or otherwise kept in secret from the Regional Commander and/or direct supervisors at the time, Inspector H or J. The responsible Inspector failed to officially notify myself through his superintendent of this incident and or any concerns regarding the performance of personnel on trains. This matter had reached a stage wherein the Assistant Ombudsman and Inspector K were obviously working closely together to undertake protracted investigations whilst putting every endeavour into ensuring that no information passed to the Regional Command or Inspector H or Sergeant A to enable corrective action or an appropriate and timely review to be undertaken.

*This accusation has now been comprehensively covered and, even though it is a matter to which Assistant Commissioner D continues to refer, it is not one about which we have anything further to add. Suffice it to say that there is no reason to assume, nor any evidence to support the allegation that this investigation was conducted in any way other than according to normal investigative practice and procedure.*

**Incident 4                      Internal Investigation File Number 0103500D3.  
Occurred on 15-10-2000. Wellington Street, Perth.**

As far as I am able to ascertain at this time, the allegations regarding this incident were that a youth, TM, was crossing the street against the red traffic control light 'don't walk sign'. Officers allegedly grabbed him and pushed him to the ground and handcuffed and arrested him for offences of assault a public officer and resist arrest.

The officers involved were Senior Constables E5 and 1/c Constable F6. This matter was investigated by A/Inspector D4 through the Perth District Superintendent. It was registered on the 1-11-2000 and completed on the 11-6-200 1.

At no time did any officer notify Inspector H or myself of the incidents or issues of concern or provide a formal briefing or notification of the matter. Both were negligent in this regard and compounded further the potential for identification and prevention of repeat inappropriate actions by members of this agency in any forum or situation.

Both Inspector K and Superintendent E were responsible to bring this to notice to notice of senior management to implement remedial actions required to prevent ongoing or repeated issues of concern arising. For one reason or another, they failed to adopt this process as occurs in all other Policing Districts within this agency. What has eventuated out of this incident and failed to be appreciated fully by the Assistant Ombudsman is that this matter proceeded to determination in the Children's Court on May 3,2001. I have since ascertained that the investigating officer, Acting Inspector D4, has subsequently reported that Stipendiary Magistrate McGrath heard the charges and evidence, he did not comment on excessive force used by the officers.

The evidence and allegations of the complainant being 'abused by the officers' was not raised by the offender or his council in the trial. The Magistrate concluded that there was clear evidence that TM assaulted constable F6 by pushing him and that he violently resisted Constables F6 and E5.

There was no evidence to support the allegations by the complainant that excessive force was used by police during his apprehension or that he was in fact abused or threatened. The complaint could not be sustained. The Magistrate however dismissed the charge finding M not guilty on the basis that the offence was not proven beyond reasonable doubt and awarded \$400 costs.

***For accuracy, we understand that the Magistrate dismissed the charge on the basis that he was not satisfied that the boy assaulted the police officer, then acting in the execution of his duty.***

Again, A/Inspector D4 drew reference to the fact that some officers may have been moving away from practices of verbal judo and taking a 'hard line approach to offences and offenders' Having identified this in a report of June 11,2001 and having been initially notified of this incident on 1-11-2000, both Acting Inspector D4, Inspector K who was the direct supervisor of the Perth IIU Unit and Superintendent E again, neglected to bring forward some formal advice or briefing to myself as the Regional Commander or to Inspector H to remedy any concerns that they have clearly identified as an issue and reported on same which involved officers within my immediate regional jurisdiction.

Instead, they both dealt with the Assistant Ombudsman or their investigator and deliberately maintained confidentiality over these issues of concern identified. What I find inexcusable is that after completing this investigation, the senior officers involved have negligently failed to take appropriate action or advice to rectify an identified and documented concerning practice with junior officers which was identified early in November 2000.

Compounding these particular issues further and the references made to this case in the Assistant Ombudsman report, is that the Ombudsman's appointed Senior investigator, Sharon Retzlaff in her correspondence of December 18,2001 verified that this matter had been had been investigated adequately and decided that no further investigation of this matter was necessary.

***These remarks again suggest that Assistant Commissioner D has a misunderstanding of the internal investigation process. The police internal investigation in relation to this particular matter was reviewed by us in the normal way and it was determined that the police internal investigator had conducted an adequate investigation. He had interviewed all the relevant witnesses, taken into account all the relevant evidence and had reached a conclusion properly based on the facts of the matter.***

Despite the Magistrates findings and court results and the findings of the senior investigator with the ombudsman's Office, Mr Watson, as the Assistant Ombudsman, draws specific reference to this incident and the actions of the officers in his report without bringing forward the collective risk assessments, when they were completed and the time frame in which he has deliberately 'sat on the critical risk information' and utilised this retained information to develop a less than professional report in respect to what he refers to as 'Safe Trains'.

There is clearly a flawed and biased investigation and subsequent recommendations emerging through some aspects of the Assistant Ombudsman's findings for an unknown reason.

**Incident 5. Internal Investigation File Number 0085300DO  
Occurred at Victoria Park on 11-11-2000.**

I now find that this matter evolved around allegations that Constable G7 and Sergeant A approached what was obviously a precarious situation involving a violent domestic, a series of traffic offences an agitated offender driver who refused to alight from the vehicle.

*For accuracy, the facts of the matter as we understand them are that the driver was not given the opportunity to alight from the vehicle before Constable G7 pointed a firearm at him.*

Constable G7 requested the driver to alight from the vehicle which failed to occur. Constable G7 then drew his service revolver and moved into the immediate area of the vehicle drivers door and pointed his revolver in the general direction of the occupant. There was another vehicle nearby that came under police attention. Sergeant A was present. It was ascertained that the vehicle was not stolen and no further action undertaken by police at this scene. Victoria Park Police Officers were interviewed and made a formal complaint, The complaint was received on 24-11-2000. Inspector K was the investigating officer and completed the investigation on 31-1-2001.

The result of this inquiry was recommendations that Sergeant A be charged with failing to supervise his staff and Constable G7 receive an unfavourable report for the drawing of his firearm.

Again, no formal advice or confirmation of issues were forthcoming from either Inspector K or Superintendent E.

In fact, there was a clear pattern emerging here and identified very early in September 2000. However, both Inspector K and Superintendent E and others collectively failed to take appropriate management decisions and provide sufficient advice on matters and keep me informed through either the direct supervisors of the policing contingency involved in policing trains (H and J) or the appointed Internal investigations Coordinator Inspector H8 to enable appropriate review and rectify what is being cited now as a number of incidents occurring over a short time frame of three months.

Again, it is clearly emerging that this action was either through consultation and a directive or discussion and decision within the Perth District Management Forum or included the Assistant Ombudsman for whatever reasons. The question that begs to be asked is why this was not done and why it was condoned to the extent for so long by Inspector K, Supt E and the Assistant Ombudsman that it manifested itself into a covert investigation directed by the Assistant Ombudsman Mr Roger Watson.

Mr Watson would have to be advised by Senior officers from the Central Metropolitan District that were liaising directly with his office on all of these incidents and outcomes and procedures as to how further investigations would proceed through the Ombudsman's office.

Despite interviews with the Ombudsman and continually with Superintendent E the 8 January 2002 as the Assistant Commissioner for Metropolitan Region I had not been formally advised of the extent and nature of incidents or the nature of concerns identified between August 14, 2000 and December 2000 with officers appointed to this region. I can now confirm that Inspector H and Inspector J were also never informed or provided information or a formal notification or advice on these matters by Inspector K or Superintendent E.

What I also find concerning is that evidence is emerging now that Constable G7 is a five year 'probationary constable'. He is clearly linked to a number of issues and allegations over a short period of time in 2000 and again in a different environment in 2001. As recently as 14 February, 2002, I find that Constable G7 was subject of a Human Resources Portfolio Report of June 21,2001 which was not actioned for some months after identification of serious Agency management requirements that needed immediate attention. The issue of flawed entry assessments in 1996 by agency personnel is an obvious issue arising out of this report.

***We are unclear as to what Assistant Commissioner D means when he refers to "flawed entry assessments in 1996" and their significance in relation to this report.***

Again, the responsible officers involved has been in possession of this information for some time and failed to bring this to notice of myself as the Regional Commander. I have since ascertained that Inspector K and Risk Management Unit personnel with the Professional Standards Portfolio were involved, identified issues and still failed to notify myself at an early opportunity as the assistant Commissioner for the Region in which G7 is deployed.

I now find there is compelling evidence emerging which indicate a pattern of conduct expanding by senior officers that requires review as to appropriateness of practices and intents. The confidential information relating to this officer can be located on the Probationary Constable File held by the Academy.

I also ascertain now that the Assistant Ombudsman referred a number of these incidents to the Department of Public Prosecutions for opinion on whether Criminal Charges should be considered in areas identified. I am led to believe that all cases were returned advising the Assistant Ombudsman that there was insufficient evidence for a prosecution through that office. This was not alluded to in the Assistant Ombudsman's report of December 21,2001.

***This is factually incorrect and again shows a misunderstanding of the basic tenets of the internal investigation process. It is open to this Office to forward matters to the DPP for an opinion. However, it is for police to decide whether a matter is forwarded for the purpose of deciding whether there is sufficient evidence to proceed with criminal charges. From time to time, this Office will recommend to police that a matter be referred to the DPP. However, the ultimate decision in that regard will be made by police. Such was the case in relation to the matters referred to by the Assistant Commissioner.***

## **OVERVIEW:**

Records indicate that of the 2020 Juveniles spoken to by the officers working on the Westrail Trains for over twelve months, 236 or approximately 10% were taken into



custody. This clearly indicated that police are using the appropriate options when dealing with offenders.

***In our view this statistic simply indicates that 236 juvenile offenders were taken into custody.***

The main areas of concern identified by the Taskforce in relation to this targeted policing and social crime management program are:

1. The number of children that are contacted and referred, and the number of parents who are completely abrogating their responsibility in respect to their duty of care. In other cases where children have been taken home by police, the parents have been found to be intoxicated, abusive and racist to the extreme. In the main most cases dealt with are taken home by police. In some cases children as young as 9 years, unaccompanied and associating with known substance abusers have been located at 3am by police.
2. There is no structured format to determine whether in fact other government agencies are collectively taking on their responsibilities at a local level to case manage the children brought to the notice of respective agencies by police. To date there has been minimal information to the officers that have undertaken the major role of identifying those in need of management and care.

Superintendent E had total responsibility for effective management of the officers involved in the Joint Westrail/Police taskforce for 7 months from inception in January 18,2000 to August 14,2000. Reporting requirements were very clear, direct to his office, with necessary supervision by his Inspectors with outcomes and statistics programmed through his office, verified and a copy forwarded to the Operations coordinator/commanders office.

Standard operating procedures, reporting statistics, supervision, audits and reporting and procedures should have been in place. The case ascertained in August 2000 was that during the 7 months, neither Superintendent E or any of his Commissioned Officers had visited the Police contingency of Sergeant A or his staff. Evidence emerged that in fact, Sergeant A was disregarded, there was total inaction and lack of supervision, management, support checking or monitoring by the Superintendent or more importantly his Inspectors, to ensure management process and policing was correct, customer focus was met, inter agency responsibilities maintained and reporting on outcomes was factual and sufficient to stand under scrutiny.

Audits and investigations over July-August 2000 by myself revealed that there was a lack of endeavour and other management and supervision to the extent required. This was particularly evident where Inspectors were on duty but not being present and supporting and checking appropriate supervision of Sergeants with assessment of their performances, correcting of issues and management processes. This had been completely lacking from the Perth District forum and has had to be addressed as a specific direction from the Metropolitan Regional Command.

***However, our investigation revealed that while Assistant Commissioner D was, by his own admission, made aware of inadequacies in the management and administration of Perth District in as early as June 2000, and, for that reason,***

***took over responsibility for its direct supervision, he did not appear to address those shortcomings.***

With a review of Northbridge, rostering practices, management of the district, minimal supervision by sergeants and escalating crime and/or serious offences occurring, out of necessity, the Taskforce had to be moved under the direct command of the Metropolitan Regional Coordinator, Inspector J, within the Regional Command Organisational Structure.

Westrail had to meet their accountabilities and this was forced by direct, honest, factual assessment and advise to the committee regarding shortfalls, leadership, lack of endeavour, poor supervision and direction and the reluctance and/or inability of guards to deal with any issues and walk away from obvious offences occurring.

***This is another contentious issues. We heard considerable evidence from WAGR personnel about what they perceived to be an inappropriate level of force used by WAPS officers on trains. The videotaped evidence that we viewed tended to support them.***

The accountability was addressed by the senior management with arrangements for appointment of managers, supervisors, increased training, supervision, work practices, standard operating procedures, accountability of senior officers, review of the workforce and assistance in training and direction by the Metropolitan Regional officers in Inspector J, Sergeant A and the Academy staff to provide advice, direction and training in November - December 2000.

Mr Z was appointed to manage Westrail and management structure changed, strategies were implemented, strategic planning was undertaken in conjunction initially with Inspector J and Sgt A and then with Inspector H. Training with academy assistance was addressed, planned strategies and strategic plans were implemented with supervisors and functions outlined and changes to functions, rostering practices and visibility of guards.

Issues regarding complaints involving members of the Taskforce Police Officers or Westrail Officers were not brought to my notice. They were maintained in secrecy within the Central Metropolitan (Perth) District through Inspector K and S/Sgt D4 and the Assistant Ombudsman.

The review of inadequate policing, supervision, leadership and management of various issues within the Central Metropolitan (Perth) District has been ongoing and constantly identified and rectified by instruction, reprimand, direction and personal involvement since early 1999.

The Audits conducted across all districts revealed various levels of appropriate and inappropriate management practices. However, the audit continued through 1999, 2000 and into 2001 within the Central Metropolitan (Perth) District raised serious concerns and were eventually identified by management Audit Unit in mid 2000 and December 2000.

It was ongoing management inspections and assessments and the level of anti social behaviour being constantly reported to myself and other senior officers that led to a decision to remove the taskforce from under the management and direction of the Perth District Officer and Inspectors Q, K, G and R and place them with Inspector J.

The ongoing changes implemented are recorded. Inspector H has been the officer responsible for putting in place the Governments Election edict of 50 State Police onto Westrail Trains to undertake effective policing. This was a public demand, government funded requirement with implementation in relation to cabinet submissions, staffing, accommodation, identification of best practices, a joint memorandum of understanding and developing standard operating procedures and guidelines with appropriate organisational structures since late 2000 and into 2001.

Sergeant A is currently a supervisor at Cannington Station, a busy and difficult environment to manage and police. He is recognised as one of the more professional and effective supervisors in this district and agency and this is recognised and experienced by Junior and senior rank levels. The extent of his experience and demonstrated ability as an effective NCO can and will be attested to by many junior officers and many senior officers in this agency.

This should have been identified already by the ombudsman's Office to ensure a balanced perspective and understanding of this officers management and supervisory skills as evidence of the extent of his leadership and management skills should clearly and definitely been attested to from many quarters during the Ombudsman's Investigation. A balanced report on these issues reflecting some of the excellent achievements in comparison with the issues of concern raised by the Assistant ombudsman has certainly not been evident in his investigation or recommendations.

***We have no reason to question Assistant Commissioner D's opinion about Inspector H or Sergeant A. This report is not about the skills and abilities of individual officers in the general policing environment. The focus of this report was the management, supervision and control of a specific operation and the comments and recommendations we have made should be considered in that context. Whether our analysis of OST and the recommendations we have made are applicable to the wider policing environment is a matter for the Commissioner of Police to determine.***

I am informed that there has been issues raised regarding Inspector K's method of interviewing Junior officers during the investigation of these complaints. Whilst I advocate for a strong approach and rigour to policing and also investigations of Internal Investigations by officers with firm action or appropriate development emanating, I have concerns at information forthcoming regarding Inspector K's actions during the process of interviews of Junior officers.

Allegations have been cited that he was unprofessional in his endeavours and has been rebuked by commissioned Officers for his attitude, threats and or behaviour. I intend to raise this matter on completion of all investigations and interview officers concerned to ascertain the extent of unbiased investigation undertaken and the extent of this investigators endeavours.

This is necessary to preserve the integrity of internal investigations with junior officers by commissioned officers and to ascertain whether the information or allegations cited are factual and to implement preventative or remedial requirements if this was the case.

*In our view, the allegations raised by the Assistant Commissioner about Inspector K are serious. They should be properly and independently investigated. Given his role and the contents of his submission, Assistant Commissioner D would have a conflict of interest in conducting such an investigation. We would be prepared to conduct the investigation. Alternatively, it could be handled by the Professional Standards Portfolio.*

## SUMMARY OF SERGEANT A'S SUBMISSION

Sergeant A made his submission orally. Below are key points of his oral submission. The full text of the submission follows.

- The Taskforce ran for three months, but the initial objectives changed after six weeks when the number of Special Constables involved was reduced from four to one.
- The MTF was designed to deal with public disorder and criminal activity across the entire Metropolitan area.

*Sergeant A detailed matters in the report that, in his view, required amendment. However, they are not matters that are open to us to correct. They are either pieces of information reproduced from various police and Westrail sources or evidence provided by witnesses during the course of our investigation, rather than our view on an issue.*

- Mentoring was a "sideline" and was not of great importance.
- None of the complaints have "been proven".
- There is only one incident that was caught on videotape that involved Sergeant A.
- The conduct issues used as examples in our report were referred to in detail and contained incorrect information.
- Operation Safe Trains ("OST") Taskforce was a project team that formed part of MTF. It was not a separate operation that carried on from MTF.
- The principal objective of the Taskforce was to deal with anti-social behaviour.
- Every police officer was well aware of their mentoring requirements and was given a Special Constable to mentor.
- A full and comprehensive report regarding the Operation was sent through the chain of command each Sunday.
- The Police Service failed to provide appropriately sized Action Report books for use by the Taskforce.
- Shortcomings in the Taskforce were identified and rectified.
- The Operation could be measured against objectives or by the letters received from members of the public or by the weekly reports sent by Sergeant A to the Inspectors and the Assistant Commissioner.
- The officers attached to the Taskforce should have entered detailed accounts into their notebooks.
- The way in which the Occurrence Books relating to OST were completed is accepted practice across the Police Service.
- All other records associated with OST were kept meticulously correctly.
- MTF and OST should be isolated from any perceived problems in the wider Perth District.
- MTF and OST received no supervision from Perth District. Instead, what was received was passive resistance, deliberate interference and, at times, instructions that deliberately contravened those received from senior officers.
- One of the Inspectors checked some of the records attached to OST.
- Statistics related to OST can be verified.
- The same method of gathering statistics for OST was used for the Sky Show where supervisors do "block counts" or "guesstimates" of numbers.

- Sergeant A advised that we do not have all the records pertaining to OST.
- Information received from shopkeepers and Special Constables should be considered to be reliable, accurate and systematically gathered.
- Sergeant A said that if he told us during his interview that he had only checked the police Offence Report system for intelligence on one occasion, then that was wrong.
- Police management's interpretation of "intelligence" and Sergeant A's interpretation is at odds.
- The mentoring objective was not met. However, the Special Constable's policing methods have changed as a result of mentoring by police.

**SUBMISSION OF SERGEANT A**  
**(Oral submission to Roger Watson and Sharon Retzlaff on 5 March**  
**2002, accompanied by his solicitor)**

RW I'm here with Sharon Retzlaff, Carol Adams and Sergeant A. Sergeant A has responded to our draft report by requesting that he make oral submissions and that's the purpose of today. So far as we're concerned and this is open for negotiation – because we have done this a couple of times but not that often – we are more than happy to have the oral submissions obviously and that's up to you, the way I'd like to run it is essentially to sit back and let you say your piece, not that interested in getting into debate about the whys and wherefores of anything today but happy in principle at least to sort of discuss issues for points of clarification. We'd discussed whether to put you back on oath or not but we're not actually taking evidence from you today so far as I'm aware so I don't see any point in administering the oath but can do that if there's a good reason to. I know that Carol had a view to making observations on that point.

SOLICITOR No I think Sergeant A's come here to make an oral submission and there's not real need to put him on an oath. He's come here voluntarily.

RW Okay. So the relevant part of the Parliamentary Commissioner Act – which I think is section 25(7) but I stand corrected on that if necessary – is that prior to the Ombudsman publishing any report any person about whom a report is critical or a report which has articulated things badly, any kind of report which maybe regarded as critical or adverse to a person, that person is given the opportunity to respond to that adverse and critical comment and their response is got to be set out fairly in the final report. Now in general how it's set out fairly is open to debate but as a rule of thumb what we have done is we have simply attached the submission to our final report and made whatever changes to the report flow from that as necessary. And that is what we propose to do in this case and I think that's as I explained to you Sergeant A when you first came in for your first interview I think in that spiel that I would have given to you at the beginning I think I would have said that any adverse ..... you'd get the chance to comment... you'd get the opportunity to respond to any adverse comments and your comments would be your response would be fairly set-out in the final report. So that's what today is about. Before we proceed, are there any questions about that? Any comments about that?

A No

SOLICITOR No

RW Okay let's do it.

A If I may go through the report – I don't know what time restrictions we have here,

RW None at all.

A But I also note that when I read the transcript that I don't know if your tape equipment here of what quality it is but I found it there was words missing which could change the whole meaning of my comment. So perhaps on your side of things we need to look at the quality of the tape, that's why I've tried to move so that I'm speaking directly into it or the quality of your people who are doing your transcribing.

RW Okay well you might want to point out to us where those words are missing...

A Oh I didn't... well it just continued through the whole thing. And it can give incorrect meanings of course to phrases.

RW I hope you're going to correct those here today.

A So if possible I'd like to go through page-by-page with the referring to the paragraphs that I find that there seems to be some glaring inaccuracies

RW Did there?

A That are either in the report through I guess negligence or perhaps investigators who have received contaminated evidence or contaminated information and that information being contaminated can either be by negligence or by design or maliciousness. So I guess we need to look at that because there's some things in here which are just completely incorrect. False to say the least. As I refer to it I'll be referring to the Ombudsman report as the "report" and is dated the 20<sup>th</sup> of the second 2001.

RW 20<sup>th</sup> of the twelfth 2001.

A Oh sorry what did I say? 20<sup>th</sup> of the twelfth is it?

RW Yep

A Okay sorry. Page one, the heading is "Introduction", paragraph three. If I read the paragraph then I can quickly comment on it?

RW M-m yep.

A "The taskforce ran for three months. It was staffed by four Western Australian Government Railway", now this report doesn't spell out Western Australian Government Railway is WAGR and SPCs as Special Constables and the report does distinguish that. However I'll refer to them as West Australian Government Railway for my own peace of mind if you don't mind. It's easier for me. I'll commence. "The taskforce ran for three months. It was staffed by four West Australian Government Railways Special Constables and a contingent of police officers that varied in number between eight and ten. It had a roving commission to travel on trains throughout the metropolitan police region, came under the day-to-day management of Sergeant A, Operation Safe Trains came under the direct control of Assistant Commissioner D." This is in the context of the whole report misleading, the taskforce did run for three months however the original objectives the original taskforce containing four West Australian Government Railways were stopped after six weeks. And that should be noted in here.



*According to all the evidence, the taskforce operated from 11 August (or 14 August, depending upon whose evidence is accepted. There is variation in the advice we received in that respect that is unable to be checked for accuracy from the available records) until 11 November 2000*

Same page, page one under the heading “Historical Context”, paragraph one. I’ll read it. “The momentum for establishing Operation Safe Train emerged as a consequence of a long history of anti-social behaviour on metropolitan trains, railway platforms and surrounding areas.” That is correct. “The problem was initially tackled in January 2000 when police formed the Metropolitan Taskforce to deal with public disorder and criminal activity in the Perth and Northbridge areas.” This is in fact incorrect. The Metropolitan Taskforce was designed to deal with public disorder and criminal activity across the entire metropolitan area. The wording on this page indicates that it was the Perth and Northbridge areas. It doesn’t include Karrinyup, Westfield, Fremantle, Kwinana, the whole of the metropolitan area was the Taskforce charter.

Second paragraph: “On the 31<sup>st</sup> of July 2000 a meeting was held between, the then Minister for Police, the then Minister for Transport, the Assistant Commissioner Commander Metropolitan Region for Police, the then Acting Commissioner for Railways and the then Executive Director for Metropolitan Division of the Department of Transport, to address what amounted to a public outcry about safety on trains. This meeting resolved to establish Operation Safe Trains.” This needs to be clarified as it again is misleading. To the best of my knowledge the first I heard of the words Operation Safe Trains was well after we had already formed the four Special Constables in the Metropolitan Taskforce working as a project team and I received a phone call from Inspector J who told me it was going to be called the Operation Safe Trains. Although it may have been resolved earlier, it needs to be pointed out in here in this report to be completely accurate.

On this page it then goes on to refer to “Appendix B” as a brief history of the events that shaped the idea of forming Operation Safe Trains. And I refer to Appendix B. This was supposed to be a brief history of the events that shaped the forming of Operation Safe Trains. Page 34, heading number nine, “Meeting D”, which when I refer to your legend refers to D, W which stands for W and Y which refers to I believe Y.

RW That’s on the 15<sup>th</sup> of February is it?

A 15<sup>th</sup> of February 2000. And I’ll quote from Appendix B. “Joint Taskforce”, this is under the heading “Outcome”. So it’s “Detail”, “Date” and “Outcome”, “Joint Taskforce to be created to deal with anti-social behaviour on public transport, particularly West Australian Government Railway and trains.” On the 15<sup>th</sup> of February the Metropolitan Taskforce was operating under my supervision and there was no mention of it any whatsoever about forming a joint taskforce in February. I had no knowledge whatsoever. Not saying that it wasn’t mentioned by other people. The first time that a joint – although we had small project teams working together with West Australian Government Railways from January all through the life of Metropolitan Taskforce – there was no mention of this joint taskforce which we know as Operation Safe Trains to me whatsoever. In fact it was me that as far as I know that brought the idea up. A meeting was

held at Perth police headquarters present was myself, Inspector J, I think Y – if he is the fellow with the white hair – another person by the name of Mr Z and another male person who I can't recall the name of. The purpose of that meeting that I was aware of was simply to discuss how we could support each other on the train system of the metropolitan area. Towards the end of the meeting, which had not been particularly productive in my opinion, I came up with the idea of Special Constables coming up and working with us from our office as a joint taskforce. To that point I had not heard the name of joint taskforce or Operation Safe Trains whatsoever. Mr J – everyone at the meeting agreed that this would be a good idea – the mentoring and training was a sideline of not a great importance, which your report here seems to put great importance on the mentoring and on-job training. It was something we would do if possible.

***It is clear from correspondence, memoranda and the Minutes of the Safer Transport Taskforce (Rail) Steering Committee that mentoring was a principal objective. The argument that one of two main reasons for the establishment of the taskforce was not communicated to Sergeant, reinforces our view that a lack of shared understanding about the reason for Operation Safe Trains (“OST”) was a matter central to its failure to meet its key objectives.***

Mr J then left the room and I believe had a conversation with another officer I don't know who, came back and said shall we commence this joint taskforce and was agreed on that day. The date I'm not entirely sure of but it was some time in July I believe, maybe early August. That was the first time that this joint taskforce to the best of my knowledge was mentioned. And Mr Z, Mr Y and the other male person didn't mention that they had discussed it before either.

I refer you to the following heading which is on the same page of Appendix B, page 34, “Letter Director...cafe to D”... 23<sup>rd</sup> of February 2000. And the Outcome column states “Thank you letter regarding actions of taskforce in Northbridge precinct in controlling compromising behaviour.” The importance of that, and I ask that is this summary of events leading up to the establishment of the Operation Safe Trains selected? Have you selected certain events and if so either negligently or maliciously it forms an opinion to the reader. By having this heading follow that joint taskforce to be created – which I just discussed that it was my idea – and then mentioning here “thank you letter regarding actions of taskforce in Northbridge precinct in controlling compromising behaviour” is misleading in the fact that it sounds as if it was Operation Safe Trains taskforce and it was not. There were no West Australian Government Railway Special Constables assisting us when we did this operation outside Valentino's restaurant whatsoever. It was metropolitan taskforce officers only.

***This evidence corroborates our understanding that the Metropolitan Taskforce (“MTF”) was different to OST. Only when WAGR Special Constables joined officers from the MTF did it become a joint agency operation under the code name Operation Safe Trains.***

Page 35 of Appendix B, the penultimate heading. “Briefcase a business case admission – Operation Nightsafe dated 4<sup>th</sup> of August 2000. Outcome: Operation”, this is about Operation Nightsafe I presume “Operation to run for three months from the 11<sup>th</sup> of August 2000 targeting unlawful and anti-social

behaviour in the Northbridge precinct (including the railway concourse and all platforms of the Perth Central Station under the direction of Sergeant C.” This is false. Whoever supplied this information has done so negligently because they were misinformed or mischievously. I was present on all Operation Nightsafe nights which were Friday and Saturday. Having said that there may have been one that I wasn’t there. But to the best of my knowledge every Friday and Saturday. Sergeant C was never the operational commander and never directed Operation Nightsafe. Occasionally, spasmodically, on a few occasions Sergeant C was in charge of a small group of plain-clothed operators – officers I should say – that targeted the liquor outlets and late-night entertainment areas of Northbridge. Had no input, positioned no officers, contributed nothing to the railway concourse and all platforms within the Perth railway station other than en route to the briefing which was a city watch and leaving. So that is a false entry. There was always a commissioned officer in charge of Nightsafe.

***This information was taken directly from a police document – the Business Case Submission for Operation Nightsafe. Apparently, police initially planned for Sergeant C to supervise the operation.***

Page 36 of Appendix B, the fifth entry, letter Y to W which would be Y and I thought who W would be – W, 3<sup>rd</sup> of November 2000. “Expressing (disappointment) that STT (rail) SC meetings.” Would that be the steering committee meetings?

RW  
/SR M-m.

A Of which I would point out that I wasn’t aware that there was any steering committees, that there was any of other meetings and committees which I’ll come to later. Didn’t even know they existed. I go back, “Expressing disappointment that STT (rail) SC meetings used by WAPS West Australian Police Service to denigrate West Australian Government Railways.” I wasn’t present so I can’t comment on what took place. However, I have been informed that the West Australian Government Railway was informed of certain problems that I had discovered with the Western Australian Government Railway Operations. These problems were brought to my attention by Special Constable L12. He also brought them to the attention of Inspector J who I assume repeated them in his report to the steering committee. Lack of direction from WAGR West Australian Government Railway, too flat an organisation, no prospects for promotion, no property processes in place, certain rorts, training which had fallen well short of West Australian Government Railway guarantees some years early. And I am assuming that Mr J – and I haven’t read his submissions – would have been repeating what L12, Special Constable L12, and his comments were verified by other Special Constables at the meetings that we regularly had with Inspector J in regards to the WAGR. So, disappointment that the meetings were used to denigrate WAGR in regards to their effectiveness and their efficiency may only be the fact that they were concerned that their inabilities were being made public. As investigators I would have thought that these – comments like that would have been investigated by yourselves to find out exactly what took place. Because I assume what I am saying today is probably the first time that you’ve heard that. So that’s Appendix B.

***Throughout the course of his response, Sergeant A states that he had no knowledge about a number of meetings that were held and a number of decisions that were made at management level. That Sergeant A, as supervisor of the OST taskforce, was not kept informed about decisions made at that level regarding safety on trains, again suggests that there was a serious lack of communication between management and the taskforce that produced a lack of shared understanding between the parties as to the objectives of the operation.***

If I may continue now to page two of the report. There's a heading and five dot points. "There are many events of particular significance are the following:" And the dot points. I go down to the fourth dot point. "A decision made by Assistant Commissioner D, Mr W, Mr Y on the 15<sup>th</sup> of February 2000 to form a joint taskforce to deal with anti-social behaviour on public transport, particularly trains." And I reiterate I had no knowledge of that whatsoever. However the last comment of the growing public concern about train safety is well known.

Same page two, number three, "Why we are involved" is two paragraphs, the third paragraph has a two line heading followed by three dot points. And I read in particular, "police internal investigators identified at a reasonably early stage of the investigation process". What is your definition of early stage? Some complaints that were of simple investigative requirement, all witnesses known, all police officers known and available, all evidence available, have taken nearly two years. I put it to you that being identified at a reasonably early stage is misleading. The first dot point, "The number of complaints about the conduct of police officers attached to Operation Safe Trains was high." Compared to what? You merely made the comment it was high but you don't say what you are comparing it to. Are you comparing it to other taskforce? If so, what were the taskforce, what were their charters, what were their period of operation. You need to explain that.

***We have altered our report to illustrate why we believe that the number of complaints about OST was high.***

Otherwise, as any good novelist knows in the first three pages you're setting an impression to the reader, one that he'll carry through the whole report. And if it's misleading he'll carry it through. As a professional report, this needs to be fair. Second dot point, "The nature of these complaints tended to suggest" – I question the use of those words "tended to suggest". If you are using guesswork, say so. "There was a pattern of overly aggressive and unaccountable policing tactics associated with Operation Safe Trains." But you don't mention that that some of these complaints have not been proven. In fact, I put it to you that none have been proven at this stage of this report. If you are going to mention them, which is your prerogative to do so, then you should mention that they have not yet been proven.

***The terminology "tended to suggest" should not be interpreted to mean that we used "guesswork" to arrive at the view that there appeared to be a pattern of overly aggressive and unaccountable policing tactics associated with OST. In our view the videotapes of incidents on trains stand on their own as evidence of uncompromising police behaviour.***

***All incidents referred to in this report have been subject to a police internal investigation and have been reviewed by this Office. It is misleading to say that "...none have been proven...". The facts of the incidents have been established and recommendations have been made in each case that the relevant officers be charged pursuant to either the Criminal Code and/or Police Force Regulations (other than in the case of the 'red man' incident where it was recommended that the officers concerned undergo further training in passive police practices).***

And the third dot point, "Video tape evidence related to some complaints captured. What appeared to be acts of serious misconduct in the presence of the Operation Safe Trains supervisor, without his intervention." Which supervisor are you referring to? If you are referring to myself, I put it to you that there is only one incident where there was a tape of myself being present during an incident that resulted in a complaint. I was not present on those videos of any other incident. You need to say that or the reader again is misled.

***We agree that Sergeant A was only captured once on videotape. We have altered our report accordingly. However, we understand that he was present at all of the other incidents referred to in the report, except for the 'red man' incident.***

Page three of the report, second paragraph. And I quote, "It was not the objective of the investigation to look in any detail at the conduct issues considered by the police internal investigators. Having said that it is not possible to properly analyse the running of Operation Safe Trains, particularly the supervision of the officers involved in the incidence that gave rise to this investigation without reference to the incidence themselves. For the record these incidence these are:" Although I don't have a problem with you listing them in a dot point, of which there are six, you then further go on to page 21 and you actually mention each incident in detail. If your statement on this page is that it was not the objective to look into any detail of the conduct, then I put it to you that you should not mention them in detail as you have from page 21 through to page 25. I'm not able to comment in length on these as they are subject to other matters which will be discussed in another forum. However, to assist you in preparing an accurate and fair report, I must tell you that you have included in here in almost every incident, incorrect information. You have mentioned things that simply did not happen. You have mentioned only one name, namely myself, yet there are some several other officers involved but you choose only to mention my name. I wonder what was the intention of this. You mention charges going to the DPP but you fail to mention that the DPP recommended that no charges be preferred whatsoever. If you are going to mention these then you need to be fair and mention the outcomes.

***We decided that it would not be necessary to analyse the conduct issues that emerged out of these complaints as such an analysis was already a requirement of the normal review process that exists between this Office and WAPS in relation to completed police internal investigations. In our view, the summaries of the incidents contained in our report do not deal with the incidents in any significant detail. They are no more than summaries. For example, any decisions by this Office about the appropriateness of disciplinary or other recommendations made by the police internal investigator were not included. Neither was any analysis of the available evidence.***

***For completeness, we can now say that we have received advice from police that they obtained an opinion from the Director of Public Prosecutions that criminal charges should not be laid against the officer concerned in relation to the 'Warwick' incident as it would not be in the public interest to fly witnesses to Australia from Ireland for the hearings.***

RW Just on that point, I think at the point we sent this draft report off the answer from the DPP wasn't at hand to my understanding.

SR ..... (overlapping voices) ..... changed.

A Then that should have been here.

RW Sorry?

A Then that should have been in this report. This report has been read by whoever has been able to get a photostat copy of it. As professional investigators you would have been aware that people would read this.

RW Before you go on. When you say it's been read by anyone who's been able to get a photostat copy of it, I hope that doesn't mean that you have provided people with copies

A No I have not.

RW or that anyone else has because

A I am not aware of that.

RW there is a clear direction attached to that report and if what you say is true, that means people police officers as it turns out have committed offences against .....

A I'm not aware of anybody doing that. However,

RW Then how does your comment that it can be read it's been read by anybody that can get a photocopy of it there shouldn't be any .....

A These reports aren't kept in a vault. We secure them best we can. It would be naive to think that somebody couldn't get hold of this and photocopy them. This report has been sent to the Commissioner of Police, my supervisors and you've included things in here which you clearly said today that you weren't in a position to know the outcome or the full extent of the inquiry. I put it to you that you may list them as you've done on page three, but to then go on and explain them fully and I don't have an opportunity today to defend myself, seeing as that mine is the name mentioned through here, other officers and myself only became aware of these when I read it in this report. The police internal investigations had not even completed their report. I had not been advised at all of the results until I read it in here. I find that inappropriate.

***The incidents referred to in this report were the subject of completed internal investigations. The decision about when to inform subject officers about the outcome of an investigation is an internal matter for the Police Service to decide.***

***Moreover, we do not agree that Sergeant A has not had the opportunity to defend himself. He was interviewed during the police internal investigation and gave his account to the extent that he deemed it relevant to do so. He also had the opportunity to comment on the incidents summarised in our report.***

I go now to page five of the report, the objectives of Operation Safe Trains, first paragraph, “The meeting of 31<sup>st</sup> of July 2000 resolved to establish Operation Safe Trains. The stated objective Operation Safe Trains was to assist West Australian Government Railway to target criminal and anti-social behaviour on trains. This was to be primarily achieved by providing support to West Australian Government Railways both operationally and by mentoring and training Special Constables on-the-job.” As I said I can only state what my beliefs of the objectives were. The mentoring and training was if possible and only as a minor part. And that’s how I believed it. Second paragraph, you then go ahead to support this by stating, “It is evident from inter- and intra-agency correspondence, memoranda and the minutes of the Safer Transport Taskforce during committee meetings” – Again I’ve already stated I didn’t even know these committees were operating – “in the police crime prevention files” – I have no knowledge of these files – “that the mentoring of Special Constables was a principle objective of Operation Safe Trains”. It was not the principle objective whatsoever. The principle objective as far as I was concerned was the anti-social behaviour and a project team working in partnership with West Australian Government Railways. Part of our duties was to assess what training level the West Australian Government Railways were at and if there were anything we could advise them in regards to their operating procedures, which I did both to my chain of command and to Mr Z and Mr Y. Which I might point out they have taken on-board and they have changed. They now have a rank structure, they now have a property system in place, they now have changed their operational procedures and taken on board our suggestions.

Under the heading of “Objectives of Operation Safe Trains”, the sixth paragraph. “Operation Safe Trains carried on from Metropolitan Taskforce.” That is misleading. The Metropolitan Taskforce did not finish. The Metropolitan Taskforce was the same. Operation Safe Trains was just a project team, a project which had a beginning and an end which is consistent with how project teams are managed if you manage by projects and was simply another operation, no different to the Kwinana, no different to Karrinyup, no different to Westfield. “Under the control of Sergeant A that is what was previously Metropolitan Taskforce became Operation Safe Trains.” This is incorrect. We still had a metropolitan-wide responsibility. Example, the outlaw motorcycle group – I stand to be corrected, may be Rebels – that had a large group meeting in Kwinana, we went down there and assisted them and at the time Special Constable M13 was working with us, he came with us simply to observe as on-job training how these sort of operations because these people can maybe start to use the rail system. So the Metropolitan Taskforce or the metropolitan-wide responsibility simply went from January to January. Operation Safe Trains was just another small part of it.

Page six of the report, first paragraph, “Our interviews with the Special Constables and West Australian Police Service officers also indicated that they had a clear understanding of the first objective which was to target anti-social behaviour. However it is also clear that the West Australian Police Service

officers who volunteered or were assigned to Operation Safe Trains had little or no knowledge of the mentoring or training objectives.” I find it strange that your investigation came up with that conclusion or are you simply guessing?

***Appendix “D” details the responses received from WAPS and WAGR personnel in relation to the mentoring issues. In all cases the witnesses were asked similar questions along the lines of whether they were aware of the mentoring objective and what they understood to be their responsibilities in that regard.***

Because my investigation has shown that every officer was well aware of their mentoring requirements, the fact that they couldn’t meet those requirements, the training of video interviews and other training and when they brought this to my attention Operation Safe Trains was concluded after only six weeks, not three months.

***This contradicts the evidence we received from police officers attached to OST.***

My investigation is as recent as only this morning. I interviewed the same officers as you did. Which it leads me to believe or suspect or is there a suggestion that your questions may have been weighted in a certain way, or were they simply under pressure when they were answering the questions here? Second paragraph, “In fact almost without exception the West Australian Police Service officers were not even aware of the existence of Operation Safe Trains. I will concede to that and I may not have told them the name of the operation until they received a request to attend our interview. Until then they thought they worked with the Metropolitan Taskforce. That is a distinct possibility because the Metropolitan Taskforce never finished. Third paragraph, “Whether or not the officers were aware of the name of the operation is not as important as the knowledge of the objectives. As they were the people at the coal face of the operation their lack of knowledge about its mentoring and training objectives meant this objective was never likely to be achieved on any interpretation of the evidence.” It wasn’t. Each Special Constable was given a West Australian Police Service officer as a mentor. I spoke to one of those this morning. We ran training programs down at Central Police Station.

***Again, this conflicts with the evidence detailed in Appendix “D”.***

This was brought to my attention recently as well. They were well aware. So I ask how did you come to this conclusion when they came back to me and told me that they weren’t meeting it the objective couldn’t be met and I refer you to a publication which we use which is a guide to the project management body of knowledge. Am I able to quote from here?

RW Are you tabling that are you giving that to us?

SOLICITOR I haven’t read it.

A It’s only a standards committee – a guide to the project management body of knowledge which is what we use in the police service.

RW What is it?



SOLICITOR Okay so it has no caveats on it which?

A I don't know.

SOLICITOR Oh right.

A Can I quote from this?

SOLICITOR You can quote from it .....

RW ..... until I know what it is it carries no weight.

A Fair enough, okay.

RW You can tell me what it is.

A Well, I, okay what I am referring to here is a guide to the project management body of knowledge

RW Yeah that's its title but what is it. Is it a publication by the police service, is it .....

A It's a publication that this police service does use when they're – this police service manages by projects and this is a guide to how projects should be managed.

RW And were is it available? Is it in the cops manual? Is it ....

A No our major projects unit has this publication.

RW Okay and who published it?

A Would that be here?

RW It should be somewhere.

A Project Management Institute, 4 Campus Boulevard, Newtown Square, Pennsylvania, United States of America.

RW And where did you get it?

A I got it through the department.

RW And did you have that in your possession to make this submission or did you get prior to .....

A Oh no I've had this in my possession for some time.

RW Okay. So if you give us that document as part of your submission, will you be able to get another copy for yourself?

A I would think so.

RW Well what I think you should do is you should table that. You should give us that as part of your submission if you want to quote from it.

A I'd have to seek advice on that I guess. So that's okay.

RW And this is the reason,

A I was only going mention something out of it.

RW No let us explain the reason so you're not under any misapprehension about it. It I quote in here, it's either from the evidence or from a publicly available document such as a book or a journal or something like that where you can go to a library and access it or something internally published on the website or in the cops manual or something like that. I mean I need to have the same opportunity, in order to place any weight on something you might .....  
(A talking over)

A Yes I understand that completely and I won't quote from it. It is my understanding that to manage by objectives an objective by my understanding is different to an operation – ah project I'm talking about, not a, the project is different to an operation. A project should have a start and a finish time. It should be temporary, and by temporary I don't mean an hour, although it can be an hour it can be many years. But an important part of managing by projects is that when the project when the objectives are clearly seen that can't be met, then you must be prepared to stop the project, go back to the beginning and start again. Which is exactly what we did with Operation Safe Trains. When my mentors, when the people mentoring the Special Constables – and I put it to you that in one of your Appendix which we'll get to later, and the Special Constables mention that they have no idea of mentoring – we have to realise what people can gain from their comments. And at the time with what we were uncovering West Australian Government Railways peoples jobs were considered to be ..... (well of?) their concern, so they're not going to be likely to be forthcoming with assistance one would have thought. However each officer had a mentor, when those mentors told me that they could not meet the objectives because of their lack of training themselves and because the Special Constables themselves – and I can name the officer, Special Constable L12 again – who said I don't care what you'll teach us, we'll go down stairs and do what we want. It doesn't matter what we learn here, we'll continue on doing with whatever we were doing in the past. And we've identified that their methods of operation were not efficient nor effective. When I found this out, I reported this to Mr Z, I reported this to Inspector J and the project team was finished. And we had one officer come up, someone that Mr Z chose as a possible future manager and he was to come up and work with us looking at the administration side of things. I would have of thought that that is in-keeping with managing by projects.

Same page six, paragraph the penultimate paragraph where you refer to Appendix D, "Samples the accounts of West Australian Government Railway, West Australian Police Service management and the taskforce officers about how Operation Safe Trains ran and whether it was successful in terms of it's training and mentoring objective." Well it wasn't successful in it mentoring objectives. "Not surprising their accounts are varied as their accounts of that its objective." And I've quoted from the report. So if we could go to

Appendix D. On page 40 of Appendix D which is “Training and Mentoring” heading, the second entry, “West Australian Police Service officers”. First mention is – and I believe these are the comments – and who selected these comments? And were they selected with any intention or agenda in mind? First comment, “No mentoring – was always on with junior police officer.” Yet the last one, comment from the West Australian Police Service officers is, “Heard from Special Constables and mentoring was successful.” And yet back in the report you say that the Special Constables had no idea of what the mentoring was, never heard of it didn’t know any thing about. Yet quite clear they say here heard from Special Constables that mentoring was successful. The last comment from the Special Constables, “No mentoring role. Special constables have more experience than West Australian Police Service officers.” That’s conceded of course they did in regards to railway electricity, railway acts and it was a project team. The idea of project teams is that you drag from the larger, the larger organisation to form a team of officers or people with the required skills to perform a project then they go back. Special constables refer to mentoring, mentoring in relation to brief preparation only, but they do refer to mentoring. And yet back in the report it clearly states there was no mentoring at all.

Special constables refused to ride trains with heavy-handed Operation Safe Trains taskforce. You mention it here but you don’t explain. The West Australian Government Railway Special Constables had instructions of no de-training. They informed us and Inspector J and I presume they would have informed the investigators into this matter now that they would caution someone over and over and over again until they got off at a station and they would stay on the train. Their instruction was not to de-train. Once these people got off at the station they go into suburbia which became a police officer’s problem. We couldn’t allow that. We could de-train. We would caution them sufficient amount of times, then we would take action. “No mentoring of Special Constables” yet three dot points in they say there was mentoring in relation to brief preparation. “West Australian Police Service were mentored by Special Constables.” That is correct. They had the skills, the knowledge and the abilities on trains. “Senior West Australian Police Service officers mentored police probationists.” Well that would be correct. “Mentoring only in relation to administrative procedures.” Again, Special Constables are referring to mentoring. Now if there’s a confusion here there’s someone saying there’s no mentoring, then they’re saying there is mentoring, then you need to spell that in the report itself. And the mentoring in relation to administration procedures --this was Special Constable M13 who I now believe is being made the rank equal to sergeant with the WAGR.

***Sergeant A’s observations about the conflicting comments made by WAPS and WAGR officers involved in OST again highlights the lack of shared understanding about the mentoring objective.***

RW To make the point you make the assumption that it’s Special Constable M13, you don’t actually know who it is.

A About what?

RW Well you don’t know who made that comment. You couldn’t possibly.

A No I don't.

RW Okay so you assume it's Special Constable M13?

A Well the only Special Constable that was mentored into administrative procedures was Constable M13 and that was at the suggestion of Mr Z. Once we realised we couldn't meet our objectives without more training more police officers with better skills to train them, we stopped the project in accordance with management by projects. Mr Z suggested that he would select someone who was a future manager who could come up and see how we managed on administrative level. That's why he went with us to Kwinana with the permission of the West Australian Government Railways. So there's inaccuracies here which need to be addressed before this can be read with any sort of validity I would have thought.

Okay now to page seven, paragraph three, "It would appear that the Ministers were never informed about this lost objective. At best this indicates a failure to keep the Ministers properly informed, at worst the lack of information provided to the Ministers in conjunction with the lack of effort to achieve the training mentoring objective suggests that the Ministers may have been misled." How could the Ministers be misled? When the objective was not met the West Australian Government Railway senior officers were informed, police senior officers were informed and the three month trial period was cut in half. What lack of information could there have been when a full and comprehensive report was filed every Sunday through the chain of command, through the Perth District Office and through to Assistant Commissioner D. I had regular meetings with Mr Z and brought him up to, informed him of how the Special Constables were going and one particular Special Constable who was performing at a very low performance rate. I even then advised the Special Constables that we would be implementing a measurement performance program and explained to them how it would be. This was at a briefing. I obtained this information from the then Acting Assistant Commissioner and was organising meetings with Mr Z to work out how we could do this with them because the Police Service is slightly different, to when we then decided to stop the project management. That paragraph "... at worst the lack of information provided to Ministers... is misleading to the Ministers..." you need to qualify. If there was a lack of information, what lack of what information? So that page needs to be looked at that paragraph. And I don't accept it. At my level I might add.

***In our view, the responsibility for reporting to the appropriate Minister would not lie with Sergeant A in any event.***

The report page 11, paragraph four. And I think, what are we referring to here, "Accountable Records". This is under the heading "Accountable Records" page 11, paragraph three ah sorry paragraph four, "There are of course other records connected to Operation Safe Trains. However, none of these records, including the global file tracking system, can be examined to ascertain where the taskforce was or what it was doing at any given time during the course of the operation. That information was simply not recorded." This shows me either a lack of understanding from the investigators from this office or that the information or advice that you received was from somebody who was negligently false in giving it to you or maliciously false or whatever. Why

would we use the global file tracking system to show where we were at any given time. The global file tracking system (GFT) is a system for tracking files. The beats do not use it.

For clarity, this paragraph should have read, “However, none of these records, including information gathered from the global file tracking system...”.

The beats are assigned to a beat and they work that beat. They don't have any action reports. The fact that this service doesn't provide action report books small enough to fit in our pocket, should be not included in here as a criticism of us, and yet you have. You continually refer to the accountable records

***The matter of the use of Action Report books has been addressed in our report. WAGR Special Constables use standard A4 size Action Reports on trains.***

SR Sergeant A can I just ask you there, because I think it would be of benefit generally, are you able to direct us to perhaps records from which we could ascertain where the taskforce was or what it was doing at any time during the course of the operation?

A We use exactly the same process that is used for the beats. And that is the officers are booked on for the day, they're assigned a particular beat, and there's no running sheets or action reports used.

RW Now where are the records of those beats?

A As to their signing on and off?

RW No as to the beats.

A As to where they were at 11 o'clock, Monday, such and such a date?

RW Mm.

A There is no record of that. There never has been. The beats are assigned a beat and that's where they are. Their supervisors check them to see where they are, that should be recorded in their occurrence book.

***There were no such entries in the Occurrence Books for OST.***

In regards to Operation Safe Trains I was with them or a senior constable was. The global file tracking system we did use. The following paragraph you go further, In fact you start with the word furthermore, "... the often incomplete nature of the occurrence books in conjunction with the failure to record what Operation Safe Trains did on a day-to-day basis means that related records such as weekly statistical returns, management reports and court briefs cannot be properly evaluated. These records exist in what might be described as an audit vacuum. It is impossible to test their veracity in even the most rudimentary way, they are therefore unreliable." And I've quoted from paragraph five of page 11. Again your investigation has failed. A proper investigation would have realised that we use the global file tracking system for every brief that went through the Metropolitan Taskforce.

The reason for this is that the briefs then went to the Perth District brief handler. We then also used a hard copy brief, sorry a file movement book where every file that came in from the officers was recorded. Where it came from, the date, what the file was, when it was completed and where it was forwarded to. I can only assume or I suggest this paragraph tends to suggest that your inquiry hasn't been able to locate that file book or the fact that we use the global file tracking system for what it was designed to do. So that paragraph is misleading and false.

SR In the event that we are able to locate the file book to which you refer, what will that tell us Sergeant A?

A I merely, what it tells us is that here is an accountable book that was kept. Your paragraph clearly states that these records exist in what might be described as an audit vacuum - it is impossible to test their veracity. "Failure to record Operation Safe Trains management reports, court briefs..." Management reports were by e-mail and in fact you have been supplied with management reports back to my senior officers. Every single arrest and court brief was recorded on global file tracking system. Whoever told you they weren't is negligently false or have misled this investigation.

***This is factually incorrect. There were a number of briefs that were unable to be located. Further, they did not appear as entries in the global file tracking system.***

RW I've got to say - I know I'd said at the beginning we don't want to get into debate on this and I want to try and avoid that - but it seems to me that what you're saying here about the global file tracking system is off on a tangent. It's not, no one is saying for even a moment that you didn't use the global file tracking system and to the extent that the report reflects that view it's you know it ought to be changed but that's not the argument, the argument there is that whatever is in global file tracking, whatever is in your management reports, those sort of things can't be tested because as you've just told us not two or three minutes ago, you can't say what the officers were doing on a day-to-day basis. You don't know, you can't know.

A The officers doing on a day-to-day basis were as the beats do. If you need to be critical of that system which is across-the-board, then you must in here say that it's across-the-board and not a criticism directed directly and solely at the Metropolitan Taskforce or Operation Safe Trains. That is misleading. For we have adopted a format and a procedures which is accepted across the service. I go back to your paragraph, "The incomplete nature of the occurrence books in conjunction with failure to record what Operation Safe Trains did on a day-to-day basis means that related records such as statistical returns, management reports and court briefs cannot be properly evaluated." All of the briefs are there, their movements are recorded, the briefs are there for you to look at, why can't they be properly evaluated?

Same page, page 11, "It is impossible for police management, the public or any other stakeholder..." I'm quoting from the report again, bottom of the page, "... to satisfy themselves from the accountable records that the day-to-day functioning of the Taskforce was anticipated by police management..." Well what were those extensive reports that I sent through to the Inspectors and the

Assistant Commissioner every week? Can't they be used to evaluate the Taskforce?

***The information and statistics sent by Sergeant A to his managers each week cannot be verified because of the dearth of accountable records with regard to that information.***

The operation was properly supervised and any shortcomings in the work of the Taskforce were identified and rectified. The operation could be measured against agreed objectives or the letters that the members of the public send in to Mr D saying that our objectives of targeting anti-social behaviour was so effective that their businesses can now continue to operate, that they now feel safe, isn't that able to be measured? The way in which Operation Safe Trains functioned is open to scrutiny for the purpose of planning future operations. What was I doing every Sunday on my weekly leaves putting through extensive weekly reports through to the Inspectors and the Assistant Commissioner?

***Sergeant A appears to misunderstand the principles of accountability. In our view, it is unsatisfactory to measure the success of OST on the basis of ad hoc correspondence and unauditable statistics.***

***Further, it is wrong to suggest that the way in which OST functioned is "open to scrutiny for the benefit of future operations". While it may be possible to draw together simple particulars from a number of sources, it is not open to anyone to get a complete picture of how and where the taskforce operated on either a shift by shift, day by day or week by week basis. The only unequivocal records we have in regard to where officers were and what they were doing on any given day are the videotapes of the incidents that gave rise to our investigation. The videotapes do not, however, form part of the OST records.***

Page 12 of the report, paragraph six. And I agree with you where you refer to the action reports is that paragraph five, and I'll read, "It was suggested that members of the Taskforce were unable to record what they did in action reports while working on trains because they are A4 size and therefore too cumbersome. Further, officers couldn't be expected to consistently use their police note books because to do so could potentially aggravate a situation." Your comment on that is in the following paragraph, "We consider these excuses to be disingenuous. Special constables use action reports. They call for more data input than do standard police action reports and Special Constables do the same work on trains." One, they don't do the same work on trains. It is not our fault we don't have action reports small enough to fit in our pocket as I said earlier. The police officers putting the detailed accounts in their note books, is something that should have been done, I agree with that. And that's all that should be in this report. Making comments that the Taskforce is at fault for not having the correct A4 size and the fact that we're operating exactly the same as the beat is inappropriate and it should be established in here that it is not directed solely at the Taskforce.

***Sergeant A refers on a number of occasions to OST copying the record keeping practices of beat patrols. In our view, if this is correct, the accountability problems highlighted in OST may be more widespread than we anticipated.***

You continually refer to, in this report, to accountable books. I refer back to the to page four of the report where you outline all the books that you've examined. You clearly state in the very first one "Court briefs associated with charges form Operation Safe Trains". I can only suggest that that is false.

***All court briefs associated with OST were initially examined by a WAPS officer who was seconded to this Office to assist with obtaining and collating Police Service documents relating to OST.***

Had you looked at all the court briefs associated with charges or even a small quantity you would have noticed a global file tracking number written on it. .... (accounts?) books, lost a ledger, crime prevention files. I've never seen. Drug inventory movement books, holding order books and so it goes on - liquor infringements, drug bags. It would seem that the investigators found or had a problem with how the occurrence book was completed. And I don't object to that. However, your investigation should have realised that the occurrence book is filled-out the same across-the-board. Therefore, your criticism should not be directed at Metropolitan Taskforce or Operation Safe Trains. We are merely following what is an accepted practice at today's date. However you, the author of this report, continually refers to the accountable books. This is misleading. As it misleads the reader into thinking that all the accountable books were not correctly kept. I put it to you that the drug books, the file books, the global file tracking, the holding order books, all of the other lists, all the other books that are on this list: property receipts, drunken person register forms, infringement security sheets, drug bags small book, were all kept meticulously correct. If they weren't you would have mentioned it. Therefore the only book that you have a problem with, and it may only be your opinion that it's incorrectly filled-out, was the occurrence book. Therefore you should state that, that you are referring only to the occurrence book yet you continually refer to accountable records – plural – accountable records. It is misleading and the reader can get a false impression.

***Sergeant A has misinterpreted our observations about accountable records. The main point is that it is not possible for anyone to check Occurrence books, Action Reports, notebooks or any other document relating to OST to properly account for the performance of the officers involved in the operation. We are not especially concerned with the correctness of the individual records referred to by Sergeant A – although to refer to them as being "meticulously correct" would not in our view be strictly accurate – but the fact that, even taken as a whole, they are insufficient to clearly demonstrate the work performed by officers attached to the taskforce.***

Page 13 of the report under the heading "Management", the second paragraph under the heading "Management". And I read from the report, "Superintendent E was answerable to Assistant Commissioner D and was in charge of Inspector J. Inspector J was Sergeant A's immediate supervisor and therefore had line management responsibility for Metropolitan Taskforce." If your investigation was self-limited to only Operation Safe Trains, why does this report continually refer to the Metropolitan Taskforce? If as your report states the Metropolitan Taskforce stopped and Operation Safe Trains then took over, why do you continually refer to Metropolitan Taskforce? If you are going to refer to Metropolitan Taskforce I urge you to interview every officer. Put the same questions to them about statistics and accountable books. That way we can get



a complete view of the situation and if there's anything incorrect we can learn from it.

***The focus of this report is OST. However, it is important to place OST in its proper historical context - contained within the time period during which MTF was operating. The line of command for MTF and OST was highlighted for the same reason.***

However I draw your attention to a false entry, or an incorrect entry should I say. "Superintendent E was answerable to Assistant Commissioner D and was in charge of Inspector J." That is incorrect. Inspector J did not answer to Superintendent E whatsoever to the best of my knowledge – other than the fact that a superintendent is a senior officer to an inspector. Inspector J answered directly to Assistant Commissioner D. I'm surprised that a simple fact of that would be incorrectly obtained for this report.

***Superintendent E was Perth District Superintendent at the time. Inspector J was an Inspector in the District and, hence, under the authority of Superintendent E.***

Under the same heading "Management" on page 13, paragraph four – it's quite a large paragraph. Perhaps I should read it, "Between November 1999 and July 2000 Assistant Commissioner D wrote a number of inter-office memos to Superintendent E. These memos emphasise the need for strategies to regain control of escalating crime and anti-social behaviour in Northbridge. Assistant Commissioner D was concerned about what he perceived to be ineffective policing in the Perth District which had given rise to the serious decline in public safety (Superintendent E presented an alternative view that any problems in relation to the Perth District policing arose because the district was operating under strength. A contention not accepted by Assistant Commissioner D who claimed that the Perth District was in fact operating over-strength at the time. As a line officer working in Northbridge I can tell you that Assistant Commissioner D was correct, that there was poor management and at times no management. There were times when an inspector or commissioned officers simply didn't turn up. Your investigation should have identified that.

***The different views about the management of Perth District and whether or not it was operating under strength or with greater numbers than it required was addressed in our report.***

Same page, page 13, the last paragraph, "When we interviewed him, Assistant Commissioner D said that the primary reason for this decision was made by the first of August 2000 "alarm bells" were going off for him in relation to the administrative and auditing side of business in the Perth District. By this time he had seen the result of the preliminary management audit carried out in June 2000. Assistant Commissioner D subsequently ordered a full management audit of the Perth District for the professional standards portfolio. He said that this identified that the Perth District officer and Inspectors had neglected their roles and responsibilities in relation to the management of the district and that a total of 3,059 items of property had never been audited or inspected." This is misleading, as the reader reads this and assumes that the Metropolitan Taskforce or the Operation Safe Trains is involved in this problem. If you are

going to quote it you need to isolate it from the Operation Safe Trains or the Metropolitan Taskforce.

***The report clearly refers to the “administrative and auditing side of business in the Perth District” However, in our view, MTF and OST were part of the business of the Perth District and should not be seen as separate units.***

RW Well with respect I think it is involved in the problem. It’s the case that D said the Metropolitan Taskforce hadn’t been audited either.

A Then I take you back to page four of the report that you have checked property receipts. Did you find any problems with our property management control or receipts? You probably can’t answer that but if you had of found a problem I’m sure it would have been included in here. Therefore you need to say in here there was no problems with Operation Safe Trains. What is this doing in a report against Operation Safe Trains?

RW Okay you made your point.

A Same page, page 14 of the report, “In summary the document in so far as it was applicable to Operation Safe Trains, required inspectors to:” And there’s seven dot points.

- “Maintain vigilance over all operation matters occurring within the area of responsibility.
- Take command of all major incidence that arise during their shift.
- Enhance and support district operations.
- Ensure that resources within the districts are coordinated and that personnel are adequately supervised.
- Take control of any situation that is beyond the capabilities of less experienced personnel.
- Delegate responsibilities where appropriate.
- Regularly visit mobile patrol units at task locations to ensure that correct action is taken and to provide advice, guidance and support.”

In so much as this refers to the Metropolitan Taskforce and Operation Safe Trains, we received no supervision from Perth District Office. And I’ll emphasis, nil. What we received was passive resistance, deliberate interference and at times instructions that deliberately contravened those we received from all senior officers.

On page 15 of the report, first paragraph, “Like Metropolitan Taskforce before it Operation Safe Trains” first paragraph I’m reading from “was never subjected to a BAMR audit. In fact so far as we have been able to determine, no records compiled by Operation Safe Trains were ever checked at any time by any officer senior to Sergeant A. Inspectors J and H looked at the records for the first time when we interviewed them”. They may have said that but I’m not sure which one. I think it was Inspector H. One of those Inspectors came to the office and checked our drug books, our small bag books and checked our records and I tell you this in support of which ever officer that was and I can’t

recall it I'm sorry. I'm sure why they said that at the interview here would have been a mistake on their part. Someone came in and checked our books. I've already commented on the fact that the objectives were not going to be met and that's why after only six weeks instead of three months the operation was stopped and I reiterate that the alarm bells that this report tends to mislead the reader into thinking was for Perth District and the Metropolitan Taskforce and Operation Safe Trains was not in regards to the Metropolitan Taskforce.

Page 16 of the report, headed "Sergeant A". I think I've already mentioned and I'll only be going over well I've already mentioned in regards to the other accountable records. P11s, infringement books, small drug bags, your continual referring to accountable records which were not checked or unable to be checked should be prefaced with the effect that it's the occurrence book that you had a problem with, not the rest of them. Not the rest of the accountable books which were in fact meticulously kept. Assuming that you did check them which this report says you did.

Page 17 of the report, first paragraph, which I'll read. "That having been said, Assistant Commissioner D also said that he did not realise that the accuracy of the statistics contained in Sergeant A's reports had not been verified. In his view there was a responsibility of the Inspectors to instruct Sergeant A about verifying the accuracy of the statistics before they were forwarded to him." Well what evidence do you have that our statistics were in fact false? This is misleading and you must be careful how you word this report. That it is fair. The reader should not read something and read into it which is not there. If you have evidence that the statistics were false then you should include it in this report. If you don't have evidence that they were false, then you're using guess-work and you should state that.

***Sergeant A's comments again demonstrate a lack of understanding about accountability and accountable documents. It is the responsibility of all agencies within the public sector to ensure that they are able to properly account for the use of public resources. In the case of OST, it is not the responsibility of this Office to prove that its statistics were false. The responsibility lies with the Police Service to be able to attest to their accuracy.***

On the same page 17 of the report under the heading "Statistics", and I'll read the paragraph. "One of the measures of the success or otherwise of Operation Safe Trains was its statistical performance in a number of areas. For example, when we interviewed him, Assistant Commissioner D commented that the statistics maintained and reported by Operation Safe Trains demonstrated that it was very effective in dealing with anti-social behaviour because of the number of anti-social people spoken to, moved on or arrested. All officers who worked on Operation Safe Trains reported various statistics on a daily basis. According to Assistant Commissioner D a factual representation of the statistics was needed as they were presented to the Minister of Police." Well again, are you saying that the statistics being presented were false? If or are you saying that they simply cannot be verified? I say they can be verified. If you ask every officer has any officer told you that they invented those statistics. Has any officer said anything contrary to the fact that the statistics were in fact lower. One particular officer has in fact approached me and asked why he wasn't interviewed by this investigation.

***All police officers who, according to the official police records, were attached to OST were interviewed. We find it difficult to follow Sergeant A's argument here. On the one hand he says that he can verify the accuracy of the statistics. Yet, on the other hand, he says that one officer understated them.***

As he was actually concerned that the figures being statistics being forwarded through were well under. What evidence do you have that these statistics were in fact not correct? If you don't have any, make the comment that they can't be verified but also make the comment that there's no evidence to show that they were false. There is no evidence and that every officer if it be the case has verified that their statistics the formula that they used is exactly the same as we use for how many people at the Sky Show. We don't get all names and addresses and dates of birth of everybody at the Sky Show, a formula is used where the supervisors do block counts and a guesstimate if you like is made. And that's how it's reported and this is a formula that's been used all over the world and on many occasions here for large events. And I refer you to paragraph of page 17 under the heading "Statistics", "As it turned out however, a significant proportion of the statistics reported were at best, no more than informed guesses. Such statistics are not capable of even the most rudimentary audit or comparison because related accountable records of Operation Safe Trains activities do not exist." I point out that this is exactly the format that was used by the Perth District for operation Night Safe. They had a different heading, our heading was anti-social people – and I stand to be corrected – confronted and moved on, targeted or something, Perth District used the heading Verbal Warnings. No names and addresses although they did once this investigation started. And hence the statistics being supplied were misleading from that moment on. If there's any misleading, it's because all the contacts are not being reported on. And I ask you to interview all the officers. Ask them. And it is not possible to get all the names and addresses because it does aggravate a situation when there's six or seven people and you're following them and moving them on to leave an area and then you want to get names and addresses. There may even be a legal problem there. Now do you want us to move ten or 12 people on and then just hide that information? Which is what you then got from the Perth District. I reiterate it was exactly the same method as used by Northbridge on Night Safe. It's exactly the same methods as used at large events to work out how many people were there. Your comment that it is at best guess-work "informed guesses" should be qualified, either struck or you need to be careful of the wording that you choose.

***We find these assertions quite disturbing. If they are true they indicate that there are widespread problems in the statistic gathering process within the Police Service.***

On the same page, page 17 of the report. The penultimate paragraph you refer to Commissioner D quoting in the West Australian 13<sup>th</sup> of November that Operation Safe Trains had made 25,000 contacts over ten month period between February and November. That's I'm not sure why Operation Safe Trains was used, it hardly ran for ten months.

***Sergeant A is correct. The report should have referred to the MTF rather than OST. We have altered our report, accordingly.***

The last paragraph, “We were unable to verify this figure. The records we were sent included the daily and weekly statistical summary sheets maintained by Metropolitan Taskforce and Operation Safe Trains. These sheets ran from the week ending 14<sup>th</sup> of May 2000 to the week ending 17<sup>th</sup> of December 2000 and they record 18,041 contacts.” Where’s the other sheets from January to May?

RW I don’t know. You tell me.

A Exactly, and please don’t take some of my comments personally. Who supplied these statistics to you? Have they supplied these statistics negligently or maliciously incorrect to you? As professional investigators, why didn’t you pick up the fact that Mr D’s referring to a ten month period, that there’s a discrepancy in the numbers, that the taskforce started in January, you only have records from May. The very basic investigator would have said where are the others.

RW With all due respect, that’s precisely why it’s in the report because we did pick that up.

A Then you need to put in here and clearly distinguish that your sheets that there are some five months of sheets that were not supplied to you. Why didn’t you ask me to supply them?

RW Well do they exist? Why didn’t you supply them. We asked you about statistics ad nauseam.

A No you didn’t I had to insist on commenting on statistics at the last meeting.

RW Okay. Sorry ....I didn’t want to go into a debate.

A Why wasn’t the missing months questioned by yourselves? Page 18 of the report, still under the heading “Statistics”, the second last paragraph. And I’ll read it, “The records do however reveal the names of 70 juveniles on juvenile action group apprehension forms. All of them were apprehended in some way. It is not clear whether these apprehensions were or ought to have been included in the 1,392 juvenile cautions. To the extent that they were included the figure is auditable albeit that the term juvenile caution would also therefore be misleading.” Who supplied you with the juvenile action group apprehension forms? I don’t need to know because who ever that person was has failed to supply the hundreds of juvenile action apprehension forms that we actually completed. Again why didn’t you ask me? If these forms haven’t been

RW I want to interrupt you this is an important point. It’s an extremely important point you’re making. You’re telling us that we don’t have all of the records. We asked for all the records of Operation Safe Trains and we have what we have. You’re saying there are other records. I mean with all due respect you are making the submission, where are the records? Produce them.

A As investigators it would have been your responsibility.

RW Well I’m putting the responsibility on you. You’re the one making the submissions.

A I was not asked to produce them.

RW Well I'm asking you now. Produce them.

A At this particular time I am unable to.

RW Well can you produce them by?

A All records

RW Sergeant A I'm asking you a question.

A I'm going to answer it. All records were secured at City Watch police station. All records were secured there. When I've attempted to get hold of them I was advised by Commission Officer that all records were held by the Ombudsman's office. I can do no more that.

RW So are you telling me now that you actually can't produce these records?

A Not at this very moment.

RW Well are you capable of producing them tomorrow?

A I cannot answer that.

RW Well you're placing me in a very difficult position

A No. My comment on this report, which is what I'm here today to do, is to ask why you didn't ask why is there a discrepancy.

RW Hang on, you're making assumptions about what we asked for and didn't ask for. I'm putting it to you squarely, all right, to clarify this point. We asked for all of the records associated with Operation Safe Trains. On our understanding we have all of those records. You're making comment at the current time that there are further records.

A Correct.

RW Okay, I'm putting it to you if there are further records – in fact I think you said why didn't you ask me, well I'm asking you – if there are further records, produce them. Produce them by the end of the week.

A Why haven't you asked why the original person didn't supply them?

SR I think it's fair to say that what we requested from the Police Service, rather than from individual officers, were all records relating to Operation Safe Trains. Now we have to accept that when we ask for all records, and we're provided with a vast amount of records, that they are all the records.

A When you see such a large discrepancy wouldn't it be normal for an investigator to ask why and go back to the source. Did you go back to the source or did you just produce this report?

RW I'm not going to argue the toss with you about an investigating method I'm simply putting it to you, you have an opportunity to produce further records, I'm putting it to you that if you want those further records to be considered, produce them. As simple as that.

***In the event, Sergeant A did not produce further records. We checked with City Watch as he suggested. They advised that all records pertaining to OST had been forwarded to Perth District Office. A subsequent enquiry with Perth District Office revealed that all OST documents had been sent on to us.***

A Okay. So no I move on. And I do question your investigative abilities here as this whole report is full of inaccuracies and yet here is another one. And alarm bells should be ringing if you're only given 70, who supplied them what agenda?

***The comments concerning the provision of additional documentation are addressed in our final comments below.***

Page 19 of the report, the second last paragraph, "Whether the number of anti-social people reportedly moved on is conservative as the officers suggested or exactly what the figure is supposed to be indicative of as suggested by Sergeant A is however unclear." Well what do you think it indicates? What do you think that that would indicate? If somebody said that there was 5,000 people being disorderly and moved on, that would indicate that there's a large group of people being disorderly and moved on. Those comments in this report are of no value.

Page 20 of the report, fourth paragraph, "Inconsistencies correspondingly appeared in the understanding of the Special Constables. They said that Sergeant A wanted them to record every contact they made including ticket checks. So far as we are aware, ticket checks were not recorded as Government Railway offences. They appear to have been included in the Anti-social Persons Moved On category." How do you support that? Or is that guess-work on the investigator's part? Ticket checks were not recorded. They may have been recorded with the Special Constables down stairs in the West Australian Government Railway occurrence books. We did not have on our statistical return, which you must have viewed, a category for checking a railway ticket. So what let you to believe that they appear to have been included in the Anti-social Persons Moved On? Did someone tell you that or are you guessing. If you're guessing, then you should say so. If somebody has said it then that should be mentioned so the veracity of it can be checked.

***We received conflicting evidence from members of the taskforce as to whether or not ticket checks were recorded and whether they were recorded under the heading of 'Anti-Social Persons Moved On' in the contact sheets.***

Same page 20, number eight "Frontline Supervision". Again you try to mislead the reader. Second paragraph, "As it turns out" I quote, "because of the non-existent accountable records" The non-existent accountable records? What was the occurrence book the P11 book, the file movement book, the GST, the property tracing system. If you are referring to one particular accountable record, then refer to it. Don't have a wide-spread statement of

non-existent accountable records. It misleads the reader. I question whether a report of this nature from the Ombudsman's office should be dealing in speculation.

***This issue has already been addressed.***

Your last paragraph, "It is only possible to speculate about exactly what these incidents involved although clearly many must have been confrontational because of Operation Safe Trains charter to deal with anti-social behaviour - how police dealt with them how Sergeant A supervised the officers under his control." I put it to you this speculation has no place in this report.

***Given the evidence we received that there were other incidents of a confrontational nature involving members of the taskforce and the lack of accountable records, it is regrettably the case that we are only able to speculate about those matters.***

Page 21 to 25 I don't refer to at this stage. Page 28 of the report, "Intelligence Gathering", last paragraph, "Sergeant A and the members of Operation Safe Trains gave evidence that they acted upon informal personal observation, information from shopkeepers at the Perth railway station concourse and shared information from West Australian Government Railways. It was no common practice to contact the DISC officers and Sergeant A said that he could only recall checking the police offence report system for information on one occasion. On the evidence therefore, it cannot be said" And I am now going to the first paragraph of page 29. "that it cannot be said that as Operation Safe Trains used reliable and accurate information systematically gathered from various sources about identified problems." What do you call information that we received from shopkeepers, West Australian Government Railways Special Constables? I may have said that I only checked the offence report system once, but I believe you've taken it out of context. On one occasion the offence report system was checked through a Perth DISC and every single offence up and down all railway lines was provided to me. We received written reports from Special Constables – and I can name one in particular about drug users, their locations – shopkeepers regularly told us where their problems were, where the anti-social behaviour was. If this is not intelligence gathering, I'd like to ask what was or what is. It also shows investigators have or whoever was advising you, that we don't need to contact DISC officers, we can obtain most of the information off the OIS system ourselves on a daily basis. Myself and the other senior officers in the Metropolitan Taskforce did this regularly. "Sergeant A said that he could only recall checking the police offence report system for information on one occasion." That is incorrect if I did say that.

RW Well hang on, that is what you said.

A Okay.

RW So I mean are you now saying something different?

A No. I would like to check to see how the question that you put to me was formed. I don't know where it is in here. I'm now saying that I checked the offence report system on numerous occasions.



*The following exchange took place between Sergeant A and Roger Watson during Sergeant A's interview, at which time Sergeant A was on Oath:*

*Mr Watson: So, if I can ask, or put that question slightly differently, how many times did you go to the Offence Report System and get the printout to which you're referring at the moment – for Operation Safe Trains?*

*Sergeant A: I think I can see what that is, for one time.*

*Mr Watson: When was that?*

*Sergeant A: I'm gonna have a look and okay, we got hold of this on 10<sup>th</sup> November...to be perfectly honest with you, these things are indicators only and should never be taken too seriously.*

The Appendix F which is referred to in the report, page 43. And I question even ourselves here. "Police Management. You can't get intelligence from talking to shopkeepers." That is incorrect and any normal thinking person knows that's the best source of intelligence is the members of the community at the scene itself. "Any information needs to be authenticated." Not necessarily. There are times when it can't be authenticated. Does that mean that you disregard the information entirely? No. West Australian Police – sorry?...

SR Just for the purposes of the tape, can we make it clear that these are the comments that you are reading from Appendix F. Comments that have been made in relation to intelligence gathering - by police management.

A Police management, correct. And it is at odds with my interpretation. The same page 43, Appendix F, "West Australian Police Service Officers" Their first dot point, "Definitely intelligence led. Specific areas targeted." They then this shows me a system of questioning that I am suspect of. They start off with definitely intelligence led, specific areas targeted, had no input into intelligence, don't know where it come from. I would like some investigation into how the questions were formulated and put to the officers. Were they leading questions for example. Even the Special Constables on the same intelligence gathering appendix state "problem areas targeted from experience". Well experience is intelligence gathering. "Sergeant A would advise of recent intel at muster" There was an muster every day and I advised them of the recent intelligence that I had gathered.

*All officers were advised that we had been told that OST was an intelligence led operation and then basically asked from where, to their knowledge, that intelligence was gleaned.*

I agree with you that the mentoring objective was not met but it must be highlighted in here that once it was realised that it couldn't be met, it was stopped and a different approach was taken – then the taskforce was dissolved. And I put it to you that as a result of our mentoring as a result of our intelligence gathering from the Special Constables, the West Australian Government Railways Special Constables policing methods have been changed. I passed on all the information through to the Inspectors in regards to the problems that I saw in the procedures for West Australian Government

Railways. I was encouraged to do so from Mr Z who had recently taken up his appointment. I also identified problems with their training and I questioned whether they had met their objectives. I questioned whether there were rorts in place and I wonder if as a result of all this as it then resulted in this inquiry.

I have no further comments to make. Thank you.

SR Thank you Sergeant A.

SOLICITOR I suppose just sitting back listening to what Sergeant A was saying it seems like he's seeking to seek some – to quantify many of the comments that have been made in here. Because you had serious concerns about the way – or maybe if he didn't make this form of response.

RW That's fine. We're more than happy with this sort of response, no problems at all. One thing I reiterate which is something of a critical importance to this, if there are further records Sergeant A, produce them. If you don't produce these additional records by the close of business on Friday, we will go forward on the basis that the records we have are the records that exist.

SOLICITOR Are you able to get them? I mean are they going to hand them over to you? Is it something you'll need a notice?

A I don't know. I don't know if I can obtain them. I've asked for them previously and the responses I have got is that you have them.

RW Well we go back to ..... we're going around in circles (talking over Sergeant A's last comment). Okay well the records we have are ..... forwarded in that report. If there are further records and I hear you clearly making the observation that there are further records, produce them. Or tell us where they are. One or the other. You've got 'til Friday close of business. Can't do better than that.

A Well I put it to you that you have 'til Friday. I've made my response, you're the investigator. Okay.

RW I'm sorry it doesn't work that way.

A The report is inaccurate, it is full of false statements and misleading statements. That's all that I can say.

RW That's the position in relation to the records. Carol I'll leave that with you and Sergeant A to sort out between yourselves.

SOLICITOR Okay my only concern is if he is able to identify them, is able to tell them where they are...

RW Oh if he's able to identify them and tell us where they are we'll go and get. Yep fine we'll go and get them.

*Sergeant A subsequently advised us, by way of a letter from his legal counsel, that additional documents relevant to this investigation were secured at the City Watch Police Station, under the supervision of Sergeant N14. We*

*contacted Sergeant N14 by telephone on 11 March 2002 and were advised that there were no additional documents relating to OST held at the City Watch Police Station.*

SR Okay.

SOLICITOR That's fine.

SR Thank you.

SOLICITOR Thanks for your time.

RW Thank you for yours.

SOLICITOR Catch you next time.

SR Thank you

## **SUMMARY OF INSPECTOR H'S SUBMISSION**

The key points made by Inspector H are summarised below. The full text of his submission follows.

- Inspector H's period of secondment to OST was three weeks.
- At the conclusion of the three weeks, Inspector H was advised that he was to occupy the position on a permanent basis from 20 November 2000.
- Operation Safe Trains ("OST") concluded on 11 November 2000.
- Inspector H cannot be held accountable for the lack of BAMR audits prior to his taking command of OST.
- The statistics provided by Sergeant A on a weekly basis were a progressive account of activities and contacts and Inspector H had no reason to question them.
- All incidents other than the 'firearm' incident occurred prior to his arrival at OST.
- Inspector H liaised with the Internal Investigations Unit and the relevant police officers about the 'Lathlain' and the 'firearm' incidents but was not made aware of the other complaints.
- It is unreasonable to expect that Inspector H could have been expected to identify accountability or operational problems related to OST when he was only associated with the Operation from 30 October to 11 November 2000.

## SUBMISSION OF INSPECTOR H

...This report is provided in response to your letter dated 20 December 2001 and pursuant to Section 25(7) of the Parliamentary Commissioner Act (1971) concerning 'The Management, Supervision and Control of Operation Safe Trains' (*the report*).

I propose to address issues as contained in the report in the chronological order provided.

By way of introduction, I advise that I was seconded to the Metropolitan Region Coordinator's Office under the direct control of Assistant Commissioner (Metropolitan Region) on Monday 30 October 2000. My period of secondment (from the Joondalup District Office) was for a period of three weeks.

I received a briefing from the permanent incumbent (Inspector J) and Assistant Commissioner D on the responsibilities associated with the Office of the Regional Coordinator.

The primary 'projects' being undertaken were the devolution of the Traffic Operations Group and the Independent Patrol Group. I was also made conversant with the operational orders for 'Safe Trains'.

At the conclusion of my three-week secondment period I was advised that I was to occupy the position on a permanent basis as of 20 November 2000.

Operation 'Safe Trains' (OST) commenced on 11 August 2000 and concluded 11 November 2000, some three months later (page 1 of 'the report'). Within the 'terms of reference' of 'the report' OST reported to my position for a period of approximately two weeks.

In accordance with the Commissioner's Orders and Procedures Manuel (COPS Manuel) at AD-6.6 a Business Area Management Review Report should be produced by inspecting officers no later than 21 April, each year for business areas under their control...

To apply the requirements as contained within the COPS Manuel relative to the inspection of accountable records the BAMR (as applicable on 21 April 2000) needs to be addressed. On 21 April 2000 the responsibilities associated with BAMR reports was vested in Inspectors attached to the Central Metropolitan District (previously Perth District).

This period is clearly outside the scope of this report, however its application in terms of accountability is of relevance...

It is apparent that to apply the accountability provisions, as are contained within the COPS Manuel relative to BAMR issues, pre-existing processes and procedures need to be examined and not only those as identified in the report between 11 August and 11 November 2000 (OST). I contend that I cannot be held accountable for a lack of planning prior to my taking command of OST.

From the preceding, particularly given the period of time that the OST was under my control (2 weeks), combined with other operational and administrative requirements the application of a BAMR audit was unattainable...

Whilst the OST was under my command, and during the period immediately following until 5 January 2001, I had no reason to question the statistical information received from Sergeant A on a weekly basis.

The format and progressive compilation of statistics under various categories had been of acceptable submission since the Metropolitan Taskforce (MTF) had been under the command of the Central Metropolitan District...

The statistical information provided to the office of the Metropolitan Region Coordinator during the period of 30 October 2000 and 11 November 2000 was a progressive account of statistical data for the preceding period of the year 2000...

Given that the statistical information provided to me whilst OST was under my control was a progressive account of activities and contacts married with the issue of the inability to conduct a BAMR audit, due to previously stated reasons, I did not nor do I presently have an issue with their factual representation...

The following 'incidents' are referred to within the report:

- The 'Lathlain' incident 9 September 2000
- The 'Show Grounds' incident 30 September 2000
- The second 'Show Grounds' incident 30 September 2000
- The 'Warwick' incident 2 September 2000
- The 'Red Man' incident 15 October 2000
- The 'firearm' incident 11 November 2000

With the exception of 'the firearm incident' that occurred approximately two weeks after me assuming the responsibilities of the Metropolitan Region Coordinator, all other incidents reported occurred prior to my arrival.

In the instances of 'the Lathlain and firearm incidents' I liaised with officers from the Internal Investigations Unit of the Professional Standards Portfolio over an extended period of time. I was not at any stage made officially aware of the other stated investigations.

In relation to the two incidents that this office was made aware of, Sergeant A and those officers from the OST who were involved were spoken to by myself and liaison maintained over an extended period with the Professional Standards Portfolio.

With respect to the operational orders for OST, whilst having perused the content, same were prepared prior to me assuming the responsibilities of the Metropolitan Region Coordinator.

At dot point eight...under the heading 'Summary of Conclusions' it is remarked that 'Inspector H' failed to identify OST's lack of accountability or that the operation had gone awry.

Given the 'terms of reference' of 'the reports' enquiry (OST: 11 August 2000 -11 November 2000) it is submitted that it was beyond expectations and unrealistic for me

to identify between the 30 October 2000 and 11 November 2000 that "OST lacked accountability or that the operation had gone awry".

This submission is provided based also on other workload commitments and associated tasks related to the office of the Metropolitan Region Coordinator.

Further to this particular issue, it is specifically referred to during my interview with Mr Watson and Mrs Retzlaff..

Mr Watson states: *"but that's not Operation Safe Trains we have established, and this enquiry is about Operation Safe Trains"*

Without labouring the issue, the 'Summary of Conclusions' within the report is based upon the period between 11 August 2000 and 11 November 2000. Within each dot point under this heading reference is made to 'Operation Safe Trains---'.

The rationale or logic applied to arrive at conclusions within the report is based, on the entire period during which 'Operation Safe Trains' was conducted.

Based upon the totality of interviews involved in this inquiry, occurrences, lack of BAMR's, six separate internal investigations and other associated matters, a conclusion has been reached that during a period of two weeks *I failed to identify OST's lack of accountability or that the operation had gone awry"*.

Reference to records held by me indicate that during the two week period that OST was under my command (in a relieving capacity) and combined with other responsibilities I attended to the following OST issues:

- Meet with IIIU investigators regarding 'the Lathlain incident' (fourth day of relief).
- Discussed issue of 'Lathlain incident' with Sergeant A (fourth day of relief).
- Familiarisation of duties associated with OST. Personal attendance on trains and concourse areas (2000-0100 hours - eleventh day of relief).

I am of the opinion that it is abundantly apparent that to apply the accountability criteria in the areas of management, supervision and control whilst OST was under my command (two weeks) is not sustained...

## **SUMMARY OF INSPECTOR K'S SUBMISSION**

The key points made by Inspector K are summarised below. His full submission follows.

- Statistics indicate that there was no appreciable rise in crime in the Northbridge area prior to OST.
- Statistics show that crime declined in the area for a number of offences prior to the establishment of MTF and then rose when OST was operating, due to seasonal factors.
- Perth District was operating by between 90 and 100 officers under strength prior to OST.
- Assistant Commissioner D was aware of that.
- The MTF was not created with an appropriate chain or line of command. This resulted in a failure to detect inappropriate police behaviour at an early stage.
- Poor quality briefs, inappropriate arrests for minor charges, complaints from the public, better liaison between MTF officers and Westrail Special Constables and reliable measures to evaluate the success of the Operation could have been identified if the appropriate reporting structures had been in place.
- A more cautionary approach by Taskforce officers could have prevented a number of the incidents from occurring.
- 'No tolerance' policing was inappropriately applied in the OST environment.

*Inspector K then details the costs associated with charges that, in his view, were unnecessarily pursued by OST members.*



# SUBMISSION OF INSPECTOR K

...

I was asked to comment on the draft Ombudsman's report into the management and supervision of Operation Safe Trains. Accordingly, I have carefully read the draft report relating to the investigation conducted by the office of the State Ombudsman and offer the following comments and corrections.

## ...Management...

... *the need for strategies to regain control of escalating crime and anti social behaviour in Northbridge.*

This assertion by Assistant Commissioner D is incorrect and misleading. In fact statistical data showing reported crime in Northbridge show no appreciable rise in crime. Analysis of the charts at tables 1-3 rebut any suggestion that there was escalating crime in Northbridge.

Table 1

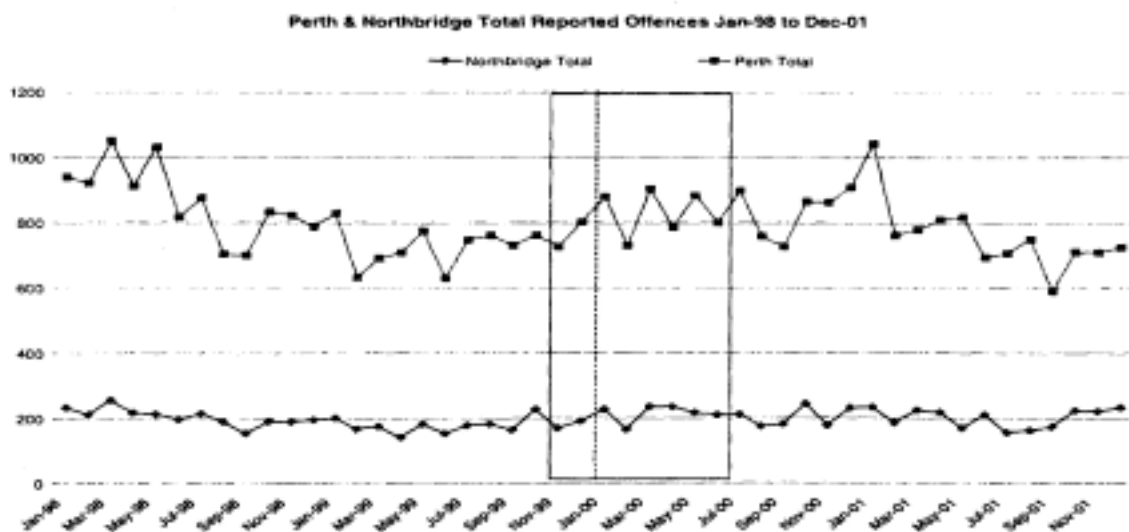


Table 2

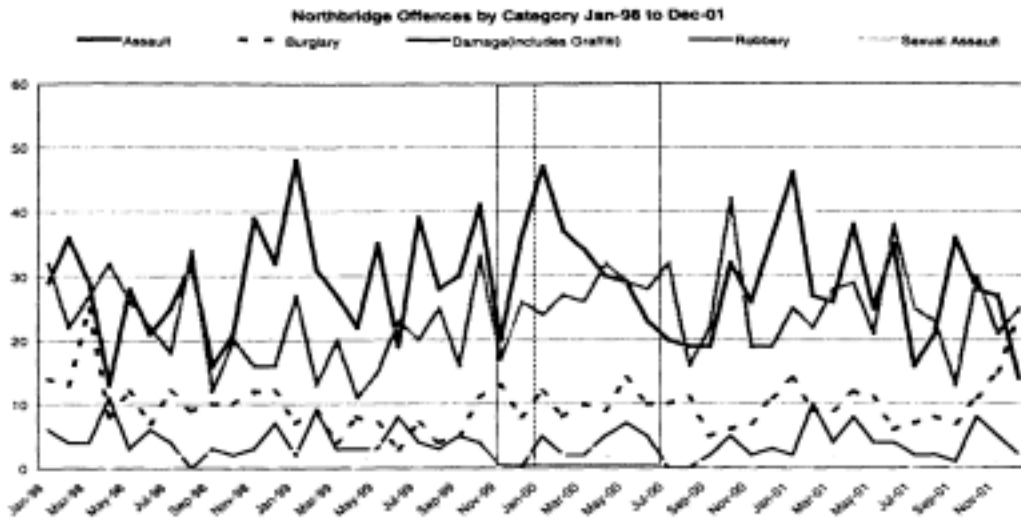
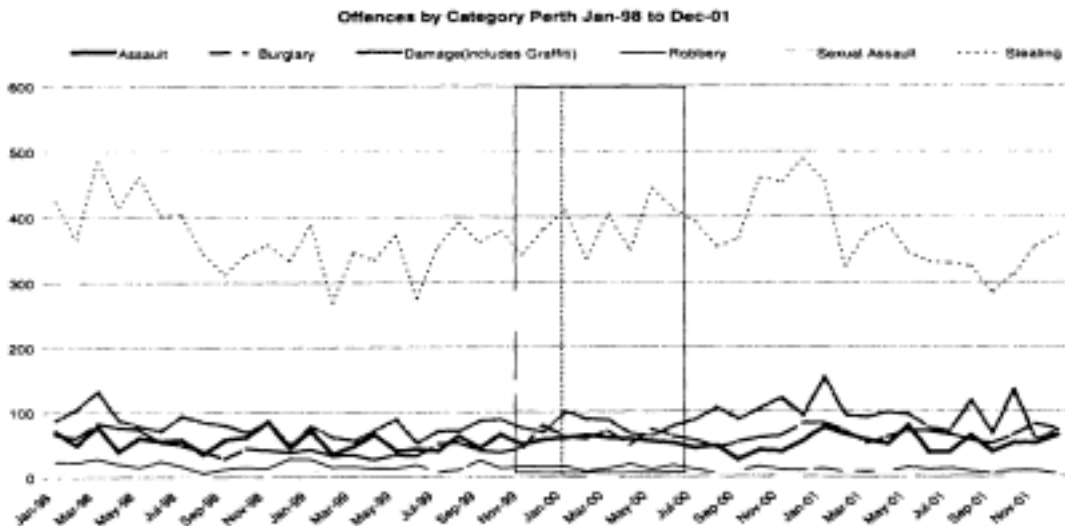


Table 3



In fact Table 2 shows the opposite. There is a declining reported crime trend for the offences of assault, robbery, damage and burglary prior to the establishment of the MTF and then elevated levels of the same for the period Operation Safe Trains was operating.

The reason for crime trends both decreasing and elevating over this period of time are generally related to seasonal factors.

**...Management...**

The writer refers to; *"a contention not accepted by Assistant Commissioner D who claimed that the Perth District was in fact operating over strength at the time*)

If such evidence was given by Assistant Commissioner D it is clearly wrong. It was well known in the Perth District that it was operating by between some **90 to 100 officers under strength**. I know that this was also brought to the notice of Assistant Commissioner D on numerous occasions, one which I can recall took place at a Status Report Meeting I attended.

The copy Memo's attached at appendix 1:

- Memo Supt E to Acting Asst Commissioner P16 31-5-00
- Acting Supt R to Asst Commissioner D 28-6-00
- Superintendent E to Assistant Commissioner D 24-7-00 and
- Superintendent E to Assistant Commissioner D 17-11-00

all refer to the staff shortfall, with requests for additional staffing.

Additionally I have attached minutes from the Regional Management Meeting, chaired by Assistant Commissioner D, 10-7-2000 where the issue of staff numbers and the ability to meet the District's requirements were aired.

As an Assistant District Officer working shift work, I was well aware of the District's staff shortages and the problems we faced with trying to meet daily operational requirements whilst being so severely under resourced...

**GENERAL COMMENT.**

Having investigated three of the incidents involving the MTF<sup>^</sup> and having read the other complaints I feel qualified to make the following assertions;

The MTF<sup>^</sup> was not created with an appropriate chain or line of command and this resulted in a failure to detect inappropriate police behaviour at an early stage. Had the MTF been properly resourced, or even the appointment to this taskforce of a Senior Sergeant (office based manager) should have identified;

- i. Poor quality briefs based on insufficient evidence
- ii. On going arrests for a minor charge followed by charges of resisting arrest and assault public officer (Colloquially *known* as a trifector)
- iii. Complaints from the public about inappropriate police behaviour
- iv. Instances where verbal cautions and Railway Infringement Notices could have been issued in lieu of arrest.

- v. Established better liaison between the MTF and Westrail Special Constables ensuring the mentoring role was being adhered to.
- vi. Established *reliable measures* which could be evaluated to determine the success or otherwise of the operation

Staff selected for the MTF had not been screened adequately, for instance one junior Constable had not completed the 'brief component' at the Police Academy and yet was placed in a position where he was completing prosecution briefs which were not adequately checked.

Another important issue which should be raised were the antecedents of the complainants. Only two had criminal records, one for a drink driving offence. The other complainants had no convictions and I found them all to be very decent people. For instance Mr M is a purchasing officer with a large mining distribution company. Mr R is an Industrial Chemist, Mrs L an artist-designer. Whilst this information was not known to the officers at the time, a more cautionary approach by the officers could have prevented these incidents.

**It also demonstrates the danger of applying *no tolerance policing* policies in an environment where there are people other than known offenders or trouble makers.** For instance train travellers compared with bike gang members.

Of specific interest was the contrasting opinions of the success-failure of Operation Safe trains (appendix G Ombudsman's report) by police management and WAGR management.

I agree with the conclusions reached in the Ombudsman's Report (P.29-31) which are supported further by applying a measure of cost for outcomes achieved. For instance;

- Costs awarded against police for withdrawn and dismissed charges >\$22,000
- The costs of police overtime in having officers attend court for prosecutions that should never have proceeded \$ ?
- The costs of the police investigations into the conduct of members of the MTF. Approx 861 Hrs >\$29,393 ( based on assessable files only.)
- The cost to the WA Police Service in settling ex-gratia payments to victims of unlawful police activity >\$900 (\$20,000 presently under claim-file with State Crown Solicitor)
- The cost of the State Ombudsman's investigation
- The possible costs being awarded against MTF members in civil claims \$ ? (Solicitors acting for two separate complainants have given notice of intention to issue writs against officers involved.)
- The damage to the image and credibility of the WA Police service...

## **SUMMARY OF SUPERINTENDENT E'S RESPONSE**

The key points made by Superintendent E are summarised below. His full submission follows.

- Perth District was operating under strength when MTF was formed.

*Superintendent E provides details of staffing levels in Perth District between July 1998 and June 2001.*

- Inspector J and Acting Senior Sergeant A were reporting directly to Assistant Commissioner D prior to August 2000.
- Superintendent E acknowledged that the Perth District's control over certain administrative practices was found to be wanting. However, Assistant Commissioner D's "selective reference" to 3,059 items of property is misleading as there was never any suggestion that any of the property was missing.
- Any anomalies in the administration of the District were corrected before Superintendent E left the District and his model was used for the rest of the State.
- The Assistant Commissioner's linking of anti-social behaviour at the Perth Railway Station and at the Perth Cultural Centre to the administrative control mechanisms of a District is misleading.

*Superintendent E explains the position in relation to the outcome of the audit conducted at Perth City Police Station in detail.*

- Individuals who wrote to Assistant Commissioner D with their concerns about safety and security in Northbridge had "gilded the lily" in respect of the actual levels of anti-social behaviour.
- Any problems on the streets could have been rectified by Assistant Commissioner D increasing the numbers in Superintendent E's command area.
- The officers "imported" from other areas did not accept ownership of the problems that they were expected to control.

## SUBMISSION OF SUPERINTENDENT E

...Thank you for the opportunity to consider the content of your draft report in relation to your investigation into the overall management and administration of "Operation Safe Trains".

Having read the extract under the heading "Management", I feel obliged to offer you further information that will allow you to make an informed judgement about the veracity of the comments made by Assistant Commissioner D in relation to "actual staffing levels" in the Perth District at the time he established the Metropolitan Taskforce under the command of Sergeant A.

I note with interest that the Assistant Commissioner left you with the impression that, rather than being "under- strength", the district was in fact "over-strength". Frankly I find that statement remarkable. Either Mr D has failed to understand the questions asked of him, or he has misled you on this important issue.

To confirm my claims that the district was operating under strength, not only as of January 2000, but for the duration of my tenure as District Officer, I provide the following information from the Western Australia Police Service, Resource Information Management System (RMIS). *Before doing so I do not dispute the fact that we were having difficulty in preventing incidents of anti-social behaviour in the vicinity of the Perth Railway Station, (late 1999 - early 2000) but unfortunately I did not have the luxury of deploying a dedicated team of officers to remain within the confines of the railway concourse.*

	<i>AUTHORISED NUMBERS (Sworn)</i>	<i>ACTUAL NUMBERS (Sworn)</i>	<i>SHORTFALL</i>
<i>July - 1998</i>	<i>Not Available</i>	<i>486.3</i>	<i>Not known</i>
<i>Aug - 1998</i>	<i>Not Available</i>	<i>468.3</i>	<i>Not known</i>
<i>Sep - 1998</i>	<i>Not Available</i>	<i>465.3</i>	<i>Not known</i>
<i>Oct - 1998</i>	<i>Not Available</i>	<i>459.3</i>	<i>Not known</i>
<i>Nov - 1998</i>	<i>Not Available</i>	<i>465.8</i>	<i>Not known</i>
<i>Dec - 1998</i>	<i>Not Available</i>	<i>471.3</i>	<i>Not known</i>
<i>Jan- 1999</i>	<i>505.8</i>	<i>No records</i>	<i>Not known</i>
<i>Feb- 1999</i>	<i>510.8</i>	<i>494.5</i>	<i>16.3</i>
<i>March - 1999</i>	<i>507.8</i>	<i>481</i>	<i>26.8</i>
<i>April - 1999</i>	<i>508.6</i>	<i>474</i>	<i>34.6</i>
<i>May - 1999</i>	<i>508.8</i>	<i>460</i>	<i>48.8</i>
<i>June- 1999</i>	<i>509.5</i>	<i>491</i>	<i>18.5</i>
<i>JUIV - 1999</i>	<i>507.3</i>	<i>494.3</i>	<i>13</i>
<i>August - 1999</i>	<i>507.3</i>	<i>470.3</i>	<i>37</i>
<i>Sept - 1999</i>	<i>503.3</i>	<i>477</i>	<i>26.3</i>
<i>Oct - 1999</i>	<i>538.3</i>	<i>469.8</i>	<i>68.5</i>
<i>Nov - 1999</i>	<i>538.8</i>	<i>474.8</i>	<i>64</i>
<i>Dec - 1999</i>	<i>538.8</i>	<i>462.8</i>	<i>76</i>
<i>Jan - 2000</i>	<i>538.8</i>	<i>458.8</i>	<i>80</i>
<i>Feb- 2000</i>	<i>537.8</i>	<i>446.3</i>	<i>91.5</i>
<i>March - 2000</i>	<i>Not Available</i>	<i>418.8</i>	<i>Not known</i>
<i>April - 2000</i>	<i>Not Available</i>	<i>418.8</i>	<i>Not known</i>
<i>May - 2000</i>	<i>Not Available</i>	<i>412.8</i>	<i>Not known</i>

<i>June - 2000</i>	<i>Not Available</i>	408.8	<i>Not known</i>
<i>July - 2000</i>	526.7	408.8	117.9
<i>Aug - 2000</i>	524.8	404.8	120
<i>Sept - 2000</i>	528.8	392.8	136
<i>Oct - 2000</i>	528.8	396.8	132
<i>Nov- 2000</i>	530.8	404.8	126
<i>Dec - 2000</i>	503.8	398.8	105
<i>Jan - 2001</i>	531.8	410.7	121.1
<i>Feb - 2001</i>	533.8	397.7	136.1
<i>March - 2001</i>	545.8	445.7	100.1
<i>April - 2001</i>	545.8	452.7	93.1
<i>May - 2001</i>	545.8	455.7	90.1
<i>June - 2001</i>	545.8	478.3	67.5

Where I have not been able to show the authorised strength versus actual numbers, you can perhaps draw your own conclusion. At no time during my tenure was I given access to the numbers of sworn officers I was authorised to have.

Reference to the above chart confirms the "under-strength" status of the Perth Districts as at January 2000 and for the life of the Metropolitan Taskforce. This information clearly shows that the Assistant Commissioner has either misled you, or that he has got-it-wrong when he claimed that the district was "over-strength" when he decided to create the MTF.

I leave you to make your own judgement about where the truth lies with respect to that issue.

#### CLARIFICATION OF LINE COMMAND

Again under the same heading (Management) you have suggested that Inspector J was answerable to me in terms of line control. While notionally it may have appeared that way, it was never the case. While Mr D may have left you with that impression, I can advise that prior to August 2000 Inspector J and Acting Senior Sergeant A were reporting to him direct. Staff in his own office would be in a position to confirm the one-on-one meetings, especially between Mr D and Senior Sergeant A.

***The observation that Superintendent E had line management responsibility for Inspector J was based on our understanding of the traditional chain of command within the Police Service and the fact that Inspector J was an Inspector within the Perth District and Superintendent E was the District Superintendent, responsible for the management and control of the District.***

Mr D is correct in his advice to you that he formalised those reporting lines when officially created "Operation Safe Trains". The attached memorandum from the Assistant Commissioner (dated 1 August 2000) sets-out the reporting arrangements relative to Inspector J and Senior Sergeant A. I do not question that aspect of your draft report.

#### ADMINISTRATIVE - AUDITING - ALARM BELLS

Mr D has attempted to connect his need for the establishment of the Metropolitan Taskforce with anomalies detected in the auditing processes in the Perth District. This is again a remarkable statement.

While I concede our controls over certain administrative practices were found to be wanting, those anomalies were not detected until June 2000 at the earliest. The Audit referred to by the Assistant Commissioner was relevant to the period 1 April 2000 to 30 November 2000. The actual physical audit (to fully detect) those shortcomings, was conducted between 4 - 13 December 2000.

The "selective reference" to 3,059 items of property has been made to sound worse than it was. While members of my staff were remiss in not inspecting and processing those items, there was never any suggestion that any of the property was missing. While on this issue, it should be noted that I used this opportunity to correct the anomalies that were identified, and before I surrendered my position as District Superintendent, Perth was recognised (by Management Audit Unit) as the role model for the rest of the state.

To link the need to create the dedicated MTF with the auditing of property in the Perth District is highly questionable and to a degree misleading. What did the incidence of anti-social behaviour in the confines of the Perth Railway Station/Perth Cultural Centre have to do with the management and administrative control mechanisms of the police district?

With reference to the audit conducted at City Police Station (ground floor Curtin House) the Inspecting team wrote the following words under the heading of Accountability:

*---The current situation concerning the Perth City Police Station is confusing and needs rectifying. Although, the Perth City Police Stations is effectively closed, property items are still being recorded against the business area. This raises the issue of accountability for the management and security over all property ". The Management Audit Unit recommends that the District Superintendent correct the situation concerning the status of the Perth City Police Station by either:*

*Permanently and officially (administratively) closing the business area; or,*

*Establishing a manned presence.*

The latter option was not a viable proposition due to the "under- strength" of the district.

Ironically I had sought Mr D's permission to formally close the station some twelve months earlier. My second option was to close the organisational unit, which would have allowed me to transfer the personnel to Central Station (on paper) so we could have had greater controls over the management of property and other administrative processes. I was not able to introduce either of those changes because I could not obtain clearance from the Assistant Commissioner. The presence of an unmanned police station held against an official organisational unit was not helpful when trying to manage computer driven auditing systems that are linked to the functional location of human resources.

A copy of the Management Audit Unit report referred to above is available upon request if you feel it would be useful.

Please allow me to refer you to...your draft report where you make mention of "Operation Nightsafe". So there is no misunderstanding, Operation Nightsafe was an initiative introduced by myself as far back as late 1998. This operation was established to maintain good order in Northbridge overnight on Friday and Saturday evenings.



When Operation Safe Trains came-to-being (August 2000) I wrote to Inspector J seeking a copy of his operational orders so my Nightsafe Field Commanders could link-into his plans each weekend. In return I provided him with a copy of our recently revised "Nightsafe" Operational Order. I invited his OST team members to our operational briefings on Friday and Saturday evenings.

At this point I wish to raise a number of issues that appear in Appendix 'B' of your draft report...

It is not denied that Assistant Commissioner D wrote to me in relation to his concerns about safety and security in Northbridge. Regrettably he was relying on information supplied to him by a number of individuals who had, in my opinion "gilded the lily" with respect to the actual levels of anti-social behaviour. When I personally challenged these people they were unable to substantiate the claims that they had made to Mr D. Certainly there were incidents of assaults and antisocial behaviour occurring in Northbridge and in the vicinity of the Cultural Centre precinct, but not to the extent claimed by the informants.

Reference to...Appendix 'B' provides me with the opportunity to discuss the "Business Case Submission" referred to by the Assistant Commissioner. It is ironical that the submission was designed (in part) to bolster the numbers for "Operation Nightsafe" using officers who were external to my command. Again this questions the accuracy of the claim made by the Assistant Commissioner that I was operating "over-strength" while I was in command. Ironically it was Mr D who lobbied for the increased numbers on my behalf. The importation of these "external forces" was progressed against my advice. The problem on the streets could have been solved had the Assistant Commissioner chosen to return some of my people to my command area. Unfortunately, those who were imported did not fully accept "ownership" of the problems they were being asked to control.

Sergeant C's role in the operation (again from the matrix at [Appendix B]) was confined to ensuring the responsible management of licensed premises, and to a lesser extent providing advice to patrol officers on matters pertaining to breaches of the Liquor Act. The Operation Commander of Nightsafe was, in most cases, a substantive Inspector.

I find it regrettable that as Chief of Police for City, Mr D decided to exclude me from meetings with senior members from other agencies. I make no further comment about that issue.

...