

ACT Policing Purchase Agreement

REPORT ON WHAT WE HEARD

The relationship between the Australian Federal Police (AFP) and the ACT Government for the provision of Policing services to the ACT is longstanding and is governed by three overarching documents:

- an ongoing **Policing Arrangement** between the Minister for Justice of the Commonwealth and the ACT Minister for Police and Emergency Services for the provision of policing services to the ACT¹;
- a **Purchase Agreement** between the ACT Minister for Police and Emergency Services, AFP Commissioner, and the Chief Police Officer for the ACT for the provision of policing services to the ACT; and
- the **Ministerial Direction**² as outlined in clause 7 of the Policing Arrangement.

The Purchase Agreement outlines the services to be provided, performance measures, reporting requirements and the financial arrangements for policing services to be purchased by the ACT Government from the AFP.

In response to recommendations in the *2015-16 ACT Auditor-General's Report on ACT Policing Arrangement*³ (the Report), the Policing Arrangement transitioned from a 5 year agreement to an ongoing agreement; and the Purchase Agreement transitioned from an annual agreement to a four-year multi-year agreement. The Report recommended a formal evaluation be conducted on the Purchase Agreement to guide future negotiations.

Negotiations for a new Purchase Agreement commenced in September 2021. This provided the first opportunity to review the first multi-year Purchase Agreement and to engage with stakeholders to inform its evaluation following the receipt of the Report.

¹ https://justice.act.gov.au/sites/default/files/2019-09/Arrangement_FINAL_Signed_reduced.pdf

² https://www.justice.act.gov.au/_data/assets/pdf_file/0011/2112599/2022-Ministerial-Direction.PDF

³ https://www.audit.act.gov.au/_data/assets/pdf_file/0006/1179942/Report-No.-3-of-2016-ACT-Policing-Arrangement.pdf

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THE CONVERSATION

Audit and assurance consultants, Deloitte, were engaged to support the ACT Government through the Justice and Community Safety Directorate (JACS) in the evaluation of the 2021-22 ACT Policing Purchase Agreement ⁴(the Agreement) to inform future service needs for policing in the ACT and to identify areas of potential improvement.

Community stakeholders provided feedback on policing performance and the Agreement through interviews and written submissions. Interviews with community stakeholders including First Nations groups focused on seeking to understand how stakeholders viewed the performance of ACT Policing in the context of the strategies, objectives and reporting frameworks established by the Purchase Agreement.

The primary aims for engaging with stakeholders were to:

- inform stakeholders about the negotiation process and timeline for the next Purchase Agreement;
- support the evaluation of the current Purchase Agreement by understanding how the current agreement supports stakeholder engagement and aligns with community expectations of ACT Policing;
- inform the negotiations for the next Purchase Agreement by identifying opportunities for improvements; and
- outline the rationale for changing ACT Policing's performance measure framework and seek feedback on the proposed changes.

Community stakeholder communication and engagement focused on the performance measures and reporting frameworks that would most impact community.

WHO WE ENGAGED

Engagement with the community was conducted, during a period of unprecedented operational intensity for ACT Policing due to the impacts of COVID-19 and protest activity in Canberra, which was the subject of significant local and national media attention.

Deloitte engaged with 21 groups representing various sections of the ACT community across 18 interviews, including First Nations groups, justice advocates, disability and inclusion bodies and multicultural representatives. One community group provided feedback in a written submission while 18 stakeholder feedback sessions were held via video conference or in person, over the period 7 to 22 February 2022; those with First Nations stakeholders were facilitated by Deloitte's Lead Partner, Indigenous Services Group. The interviews focused on:

- Performance: To understand how ACT Policing is performing against community expectations in the ACT.
- Objectives: To understand the objectives of ACT Policing established under the Purchase Agreement.
- Reporting: To understand whether the reporting framework established under the Purchase Agreement is meeting stakeholder and community needs.
- Indicators: To understand whether the proposed new performance measure framework for ACT Policing performance is in line with community expectations.

⁴ [2021-2022 Purchase Agreement.pdf \(act.gov.au\)](#)

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Stakeholder Engagement | Organisations

The list below is of organisations invited to participate in the engagement - either in an interview or provide a written submission. Some organisations did not wish to participate, were unavailable or did not respond.

Organisation	Format	Organisation	Format
ACT Human Rights Commission	Submission	Belconnen Community Council	Interview
Commonwealth Director of Public Prosecutions	Submission	Domestic Violence Crisis Centre	Interview
Community Services Directorate	Submission	Gugan Gulwan Youth Aboriginal Corporation	Invited
ACT Health Directorate	Submission	Gungahlin Community Council	Interview
Principal Registrar, ACT Courts and Tribunal	Submission	Western Creek Community Council	Interview
Office of the Coordinator-General for Family Safety	Submission	Woden Valley Community Council	Invited
Restorative Justice Unit, Justice and Community Safety Directorate	Submission	North Canberra Community Council	Invited
Transport Canberra and City Services	Submission	Tuggeranong Community Council	Submission
Chief Minister, Treasury and Economic Development Directorate	Submission	Inner South Community Council	Invited
Aboriginal and Torres Strait Islanders Elected Body	Interview	CPO Advisory Board	Interview
ACT Council of Social Services	Interview	Crime Stoppers ACT	Interview
ACT Ombudsman	Interview	Menslink	Interview
Advocacy for Inclusion	Interview	Multicultural Advisory Council	Interview
Speaking out for Autism Spectrum Disorder	Interview	Neighbourhood Watch	Interview
Australian Federal Police Association	Interview	Support Link	Interview
Aboriginal Legal Service ACT/NSW	Invited	United Ngunnawal Elders Council	Interview
Alcohol Tobacco and Other Drug Association ACT (ATODA)	Invited	Winnunga Nimmityjah Aboriginal Health and Community Services	Interview
Canberra Rape Crisis Centre	Interview	Women's Legal Centre	Interview
Canberra Police Citizens Youth Club	Interview	Youth Coalition of the ACT	Invited
Canberra Community Law	Interview		

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Key insights from the community

Deloitte provided the following key insights derived from community, including First Nations, stakeholders:

1. There were no specific issues with the Agreement itself, rather feedback was focused on stakeholders' perceptions of police performance relevant to their areas of interest.
2. There is not a strong view on the proposed performance measures, rather stakeholders expressed feedback that more focused performance measurement, and potentially different measures, could lead to improved outcomes.
3. Feedback was largely focussed on: workforce training, diversity and inclusion, performance measures, and community engagement.

COMMUNITY ENGAGEMENT

ACT Policing Resource Pressures

There was consistent feedback that policing numbers and resourcing appeared to be constrained and impacting some areas of policing, in particular community policing. Community policing was seen as the first area to be de-emphasized in response to resourcing pressures. This was considered to have an adverse impact on policing outcomes in the light of the perceived success of community policing activities and the impact of effective community policing on crime prevention.

There was a perception that ACT Policing does not retain sufficient senior police members and that increasingly more junior, less experienced, policing resources are deployed. There was an acknowledgement that COVID-19 has adversely impacted police responsiveness, including service delivery times and outcomes (in particular, decisions to close police stations). Additionally, while the Police Ambulance and Clinical Early Response (PACER) model was seen as being very effective and there was support for its expansion, other priorities were seen to have resulted in resources being diverted from the program.

There was a strong theme that, in many cases, success in community policing was reliant on small cohorts of dedicated police members who would work beyond their remit. While this was seen as a strong positive attribute, it can create reliance on those police members and there was acknowledgement that the pressure of this reliance, in a context of resourcing constraints and competing priorities, has had an impact on the mental health and wellbeing of police.

***Neighbourhood Watch** find police engagement proactive and robust, quick to respond and open with information sharing and would like to see more resources put to increased public visibility.*

***Community Councils (Gunghalin, Belconnen, Weston Creek):** There is the perception certain areas of Canberra have delayed response times.*

***Canberra Rape Crisis Centre** indicated that they have a good relationship with ACT Policing and can raise issues when they come to light, however believe there are not enough resources to*

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match the commitments of ACT Policing citing the decision during the first COVID Lockdown to only conduct forensic medicals when deemed 'necessary' by police.

Multicultural Advisory Council *flagged the online reporting mechanism as an area of concern, as language barriers can be an issue.*

Menslink *would like to see more police in the community if resources allowed, including more engagement with schools to get better outcomes for the community and keep people out of jail.*

SupportLink *acknowledge most officers engage with the community well, noting police deal with social issues more than criminal ones most of the time.*

Domestic Violence Centre (DVC) *flagged the impact closing police stations to the public had for domestic and family violence victims over the lockdown period and the difficulty people face when someone has breached AVO orders. DVC raised that the 24 hour on call service provided by the family violence unit was a great help that went above and beyond to provide agile services*

Diversion Programs

Diversion and early intervention were seen by stakeholders as making a significant impact on crime outcomes. In particular, there was consistent feedback from community groups that early intervention programs, especially for young and first-time offenders, and emphasis on programs and avoidance of the judicial system, would have a strong positive impact. These impacts were considered to relate to the connectivity that community groups can achieve, through the experience of their staff and the programs offered, which police and the judicial system cannot achieve.

There was a perception that in some circumstances diversion programs were perceived as requiring additional work on behalf of police (possibly requiring a specialised training or skills set to carry out) and that as a result, police without 'buy in' to diversion programs, would de-prioritise it as 'somebody else's problem'.

First Nations stakeholders spoke of the importance and need for police to have diversion options, and to use diversion programs where possible rather than sending people through the justice system.

Canberra Police Community Youth Club *would like to see more robust programs developed that police can refer people to, and are concerned they have a waitlist of 140 children. Referrals in the first instance can be helpful, rather than after the child has come into contact with police multiple times.*

Community Engagement

In certain community groups the perception of 'safety' was identified as an issue in which police are not perceived as 'safe' and considered to be a 'threat' to cohorts within those communities. While community policing was generally perceived as effective, for these marginalised communities it was suggested a different policing approach facilitated by more active and informal engagement would be more beneficial, specifically where some police are not bearing arms. Additionally, some community engagement was seen as 'doing the bare

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minimum', such as attending a well-known community event, and that more sensitive engagement would see police working in a range of community forums. There was a strong desire from the First Nations community for engagement with ACT Policing that includes times where police attend events not in uniform and beyond events such as NAIDOC week; so police are in the community regularly at meetings and informal gatherings where they can build trust.

Community groups identified their role in training as pivotal in ensuring community and cultural sensitivity. In recent times resourcing pressures were considered to have impacted training delivery and scheduling. Stakeholders said new members were not getting the training they needed and the whole cohort required greater education on key issues such as disabilities, mental health, domestic and family violence, as well as improving cultural competency in engagement with First Nations people and multicultural groups.

Stakeholders perceived the current Multicultural Forum Memorandum of Understanding, which defines community and police engagement, as insufficient in terms of its ability to drive a more systematic approach to community policing.

We heard that the regular turnover of personnel in key roles (e.g. CPO, Liaison Officers etc) makes it challenging for community groups in gaining momentum and building corporate knowledge necessary to deliver on shared priorities. Further, First Nations stakeholders would like to see more Aboriginal Liaison Officers who have time to engage and build relationships with the community, as currently many police do not make most Aboriginal and/or Torres Strait Islander people feel safe. Stakeholders would like to see an Aboriginal Liaison Officer in every station, with all liaison officers being a member of the First Nations community who could build and improve relationships between the community and police.

*One issue raised was the frequent turnover of ACT Policing representatives on the **Crime Stoppers** Board – while it is good for as many police officers as possible to engage with Crime Stoppers, there is a loss of corporate knowledge with the high turnover and it can feel like “three steps forward one step back” when trying to build momentum on campaigns.*

*The **Multicultural Advisory Council** feel the Multicultural Liaison Officers are not in the role long enough to properly engage with the community, do not know who to reach out to within the multicultural community, and are often seconded to other roles.*

*The **CPO Advisory Board** feel that there is not a functional relationship between the First Nations community and ACT Policing, as racial profiling breaks down this relationship. The CPO Advisory Board noted the relationship needs to be worked on from both sides, and offers the solutions of cultural awareness training delivered to new recruits as well as refresher courses, delivered by a local Elder so training is specific.*

*The **Aboriginal and Torres Strait Islanders Elected Body** representative would like to see more informal police engagement with the community to build trust, outside of formal engagement for NAIDOC week and reconciliation week. This sentiment was echoed by the **Multicultural Advisory Council**.*

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Advocacy for Inclusion and Speaking out for Autism Spectrum Disorder spoke of the need for a different first responder approach: when engaging with this community it is recommended police take a “de-formalisation” approach by not wearing uniforms or guns. ***Domestic Violence Crisis Service*** also would like community engagement where police didn’t carry firearms.

Workforce training and diversity

We heard contradictory views: that ACT Policing is an ageing workforce and the best officers transfer out for better opportunities with greater pay. Conversely, that ACT Policing is a training ground for younger police members in the early stages of their career. Both circumstances were raised as areas of concern and were considered by stakeholders to adversely impact policing performance and outcomes. For example, better retention of high performing police officers may contribute to better policing outcomes and could impact positively on training for younger police officers.

Stakeholders were concerned about the lack of diversity in frontline police, especially of people with Aboriginal and Torres Strait Islander or other cultural and linguistically diverse background and new migrant communities. This was seen as having a significant impact on the effectiveness of policing in those communities. Aboriginal and Torres Strait Islander stakeholders proposed sensitivity training be given to police by local Elders, so the training is specific to the ACT region. Training could be for new recruits as well as refresher courses for serving officers.

Stakeholders have concerns regarding racial profiling and racist behaviour in the way police treat suspects as well as those reporting crimes to police. Stakeholders indicated that there is a perception that reports and complaints against the police are handled by the police and therefore will result in no real change.

Winnunga Nimmityjah Aboriginal Health and Community spoke of the need for more First Nations police officers as there needs to be a broader cultural shift to stop racial profiling and over policing for minor offences and to focus on diversion programs.

Canberra Community Law flagged the increase of complaints about how police treat First Nations clients and raised training in mental health and Aboriginal liaison officers as areas for improvement.

ACT Ombudsman reflected on the steady number of complaints, noting that has not increased dramatically.

Womens Legal Centre feel knowledge about family violence within the police force can be inconsistent and would like more training in this area. Also, family violence orders can take 7 days to process which can be a deterrent for people.

SupportLink is pleased with the frequency of their interactions with police and police reactivity to community needs as they arise. SupportLink is also pleased with the role they play in training recruits.

Advocacy for Inclusion and ***Speaking out for Autism Spectrum Disorder*** were concerned with police treatment of people with a disability, and that the response by police was very

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dependent on which officer you are dealing with. Both raised the need for more education and training for officers in the disability space and felt that a cultural shift is needed to address the issues they are facing.

Performance measurement and access to data

Stakeholders noted that because performance data is aggregated across the population, when combined with the relative affluence of Canberra, that data does not provide the specificity around victim impacts and pockets of crime that is necessary to inform policing approaches and strategy.

There was a perception that the previous agreements did not address or include First Nations specific measures and targets, despite the high number of First Nations people coming into contact with the judicial system. To garner greater insight the statistics could be broken up into age and gender. It was suggested that the Reconciliation Action plan measures should be reviewed for their implementation and that an independent First Nations group could come in to work on the plan with ACT Policing.

We heard that there is a perception that there are no specific targets to address recidivism or higher incarceration rates in the First Nations community. The reduced recidivism in the ACT by 25% by 2025 target was identified as an area where outlining the targets and measures that will be implemented would be helpful. It is noted that reducing recidivism by 25% is not a proportional target as First Nations people are overrepresented in the justice system.

***Crime Stoppers** would like to see more technical expertise in the police force in terms of data capturing and sharing.*

***Community Councils (Gungahlin, Belconnen, Weston Creek)** would like a data sharing system where relevant groups and stakeholders can see information such as criminal history and drug abuse issues.*

***The Ombudsman** would like to access more data on community engagement but understand that police do not capture the relevant data on their system.*

***Australian Federal Police Association (AFPA)** indicated the current measures in the performance agreement do not accurately represent what is happening with under resourcing; measurers need to differentiate data between crime and social issues. The AFPA also emphasised members are “stretched and worried about their own mental health”.*

***ACT Council of Social Services** would like to see greater specificity in the engagements by police and in the measures and targets used, and for these to be published quarterly rather than annually.*

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WHAT'S NEXT?

As a result of Community and First Nations stakeholder engagement, together with feedback received from ACT Government Directorates and key members from the joint ACT Policing and JACS governance working groups, Deloitte developed the following recommendations for the consideration of the Purchase Agreement Negotiations Steering Committee:

1. Embed a positive obligation on ACT Policing to perform the policing services.
2. Implement a Statement of Expectations from the ACT Minister for Police.
3. Trial a more granular data collection and reporting regime to better measure ACT Policing's performance.
4. Improve working group focus.

These recommendations were considered by the Purchase Agreement Negotiations Steering Committee and used to inform the new Purchase Agreement 2022-2026⁵. The most substantive changes that have been included in the ACT Policing Purchase Agreement 2022-2026 are:

- Introducing an obligation for the ACT CPO to publish and report against an annual Statement of Intent and an overview of strategies and plans intended to address the Ministerial Direction.
- Clarification of the policing services aligned with ACT Government priorities. ACT Policing will support the ACT Government's commitment to using the Wellbeing Framework to inform Government priorities, policies and investment decisions. ACT Policing will work proactively with ACT Government agencies to achieve the ACT Government priority policy objectives.
- A legislation and policy clause has been added, that provides clarity on how ACT Policing participates in the annual legislative bid and arrangements. Of note, there are increases to obligations of other Ministers responsible for legislation and policy relevant to ACT Policing.
- The Performance Measures Framework has been updated to report on high level trends and is reflective of the transition to the PSM to be agile, mobile, intelligence led, evidence based and systemic. The update of the Performance Measure Framework seeks to measure the outcomes of the PSM and identify improvements reflected in the trend measures. The Performance Measures Framework focuses on specific operational outcomes within the control of ACT Policing in the environment that they operate in.
- Amendments to the performance measures, that outline that the targets will be updated annually and that the measures will be subject to periodic review. This will allow further adjustments to the measures to be made overtime. Diversion performance measures have been added that specifically identify First Nations people.
- Reporting has been amended from an annual report and six-monthly reports to the Minister for Police and Emergency Services, to an annual report, a public facing progress report and an end of year report to the Minister. Details on reporting content have been placed into a schedule which now includes all the content that ACT Policing currently report on in its Annual Report. The reporting schedule will also be updated annually so changes can be made to reporting as required.

⁵ https://www.justice.act.gov.au/_data/assets/pdf_file/0012/2112600/2022-2026-Purchase-Agreement-Signed.PDF