Police Integrity Commission

Project Manta

Report 1
Identification and Communication of Command Misconduct Risks

Research & Prevention Publication

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ABBREVIATIONS

Act	*Police Integrity Commission Act 1996*
AS/NZS 4360: 2004	Australian Standard/New Zealand Standard for Risk Management
CARA	Complaint Allocation Risk Appraisal (NSW Police Force)
C@ts.i	Customer Assistance Tracking System (NSW Police Force complaints management system)
CMF	Command Management Framework (NSW Police Force self-assessment audit tool)
CMP	Complaint Management Pack (NSW Police Force)
CMSU	Complaint Management Support Unit (unit within NSW Police Force Professional Standards Command)
CMT	Complaint Management Team (NSW Police Force)
Commission	Police Integrity Commission (NSW)
COPS	Computerised Operational Policing System (NSW Police Force data system)
CPN	Complaint Practice Note (NSW Police Force)
CTCC	Counter Terrorism Coordination Command (unit of NSW Police Force)
DODM	Duty Officer Deployment Model (NSW Police Force)
EM	Employee Management (unit within NSW Police Force Professional Standards Command)
FAQs	Frequently Asked Questions
HMIC	Her Majesty's Inspectorate of the Constabulary (UK)
ICAC	Independent Commission Against Corruption (NSW)
LAC	Local Area Command (NSW Police Force)
LAM	Local Area Manager (NSW Police Force)
LMI	Local Management Issue (NSW Police Force)
NSW	New South Wales
NSWP	NSW Police – used in some NSW Police Force documents that were prepared when organisation had been known as 'NSW Police'
NSWPF	NSW Police Force
OCR	Operational and Crime Review (NSW Police Force)
PDF	Portable Document Format (electronic file format)
PSC	Professional Standards Command (unit of NSW Police Force)
PSDO	Professional Standards Duty Officer
PSM	Professional Standards Manager (NSW Police Force)
SOPs	Standard Operating Procedures

SUMMARY

One of the Police Integrity Commission's (the Commission's) principal functions is to prevent police corruption and other forms of police misconduct. Consistent with this function, in 2007 the Commission commenced a project, codenamed Project Manta, to obtain a better understanding of the nature of the misconduct risks facing the NSW Police Force and how commands identify, communicate and manage their misconduct risks. This first report from Project Manta concerns the nature of the misconduct risks faced by individual commands and the identification and communication of these misconduct risks.

PREVENTING POLICE MISCONDUCT BY FOCUSSING ON COMMAND MISCONDUCT RISKS

Traditionally, police organisations have focussed on the individual officer when dealing with corruption or other forms of misconduct. Project Manta takes a different approach by focussing on the nature of police work and the working environment. Just as Occupational Health and Safety strategies seek to minimise employee accidents and maximise employee safety by identifying and managing workplace hazards and associated risks, this project seeks to inform strategies to minimise police misconduct by examining how NSW Police Force commands identify and manage those aspects of policing which may pose integrity hazards or vulnerabilities for misconduct, independent of the particular individuals who occupy the positions.

Unlike detecting and investigating misconduct, preventing police misconduct requires intervening *before* the misconduct occurs. This project is based on the reasoning that:

i. there are misconduct risks that arise from integrity hazards or command vulnerabilities associated with the types of work police undertake, staffing profiles and other aspects of the policing environment which may increase the likelihood of officers engaging in some form of misconduct

ii. misconduct risks can be identified prior to the misconduct occurring

iii. identifying and managing command vulnerabilities and their associated misconduct risks, and assisting officers to recognise and respond appropriately when they encounter such misconduct risks are significant and practical steps that NSW Police Force commands can take to minimise future police misconduct.

Project Manta concentrates on activities at the command level because responsibility for misconduct risk management within the NSW Police Force lies with the individual commands.

HOW DID THE COMMISSION UNDERTAKE PROJECT MANTA?

The Commission wrote to commanders from a randomly selected sample of 25 NSW Police Force commands to seek their responses to questions about their command and its staffing profile, how frequently different types of work are undertaken, the

misconduct risks facing their officers and the processes that their command uses to identify, communicate and manage misconduct risks. Responses from commanders were supplemented by a review of relevant corporate and command documents, analyses of complaints, information from command intranet sites and a review of published literature on policing, misconduct, corruption prevention and risk management. (For further information about the methodology used, refer to Chapter 2.)

POSITIVE RESPONSE FROM THE SAMPLED COMMANDS

All commands in the sample responded to the Commission's requests for information. Fourteen of the commanders elected to provide written responses to the Commission's questions, eight requested a face-to-face interview, and three answered the questions over the telephone. Where necessary, additional information was requested from the command to clarify issues. The review of documentation, clarification of responses and receipt of additional information continued until January 2008. More than 290 documents were provided by the 25 commands, in addition to responses to the specific questions asked.

KEY RESEARCH FINDINGS AND IMPLICATIONS

Key findings and, where appropriate, the implications of these findings for understanding police misconduct risks and for improving the identification and communication of such risks are summarised below.

UNDERSTANDING WHY MISCONDUCT RISKS MAY DIFFER

1. Different policing environments enable different misconduct risks

While the literature on police misconduct suggests that the environment in which policing occurs impacts upon police misconduct, little is understood within an Australian context of the specific aspects of the environment that affect police misconduct and the processes by which these aspects of the police environment affect police misconduct.

To better understand the environments in which NSW police undertake their work and their relationship with misconduct risks, the Commission asked commanders about the size of their command, number of police premises, staffing profile, size and nature of the community served and factors that commanders considered may differentiate their command from other commands. The Commission supplemented commanders' responses with information from command induction packages and command intranet sites.

Differences among commands stand out amongst the findings. For example, individual commands in this study ranged in area from less than 10 sq. km to more than 50,000 sq. km. The geographical dispersion of officers ranged from less than one officer per 100 sq. km to more than 1000 officers per 100 sq. km. Some commanders recognised that the policing environment can impact upon command vulnerabilities and associated misconduct risks. Four examples of how the policing environment may affect command misconduct vulnerabilities follow:

- Officers with strong ties to the community that they police may, at times, find that these ties are in conflict with some of their policing duties and responsibilities.
- Where commands are under-resourced relative to demands, as a result of population growth or other factors, officers may be tempted to take inappropriate short cuts in their work.
- The large physical areas covered by some commands and the geographical separation of police premises pose supervision and communication challenges. Similarly officers who work in one- or two-officer stations have little ready access to backup or supervision.
- Community expectations of police may vary as a result of their ethnic, socio-economic or educational background or other influences. Such differences in expectations may lead some community members to be more likely to seek to influence police officers to make a decision in their favour.

For additional information on similarities and differences in the policing environment of different commands, refer to Chapter 4.

2. There are similarities and differences among commands in how often they undertake different types of police work

The literature on policing and misconduct demonstrates that different types of police work have been associated with different frustrations and vulnerabilities for misconduct and that some forms of police work (such as drug law enforcement, undercover work and use of informants) are more vulnerable to misconduct than other forms of police work. In keeping with this, the Commission asked commands to rate how often they undertake 39 types of police work. All twenty of the sampled local area commands advised the Commission that they perform 18 of these 39 types of work either daily or weekly. Examples of some of the types of work performed frequently by all of the local area commands include: accessing confidential information, carrying out criminal investigations, handling drug exhibits, handling other exhibits and inspecting licensed premises. Within the literature, each of these work types has been associated with specific misconduct risks. The misconduct risks associated with these types of work are shared by local area commands. Future corporate recognition of the existence of such shared misconduct risks may minimise the likelihood of such risks being overlooked by individual commands.

There were also differences in how often commands undertake some policing activities (such as use informants). Such differences in the frequency with which various types of work are performed can affect the misconduct risks faced by commands. (For additional information concerning how often different types of work are performed by commands, relationships between work types and command characteristics and a discussion of how different types of work provide different misconduct opportunities and vulnerabilities, see Chapter 5.)

3. Commanders nominated several factors which could result in changes to command misconduct risks

When deciding whether or not their commands' misconduct risks were likely to change over time, commanders nominated the following factors as being influential: recruitment and related staff experience levels, building of a new police station, population growth in the region and changes in community demographics, developments in technology or changes in legislation. (See Chapter 6 for further information.)

Considering the specific impact of such factors may help commands to identify their misconduct vulnerabilities and associated risks.

NATURE OF MISCONDUCT RISKS

4. All commanders were able to identify some misconduct risks facing officers in their commands

When asked about the misconduct risks faced by officers in their commands, the 25 commanders identified a total of 169 misconduct risks. The numbers of risks identified by individual commanders ranged from one to 19. The majority of commanders (22 out of 25) advised the Commission that they had identified their misconduct risks prior to the Commission's survey. Even for the three commanders who said that the misconduct risks for their commands had not been identified prior to the Commission's survey, there was evidence that someone at the command had identified and documented command misconduct risks at some time in the past. (See Chapter 6 for additional information.)

5. Commanders differ in the misconduct risks they identify

There was considerable variation in the nature of the misconduct risks identified by commanders. The four most commonly identified categories of misconduct risk were misuse of information, theft of money/exhibits/property, inappropriate relationships with community members and misuse of resources/vehicles/equipment/assets. These four categories accounted for approximately one-quarter (28%) of the types of risks identified by commanders. (See Table 6.1 in Chapter 6 for a summary of the categories of misconduct risks identified.)

Many of the misconduct risks nominated by commanders (such as 'search warrants' and 'secondary employment') could apply to the majority of NSW Police Force commands. However, others (such as 'isolation of some officers and related lack of supervision' and 'property handed in at smaller stations – may be less likely to follow procedures') were more tailored to the specific circumstances of their command referring to factors such as the physical size of the command, the isolation of the officers, the level of experience of the officers, officer attitudes, the size of the community and attitudes of members of the community to be policed.

Some commanders identified types of positions or roles as having specific misconduct risks. In addition to the six commanders who discussed the misconduct risks associated with highway patrol officers, some commanders identified detectives, or other specialised units such as their crime team or their proactive

team, as presenting special misconduct risks for their command. Some commanders identified off-duty misconduct risks as well as on-duty risks. (See Chapter 6 for more information about the misconduct risks identified by commanders.)

6. The potential for overlooking some misconduct risks

In addition to asking commanders what they considered to be the misconduct risks facing officers in their command, the Commission reviewed command documentation and analysed complaints data to provide further insight into the misconduct risks facing commands. Commanders' responses are of interest not only for the misconduct risks that they identify, but also for the misconduct risks that they do not mention.

Some of the analyses conducted by the Commission provided insight into misconduct risks that might be overlooked by some commands. When the 169 misconduct risks identified by commanders were compared with the 316 misconduct risks that could be identified in command documentation or in complaints made about officers in the sampled commands, it was found that only 84 of the risks were identified both by commanders and in command documentation or complaint analyses. In other words, more than half (85) of the misconduct risks identified by the commanders were not reflected in command documentation. Conversely, almost three-quarters (232) of the misconduct risks that were identified in documentation or through complaint analyses were not mentioned by commanders when they listed the risks faced by officers in their command. There was no apparent pattern in the types of misconduct risks identified by one source but not by the other. (See Table 7.6 and Chapter 7 more generally for further information about additional sources of information about command misconduct risks.)

Where misconduct risks were related to specific types of police work, it is noteworthy that frequently the number of commands undertaking that type of work exceeded the number of commanders who identified the work as being associated with a misconduct risk. Similarly, the number of commanders who identified misconduct risks associated with physical features of the command (such as lack of supervision in a large geographical area or the isolation of officers) is fewer than the number who had identified such physical features as a distinguishing feature of their commands. This raises the question of whether the potential misconduct risks for commands undertaking the same work (or those with the same physical features) actually differ or the potential risks are the same (though possibly mitigated differently in different commands) but these risks are not recognised by some commanders. (See Table 6.2 in Chapter 6 for additional information.)

IDENTIFICATION OF MISCONDUCT RISKS

7. Commands reported using a combination of sources to identify their misconduct risks

When asked what processes and sources of information they use to identify misconduct risks, most commands reported that they combined a variety of processes and sources. Individual commands advised that they used between two and 15 separate information sources and processes. The most commonly reported sources were the use of complaints, systems audits, officer performance-related data and information about officer leave. It is not clear from the responses provided by

commands (such as those relating to the use of complaints, officer performance, leave data and staff risks assessments) how many were describing processes that they use to identify individual officers whom they consider to be at risk of some misconduct versus how many were describing processes that they use to identify broader command misconduct vulnerabilities. (See Chapter 8.)

8. Few commanders nominated recurring or extraordinary issues from their complaint analyses or included contextual material about complaints

The Commission obtained and analysed complaints data to identify recurring themes and extraordinary issues as indicators of potential misconduct risks faced by officers working at the sampled commands. Although complaints were the source of information that commanders most frequently reported using to identify misconduct risks, a comparison of commanders' responses with the Commission's analysis indicated that commanders rarely mentioned any of the risks identified in the Commission's analysis of complaints.

The Commission's analysis suggested that complaint data could be made more effective by considering, where it is available, contextual material such as officer's duty type (such as licensing), location of alleged incident (such as in front of shopping complex, at a railway station, outside a hotel) and officer's activity at the time of the alleged misconduct (such as interviewing a domestic violence suspect). This would enable commands to not only identify complaint issues, but to determine, for example, whether complaints relating to unreasonable use of force are overwhelmingly attracted by officers working in particular sectors, in particular policing roles or while undertaking particular duties. (See Chapter 7 for further information.)

9. Learning from the identification strategies used by individual commands

Commands differed in the strategies they reported using to identify their misconduct risks. The Commission considers that some of the strategies described by individual commands were innovative and well-tailored to the needs of the command. As such, the Commission considers that the following misconduct risk identification strategies are worth sharing for possible use by other commands where appropriate:

- subdividing the command (based on stations, work units or teams) to consider the misconduct risks associated with different units within the command. Some commands developed their own methodologies for reviewing complaint trends for different sectors, stations or work teams within the command. Some conducted audits on teams or stations within the command. One command developed a 'performance scorecard' for use by each of its teams which combined information on the number and nature of complaints as well as community feedback.
- seeking staff perspectives through a short annual staff survey, specifically asking staff to list the top three misconduct risk areas that they think the command needs to address in its corruption resistance strategy, as well as other suggestions for improving the command's corruption resistance strategy and for improving their working environment.
- using structured methods to obtain community feedback such as contacting managers of licensed premises concerning their interactions with police and

obtaining information from some victims of specific offences about the police response to their incident and comparing what victims say to what is recorded on police computerised databases. (These and other command-based misconduct risk identification strategies are discussed in Chapter 8.)

10. Multiple NSW Police Force documents provide guidance to the commands on their responsibilities for identifying misconduct risks, however, determining which documents are the most relevant is not always easy

The Commission identified and reviewed corporate documents from the NSW Police Force intranet that provide guidance about the role commands are expected to play in minimising misconduct. The documents reviewed, which were all available on the NSW Police Force intranet as at 1 April 2008, indicate that responsibility for misconduct prevention activities is sometimes held simultaneously by different persons or groups of persons within commands. For example, responsibilities relating to what is referred to as 'corruption resistance planning' (which includes identifying misconduct risks) are allocated to at least five persons or groups within commands, however, the ways in which these responsibilities are different or are intended to be coordinated are not always clear. To the extent that these documents are intended as a resource for commanders and their staff, it is important that the most relevant documented guidance should be easy for commands to locate and the nature of command responsibilities and the relative status of any related documents should be clearly presented. (See Chapter 3 for more information about the corporate guidance provided to commands at the time Project Manta commenced and for a description of relevant guidelines released in 2008.)

COMMUNICATING MISCONDUCT RISKS

11. The majority of commands did not have a consolidated list of their misconduct risks

Only two of the 25 sampled commands had a documented list of all of the misconduct risks the commander had identified. These commands recorded their misconduct risks in their corruption resistance plans. For the remaining 23 commands, while some of the misconduct risks may have been recorded in different documents, there was not one consolidated source where officers could go to find a list of what the commander considers to be the misconduct risks facing the command. (See Chapters 6 and 7.) The absence of a written record of these misconduct risks may result in officers within the command not being aware of these misconduct risks as well as the loss of this information to the command when the commander moves on.

12. The brief descriptions used by some commanders and in some corruption resistance plans do not clarify the nature of the misconduct risks

Commanders' descriptions of misconduct risks ranged from details of specific circumstances facing subgroups of officers to brief unembellished labels of common officer activities such as 'telephone usage' or 'use of motor vehicles'. While the nature of the misconduct risks may be clear to commanders who use summary terms to describe them, such brief descriptions do not clarify for others the nature of the specific misconduct risk to be managed, for example, what is it about 'telephone usage' or 'use of motor vehicles' that poses a misconduct risk for officers in these commands? (See Chapter 6 for further information on the differences in the types of descriptions given by commanders.)

Similarly, the unelaborated risk labels – such as 'arms and appointments', 'COPS access', 'customer service' and 'search warrants' – used in corruption resistance plans do not clarify the nature of the risk that these officers face. What is it, for example, about 'arms and appointments' that poses a misconduct risk for the officers at these commands? (Refer to Chapter 9 for additional information about the content of corruption resistance plans from sampled commands.) The clearer the description of the risk the better it can be communicated and managed.

13. While corruption resistance plans are the most common form of documentation, most plans do not clearly communicate misconduct risks to officers

Commanders stated that corruption resistance plans are the most common form of documentation that lists some of the command misconduct risks. While approximately three-quarters of commands specified some form of 'risks' within their corruption resistance plans, some of these (such as 'Annual Leave') did not pertain to corruption or other forms of misconduct. Where misconduct risks were included in corruption resistance plans, as discussed above, the brief description often left the nature of the risk unclear.

Although all except one of the sampled commands had a corruption resistance plan, there did not appear to be a shared understanding of the intended audience for such a plan. Overall the corruption resistance plans did not appear to communicate the nature of the risks that officers will face in their work and how officers should manage these misconduct risks. (See Chapter 9 for additional information about the corruption resistance plans from sampled commands.)

14. Corporate guidance does not include alerting officers to the specific misconduct risks they may face and how officers should respond

When asked about the information given to staff of the command about the misconduct risks they are likely to face in their work and how best to manage these risks, commanders' responses were broadly consistent with the corporate guidance that they had been provided in so much as they referred to promoting their corruption resistance plans, conducting training days and briefings, and promoting the Code of Conduct and Ethics. The approach to 'corruption resistance training', as it is described in corporate documentation, does not specifically include assisting officers to recognise the specific misconduct risks that they may face in their work within their command and how best to respond in such circumstances. (See Chapter 3 for

information about the corporate guidance provided to commands and Chapter 9 for what commanders said that they communicated to their officers.)

15. Commands tend not to tailor information about specific misconduct risks to different types of officers

Officers undertaking different types of police work or working in different locations are likely to face different misconduct risks. Other than some commanders referring to their communication with probationary constables, the communication strategies reported by commanders tended not to tailor messages to officers undertaking different types of duties or working in different locations. Similarly, most commands had one corruption resistance plan that was made available to all staff. Exceptions to this were one command that had a separate corruption resistance plan for a high risk area of work (its Drug Team and Proactive Team) and another command that had separate plans for supervisors and more junior officers. Some commanders' responses suggested while a copy of the corruption resistance plan was made available to all officers (such as on the intranet or on notice boards within the command), they left it up to the officers to work out the misconduct risks for themselves. (See Chapter 9.)

16. Corruption resistance plans tend to provide command-wide compliance strategies rather than strategies for officers to use in response to specific misconduct risks

Many of the corruption resistance plans linked information on risks to strategies. Most commonly, these strategies were command-wide strategies for checking compliance with policy (such as 'quarterly audits of assets and registers') rather than strategies to be adopted by individual officers when faced with specific risks. In contrast, one command provided lists of actions that officers could take as a 'means to avoid complaints' within its corruption resistance plan (such as 'Don't flash your police badge whilst off duty'). (See Chapter 9 for additional information.)

17. Learning from the communication strategies used by individual commands

The Commission considers that the following misconduct risk communication strategies, described by individual commands, are worth sharing for possible use by other commands where appropriate:

- two commands provided evidence of tailoring their corruption resistance plans: one metropolitan command has a separate corruption resistance plan for a high risk area, while another metropolitan command has two separate plans – one for supervisors and the other for more junior staff
- as described (in 16 above), one command's corruption resistance plan provides a list of strategies for officers under the heading of 'Means to avoid complaints'
- when providing advice about the content and structure of corruption resistance plans, one commander said he focussed on documenting practical actions such as specific inspections and checks that the command can perform

- to emphasise the importance of information not only being distributed but also understood, one specialist command uses an induction checklist which focuses attention on *explaining* officer responsibilities while another specialist command provided a copy of its 'competency log' which is used as part of the induction process to record whether or not an officer is considered 'competent' in demonstrating his or her 'understanding' or 'knowledge' in relation to specified competencies
- one specialist command issues officers with a pocket-sized card outlining the Standards of Professional Behaviour expected within the command as part of its induction process
- one rural command describes issues particular to specific police stations within its induction package. (See Chapter 9 for these and other communication strategies used by commands.)

GUIDELINES ISSUED IN 2008

The NSW Police Force provided commands with 'Corruption Resistance Planning Guidelines' in early 2008 and 'Complaint Handling Guidelines' in mid-2008 (see Chapter 3 for additional information). The Commission considers the following aspects of the new guidelines to be beneficial and merit specific mention:

- the focus on identifying command-based misconduct risks which exist irrespective of the particular officers who perform the work
- the examination of features particular to the commands in identifying misconduct risks
- the requirement that associated documentation is sufficiently detailed to allow for handover in response to staff changes
- the distinction drawn between the corruption resistance plan and the command management framework (see Section 3.3 in Chapter 3)
- the provision of a central area to assist commands in the production of their plans.

However, the Commission is of the view that commands would benefit from further guidance in five areas:

- what constitutes a misconduct risk and how it should be expressed
- which misconduct risks need to be included in the corruption resistance plan
- who is the intended audience for the corruption resistance plan
- how these planning guidelines are intended to relate to other NSW Police Force documents that specify responsibilities and expectations in relation to corruption resistance planning
- Complaint Management Team responsibilities in relation to identifying complaint trends and misconduct risks. (See Chapter 10 for further discussion of these issues.)

SUGGESTED WAY FORWARD

Employers are required to identify, communicate and manage their work-related safety hazards to minimise employee accidents and maximise employee safety. Such workplace safety hazards can take many forms ranging from tears in the carpet to the use of chemicals and machinery. Similarly, in order to minimise police misconduct the Commission seeks to ensure that NSW Police Force commands identify their most important misconduct risks and communicate these misconduct risks to officers to assist officers to recognise these risks and respond appropriately.

The Commission considers that the NSW Police Force can further enhance commands' ability to identify misconduct risks through:

- looking beyond the risks associated with individual officers to explicitly attempt to identify foreseeable integrity hazards
- approaching the task from several different perspectives to minimise the likelihood of significant misconduct risks being overlooked and consequently not being recognised or managed
- developing a clear and specific description of the nature of each misconduct risk
- matching each misconduct risk to the group of officers to which it applies (for example all officers in the command, licensing officers, officers working in a particular station or stations, probationary constables) so that misconduct risks can be classified into those that are:
    - shared by all officers working in the command
    - specific to officers working in particular locations
    - specific to officers undertaking particular types of duties
    - specific to officers with particular levels of experience.

The Commission considers that the NSW Police Force can further enhance commands' ability to communicate misconduct risks through ensuring that:

- the nature of the misconduct risks are clearly expressed
- the most important command misconduct risks, command-level strategies and officer-level strategies for managing each are documented
- tailored guidance and support is provided for officers on how to recognise the particular misconduct risks they are likely to face and how to respond to these risks.

These areas for improvement and associated recommendations are discussed further in Chapter 10.

The identification and communication of misconduct risks is only part of a process for managing misconduct risks and hence minimising police misconduct at the command level. How NSW Police Force commands manage their misconduct risks will be the subject of a subsequent report.

Part 1:
BACKGROUND

1. INTRODUCTION

1.1 OVERVIEW

Project Manta examines the identification, communication and management of misconduct opportunities and workplace vulnerabilities (or 'misconduct risks') by individual New South Wales (NSW) Police Force commands. Unlike many Police Integrity Commission reports, it does not focus on the conduct of individual police officers. Instead, it focuses more broadly on the prevention of future misconduct in individual commands of the NSW Police Force[1].

Given the large amount of material that was collected and analysed for this project, results are presented in two separate but related reports. This first report focuses on the nature of the misconduct risks faced by individual commands together with the identification and communication of these misconduct risks. Information about how commands manage their misconduct risks is to be the subject of a separate report.

1.2 THE ROLE OF THE POLICE INTEGRITY COMMISSION

The Police Integrity Commission ('the Commission') is an independent NSW government oversight body that reports directly to the NSW Parliament. It was established on 1 July 1996 under the *Police Integrity Commission Act 1996* ('the Act') following a recommendation of the Royal Commission into the NSW Police Service. The principal objects of the Act include establishing an independent, accountable body whose principal function is to detect, investigate and prevent police corruption and other serious police misconduct. The Commission, which became fully operational on 1 January 1997, is separate from the NSW Police Force which it oversights.

The principal functions of the Commission are provided in Section 13 of the Act and other Commission functions regarding police activities and education programs are provided in Section 14. Those functions most relevant to Project Manta include:

> 13 (1) (a) to prevent police misconduct
>
> 14 (a) to undertake inquiries into or audits of any aspect of police activities for the purpose of ascertaining whether there is police misconduct or any circumstances that may be conducive to police misconduct
>
> 14 (c) to make recommendations concerning police corruption education programs, police corruption prevention programs, and similar programs, conducted within the NSW Police Force or by the Ombudsman or the Independent Commission Against Corruption for the NSW Police Force
>
> 14 (d) to advise police and other authorities on ways in which police misconduct may be eliminated.

[1] The New South Wales Police Force was previously known as 'NSW Police' and before that as 'the NSW Police Service'. The expression 'NSW Police Force' is used throughout this report and includes references to this organisation when it was known by these other names.

Further information about the role and work of the Commission can be found on its website at <www.pic.nsw.gov.au>.

1.3 WHAT IS POLICE MISCONDUCT?

The term 'police misconduct', as it is defined in the Act and used in this report, includes but is not restricted to police corruption. Section 5 (2) of the Act provides the following examples of police misconduct:

> Police misconduct can involve (but is not limited to) any of the following:
>
> (a) police corruption
>
> (b) the commission of a criminal offence by a police officer
>
> (b1) misconduct in respect of which the Commissioner of Police may take action under Part 9 of the *Police Act 1990*
>
> (c) corrupt conduct within the meaning of the *Independent Commission Against Corruption Act 1988* involving a police officer
>
> (d) any other matters about which a complaint can be made under the *Police Act 1990*.

1.4 THEMES FROM THE POLICE MISCONDUCT LITERATURE

There is substantial literature available on the topic of police corruption and other forms of police misconduct. This section of the report seeks to identify some key themes rather than provide a comprehensive review of that literature.

DISTINGUISHING FEATURES OF POLICING

While all occupations may provide some opportunities for misconduct, policing has been identified as providing more opportunities than other occupations (Barker & Carter 1994, p. 7). This occurs because policing is recognised as being an occupation different from all others. In his report of the Royal Commission into the NSW Police Force, Justice Wood outlined some of the powers held by police officers which distinguish them from other occupational groups:

> 2.13 The powers entrusted to police to carry arms, to use coercive force in the proper course of their duties (and, in extreme circumstances, to take lives), to inquire into personal affairs and to eavesdrop (pursuant to a warrant) on private conversations, to deprive citizens of their liberty, to enter and search their premises, to seize and hold their property, and to initiate proceedings that will require them to defend themselves before the courts, are very substantial powers – possessed by no other class of employee (Wood 1997a, p. 28).

Corruption has been described as 'endemic' to policing, where the 'very nature of the policing function is bound to subject officers to tempting offers' (Goldstein 1990, p. 218). Policing differs from many occupations in the variety of types of people who

stand to gain by influencing decisions made by police officers. As Goldstein (1990) has observed:

> It is clear … that many segments of the public, including organized criminals, legitimate business interests, private citizens, and the pettiest of offenders, stand to gain by influencing the decisions a police officer makes. Some act under threat of criminal prosecution, but many are not – except for their corrupt acts – violating any law. The latter include those who wish to buy extra police services or benefit from information and situations to which police have access.
>
> People threatened with prosecution have quite different motives for offering money to police. Some are primarily concerned with being able to continue their illegal activities (for example, the professional burglar, the dealer in stolen merchandise, the gambler, the narcotics peddler, and the street prostitute). Others are anxious to avoid the inconvenience of arrest, fines or other consequences of conviction (such as the motorist who fears loss of his license). Those facing arrest are especially likely to offer payoffs if their livelihoods are threatened (salesmen, taxi drivers, truck drivers, or tavern keepers). Some may be primarily interested in not having their situation given any publicity (an errant spouse or homosexual). This diversity should be a warning against the more simplistic remedies offered as solutions to corruption (p. 195).

FACTORS ASSOCIATED WITH POLICE MISCONDUCT

A diverse range of factors have been associated with police misconduct. These include factors relating to the individual employee as well as factors that relate to the nature of the work and the working environment. For example, research on police corruption in England and Wales by Miller (2003) suggests that personal circumstances of officers, opportunities for corruption, and broader culture and values each impact upon police misconduct (p. 24). Miller concludes that there is strong evidence that police misconduct 'has its roots in both work and non-work contexts' (2003, pp. 19, 24).

Individual motivations

Many different motivations have been identified as being associated with individual officers engaging in misconduct. Examples of such motivators are varied:

- family loyalties, drug addictions and greed (Beare 1997, p. 168)
- the excitement that comes from taking risks, the desire to do favours for friends, or the belief that stealing from a criminal is simply a form of summary justice (Bracey 1989, p. 46)
- domestic and personal problems, including problems with relationships, alcohol or drugs or finance (Miller 2003, p. 24)
- social networks with criminals (for example, old friends and relatives, acquaintances from gyms, pubs and clubs) (Miller 2003, p. 24).

Ede, Homel and Prenzler (2002b) have stated that the existence of 'motivated offenders' is only one component in the occurrence of corruption. They advise that

attention also needs to be given to 'situational factors' that create opportunities in the physical and social environment in which the corruption event occurs (p. 210).

Aspects of police work and the policing environment

The types of police work undertaken can influence the numbers and types of opportunities for an officer to engage in police misconduct. That which is referred to in the literature as a 'structural perspective' focuses on the impact that the nature of police work or the 'task environment' has on police misconduct (Bennett 1984 cited by Prenzler 2002, p. 14). Some of the factors which are considered to facilitate police misconduct span most types of police work. Sherman (1974) identified 'those universal aspects of police work that make corruption possible or likely' as:

- discretion
- low managerial visibility
- low public visibility
- peer group secrecy[2]
- managerial secrecy[3]
- status problem (pp. 12-14).

Other commentators have identified a variety of aspects of police work which they associate with police misconduct:

- frequent contact with criminals who are motivated to trade money and other benefits for immunity from prosecution (Prenzler 2002, p. 14)
- ability to influence important decisions – for example, whether or not to deprive someone of their freedom, to use legitimate force and whether or not to mount an investigation into the conduct of individuals or groups that can lead to severe sanctioning – affecting diverse sections of the community (Punch 2000, p. 302)
- the nature of police decisions – including the most fundamental decisions of whether or not to intervene at all, and if so, how – are rarely straightforward, with most decisions being 'determined more by informal norms of street-level police culture than by formal administrative rules' (White & Perrone 1997, pp. 52-53; Armacost 2004, p. 512)
- police officers at the 'lowest rung of the organisational ladder' routinely exercise a high level of autonomy (O'Brien 1991, p. 6; Ciocarrelli & Ireland 1997, p. 4; Fisher 2003, pp. 36-37)
- police officers work singly or in pairs in a highly unstructured environment, in which supervision is extremely difficult (Barker 1994, p. 49; Ede, Homel & Prenzler 2002b, p. 211)

[2] Loyalty amongst officers which hinders the reporting of any misconduct known to officers.

[3] Failure by managers, who have been part of the police culture, to investigate allegations vigorously.

- exposure to horrific accidents, crime scenes and to the worst aspects of society leads officers to become hardened to violence and criminal behaviour in all its forms (Goldstein 1990, p. 198; Wood 1997a, p. 28)
- police are given the 'impossible task of controlling crimes caused by social factors such as unemployment and poverty' resulting in officers feeling powerless and seeking to address this powerlessness in inappropriate ways (Prenzler 2002, p. 15)
- political and community pressure to produce results can lead to misconduct in investigations (Punch 2000, pp. 309-310; Prenzler 2002, p. 14)
- the nature of the behaviours rewarded by the organisation – for example Armacost (2004) has referred to the Christopher Commission's investigation of the Los Angeles Police Department revealing an organisational culture that favoured 'a confrontational, hard-nosed style of policing, an evaluation and promotion system that had the functional effect of rewarding illegal uses of force through non-enforcement of stated management policies, and a work environment that tolerated (even encouraged) violent and discriminatory language and attitudes that may have contributed to violent and discriminatory conduct' (pp. 498-499)
- unenforceable laws such as those which prohibit conduct in which large numbers of people are engaged (Goldstein 1990, pp.197-198)
- improper political influence (Goldstein 1990, pp.197-198).

It must be acknowledged that there are limitations to the extent to which the policing 'task environment' and the discretion involved in police work can be changed (Carter & Barker 1994, pp. 17-18; Ede, Homel & Prenzler 2002a, p. 28). What is important is that the misconduct opportunities and vulnerabilities associated with different types of police work are recognised as risks to officer integrity and that these risks are managed.

To put the risks into perspective, it is important to understand that just because opportunities for misconduct exist, it does not mean that officers will avail themselves of such opportunities (Sherman 1974, p. 14; Sherman 1978, p. 41). In his report of the Royal Commission into the NSW Police Service, Wood (1997a) stated:

> in NSW the fact is:
>
> - that very few if any police enter the job with corruption on their mind;
> - not all or even a majority of police succumb to corruption; and
> - not all police work occurs in the high-risk circumstances or environment mentioned earlier (p. 31).

1.5 PREVENTING POLICE MISCONDUCT

In basic terms, preventing police misconduct requires intervening before the misconduct occurs. From the crime prevention literature it is evident that effective prevention techniques differ depending on the specific type of crime. For example, in order to minimise car theft one would use different strategies from those used to minimise assault. In the same way, to determine the best strategies to prevent police misconduct, it is useful to break the problem of police misconduct into its potential different forms and then determine the best ways to minimise these different forms (Gorta 1998, pp. 67, 72; Gorta 2006, p. 204).

Efforts to minimise police misconduct can have different targets:

- the individual officer
- the opportunities, temptations and frustrations provided by the very nature of police work
- other types of opportunities and vulnerabilities such as those relating to the policing environment or those relating to staff experience and training
- the culture of the workplace and of the organisation.

Traditionally, police departments have focussed on the individual when trying to reduce misconduct. In contrast, Project Manta focuses on the integrity hazards or opportunities and vulnerabilities for misconduct associated with the nature of the work and the working environment, independent of the particular individuals who occupy the positions.

1.6 FOCUSSING ON HAZARDS RATHER THAN INDIVIDUALS

This project takes the view that there are similarities between the task of preventing or minimising police misconduct and the task of preventing or minimising workplace accidents. Occupational Health and Safety strategies seek to minimise workplace accidents by identifying risks to employees' health and safety posed by hazards in the workplace and determining how best to modify work processes to effectively eliminate or control the risks (WorkCover NSW 2001, p. 2). Hazards to health and safety in the workplace can take many forms such as tears in the carpet, bent electrical wires, manual handling, use of chemicals and use of machinery. Different workplace hazards are associated with different risks to employee safety. For example, manual handling poses the risk of strains due to incorrect or excessive lifting, bending, reaching and carrying; the use of mechanical plant and machinery poses the risk of injury caused by moving parts, metal fragments, explosion, noise, dust or poor maintenance (WorkCover 2001, p. 15). Table 1.1 uses examples to draw a comparison between Occupational Health and Safety risk management with police misconduct risk management.

Just as Occupational Health and Safety strategies focus on identifying workplace hazards and the associated risks to employees' health and safety, this project seeks to examine how NSW Police Force commands identify workplace hazards or the aspects of policing which may put their officers' integrity at risk, for example, the opportunities for misconduct that put officers in the position of accepting a bribe or showing favour to friends or prominent community members.

Table 1.1 Comparison of Occupational Health and Safety Risk Management with Police Misconduct Risk Management

	Task	Hazard or organisational vulnerability	Risk (potential injury or potential misconduct)
Occupational Health and Safety risk management[4]	Example 1: Loading/Unloading materials	Manual Handling	Muscle strain, back injuries due to incorrect or excessive lifting, bending, reaching or carrying
	Example 2: Operating Grinder	Mechanical Plant/Machinery	Injury caused by moving parts, metal fragments, explosion, noise, dust, poor maintenance
	Example 3: Using solvents	Hazardous substances	Exposure resulting in: headaches, skin irritation, dermatitis, eye irritation, nose & throat irritation, respiratory irritation
Police misconduct risk management	Example 1: Maintaining confidential information	Access to confidential information which may be of interest or have value to outside parties	Inappropriate release of confidential information
	Example 2: Storage of exhibits	Access to exhibits of value	Theft of exhibits
	Example 3: Highway patrol	Drivers, particularly where their employment is at risk, might try to avoid traffic infringement notice	Motorist offers and officer accepts bribe

Returning to the comparison with Occupational Health and Safety, Project Manta seeks to identify the integrity vulnerability equivalents of 'manual handling' and 'use of machinery' together with their associated risks equivalent to 'back strain' or 'injury caused by moving parts'. It is not seeking to identify the individual officers most prone to engaging in misconduct, in the same way as Occupational, Health and Safety strategies do not seek to identify individuals predisposed to clumsiness or accidents.

[4] Adapted from WorkCover NSW 2001, pp. 4, 15.

MISCONDUCT RISKS: WHAT THEY ARE AND WHY THEY ARE OF INTEREST?

A risk is the chance of something that will have an impact on objectives and is often specified in terms of an event or circumstance and the consequences that may flow from it. For the purpose of this report, risks that arise from integrity hazards, opportunities or workplace vulnerabilities for an employee to engage in corruption or some other form of misconduct are referred to as 'misconduct risks'. Within policing, the nature of the possible hazards and associated misconduct risks will vary according to the different types of functions carried out by police officers (Sherman 1978, pp. 38-39; Barker 1994, pp. 48, 49; Ede Homel & Prenzler 2002a, p. 28; Quah 2006, pp. 72-73; Mills & Cooper 2007, p. 34). For example, it is likely that the misconduct risks confronting a highway patrol officer are different from those confronting an officer who handles drug exhibits. The work of highway patrol officers may, for example, bring these officers in contact with motorists who may offer them cash or some other inducement, to avoid a fine or other penalty. Officers who handle drug exhibits, on the other hand, may come into contact with exhibits that could fetch a significant amount of money if stolen and sold illegally. Although the nature of the misconduct risks likely to be encountered differ in terms of the work being done, there is no suggestion that an individual officer doing one type of police work would be more prone to engaging in misconduct than another officer doing a different type of work.

It is important to be able to identify vulnerabilities and corresponding misconduct risks because they present opportunities to intervene to minimise future misconduct. As the Independent Commission Against Corruption (2003) has observed, the more aware organisations are of the risks they face, the better placed they are to address and manage these risks (p. x). Furthermore, the Independent Commission Against Corruption (2008) has identified that a failure to properly manage corruption risks can be serious and include both short- and long-term negative consequences, such as: damage to reputation, loss of public confidence, direct financial loss, wasted resources, the financial and resource cost of an internal or external investigation, and adverse effects on other staff and the morale of the agency generally (p. 1).

Not all misconduct risks are equal. Misconduct risks differ in their likelihood of occurring and in their consequences if they were to occur. Also, a greater number of risks does not necessarily result in more misconduct occurring. What is important is to identify the workplace integrity hazards and how the misconduct risks associated with the hazard might be minimised or managed.

1.7 THE NEW SOUTH WALES POLICE FORCE

The NSW Police Force is a large and geographically dispersed organisation. As stated on its website, it is Australia's oldest and largest police organisation and one of the biggest in the English-speaking world. It serves a population of seven million people in the state of NSW, an 801 600 square kilometre area comparable in size to Texas in the USA and double the combined geographical areas of England, Scotland and Wales.[5] As at the end of June 2007, the NSW Police Force employed 15 333 police officers and 3978 administrative, ministerial and other employees (NSW Police Force 2007a, p. 131).

The NSW Police Force is subdivided into 80 local area commands on the basis of their geographical location as well as a number of other centrally managed commands that

[5] <http://www.police.nsw.gov.au/about_us> downloaded 25 January 2008.

provide technical or administrative support (such as operational communications, forensic services, counter-terrorism, public management, education and training, fleet management) to police in the field. In this report such centrally managed commands are referred to as 'specialist commands'.

WHY FOCUS ON THE COMMAND LEVEL?

It is possible to approach the task of identifying and managing police misconduct risks from a number of different levels: the corporate or organisational, regional, command, work group and/or individual officer level. Project Manta uses the command as its unit of analysis because the responsibility for misconduct risk management and misconduct prevention within the NSW Police Force lies with the individual commands.

In its 2004-2007 Corporate Plan, the NSW Police Force stated that it was delegating decision making to local commanders and managers (NSW Police undated, p. 15). The NSW Police Force Annual Report 2006-2007 also describes risks as being 'managed locally' and further elaborates:

> All commands within the NSW Police Force identify and manage local risks using the Command Management Framework (CMF). The CMF is a risk based, self assessment process focussed on compliance and is based on the Australian Business Excellence Framework and the Australia/New Zealand Risk Management Standard AS/NZS 4360:2004. It encourages the identification of local risks and the development of locally relevant process controls. All commands are encouraged to adapt the CMF to their own needs … (NSW Police Force 2007a, p. 68).

While the NSW Police Force provides corporate tools (such as the Command Management Framework (CMF)) for use by individual commands, it is up to the individual command to adapt and apply such tools and hence to identify and manage its own specific misconduct risks (Police Integrity Commission 2006, p. 45). The corporate policies and guidance provided to commands in relation to minimising police misconduct are discussed further in Chapter 3 with supplementary material provided in Appendix 1.

1.8 PREVIOUS ASSESSMENT OF THE IDENTIFICATION AND MANAGEMENT OF MISCONDUCT RISKS

COMMISSION ASSESSMENT OF THE IDENTIFICATION AND MANAGEMENT OF MISCONDUCT RISKS IN COUNTER-TERRORISM POLICING

In 2006, the Commission assessed the identification and management of misconduct risks within one NSW Police Force command: the command responsible for counter-terrorism policing, known at the time as the Counter Terrorist Coordination Command (CTCC). In its assessment, in addition to proposing strategies specifically targeted at minimising potential misconduct in the area of counter-terrorism policing, the Commission made a series of suggestions as to how the CTCC and other NSW Police Force commands could more generally improve their ability to minimise misconduct. The Commission suggested documenting, and where necessary, further developing, its misconduct risk management strategy, including documenting:

- the strategies it uses to identify its misconduct risks
- a list of the misconduct risks it has identified using these strategies
- for each misconduct risk, an assessment of the likelihood of this risk occurring, its consequences if it were to occur and an overall rating of the assessed seriousness of the risk of this area of misconduct
- for each misconduct risk, the range of options for treating the risk and an assessment of the advantages and disadvantages of the different treatment strategies
- for each misconduct risk, the strategies that the command has decided to use in response to that risk, and
- a timeframe when the risks, assessments of the seriousness of the risks and treatment strategies will next be reviewed and a process for that review.

…

In addition to preparing a documented misconduct risk management plan, it is necessary to ensure that the plan is implemented and regularly reviewed (Police Integrity Commission 2006, pp. 110-111).

NSW POLICE FORCE ASSESSMENT OF CORRUPTION RESISTANCE PLANNING

At the same time as the Commission was undertaking Project Manta, the NSW Police Force began reviewing what it refers to as its 'corruption resistance planning processes'.[6] In 2007 the Professional Standards Command of the NSW Police Force commenced a project to develop resources and training materials to assist commands in 'corruption resistance planning'. In undertaking this project, the Professional Standards Command acknowledged that corruption resistance planning for commands had not been reviewed corporately since 1996.[7]

From its own review, the NSW Police Force Professional Standards Command had identified the following issues:

- the lack of a corporate corruption resistance plan
- the most current resource for planning (a 1996 manual) is dated, not widely available and not a practical tool given the command workload
- the lack of training on corruption resistance planning
- limited resources available to assist commands by providing advice and support
- while corruption resistance plans exist they often overlap with or duplicate other processes, copy other commands' plans, focus heavily on corporate strategies and do not examine individual command characteristics

[6] The NSW Police Force refers to 'corruption resistance' rather than 'corruption prevention' or 'misconduct prevention' in order 'to minimise the unrealistic expectation that all corruption can be prevented' (NSW Police Force 2008, p. 2).

[7] Correspondence from the Assistant Commissioner Professional Standards to the Commission dated 24 May 2007.

- there is no documentation of the development of the plan including considerations made and who was involved, and
- the absence of central record keeping or monitoring of the plan (other than through compliance audits).[8]

In early 2008, the Professional Standards Command of the NSW Police Force finalised its Corruption Resistance Planning Guidelines and ran training sessions on the use of these guidelines. The content of these guidelines, as well as the content of Complaint Handling Guidelines issued in mid-2008, are discussed in more detail in Chapter 3.

1.9 WHY DID THE COMMISSION UNDERTAKE PROJECT MANTA?

The Commission's interest in the identification and management of misconduct risks by individual commands results from both its broad statutory role in preventing police misconduct as well as its previous assessment of the management of misconduct risks by the CTCC (Police Integrity Commission 2006). Project Manta seeks to extend the Commission's previous assessment of CTCC risk identification and management processes to other NSW Police Force commands.

The fundamental aim of Project Manta is to obtain a better understanding of the nature of the misconduct risks facing the NSW Police Force and how these misconduct risks may differ across commands, as well as a better understanding of how commands identify, communicate and manage their misconduct risks. The information was collected to promote further discussion of the nature of misconduct risks facing different parts of the NSW Police Force as well as provide a solid foundation for Commission advice on any improvements, if required, to NSW Police Force systems and practices. This is consistent with the Commission's Corporate Plan Key Goal 2, Objective 1 which seeks to:

> Provide informed advice on improvements in NSW Police Force systems and practices (Police Integrity Commission 2007, p. 5).

More specifically, the aims of this project are to contribute to the prevention of police misconduct by:

- developing a profile of the functions, misconduct risks and prevention strategies of individual commands
- examining differences in the misconduct risks identified by different commands
- auditing the misconduct risk identification and management processes in place in a sample of commands to identify strengths, as well as areas for improvement, in current processes
- seeking to identify examples of good practice in misconduct risk management and misconduct prevention employed by individual commands that could be disseminated to other commands.

[8] Information provided to the Commission by the NSW Police Force Manager Corruption Resistance and Education, 10 April 2007.

1.10 STRUCTURE OF THIS REPORT

This first report describing Project Manta consists of ten chapters and associated appendices.

The first three chapters contain introductory information and background to this project on the command-level identification, communication and management of the risks associated with misconduct opportunities and vulnerabilities:

- Chapter 2 describes how the Commission undertook this project, the information collection strategies it used and the timeframes for that information collection
- Chapter 3 outlines the responsibilities assigned to command staff for minimising police misconduct as described in NSW Police Force corporate documents pertaining to corruption resistance planning and training, the Command Management Framework, and complaint management.

The next six chapters describe the results of what the Commission learnt from its analyses of the information collected from the individual commands:

- Chapters 4 and 5 provide a context in which to consider possible misconduct risks facing officers working in the commands. Chapter 4 describes the policing environment in terms of selected command characteristics such as the physical area covered by local area commands, number of police premises, staff numbers, features of the staffing profile, size and nature of the community served, and commanders' views of the effects of community features on police work undertaken. Chapter 5 examines similarities and differences among commands in the types and frequencies of work undertaken.
- Chapters 6 and 7 use different sources of information to consider the potential misconduct risks facing officers working in these commands. Chapter 6 describes the commanders' views of the misconduct risks facing those who work in their commands while Chapter 7 relies on other sources including documents provided by the sampled commands and complaints data to identify potential misconduct risks. Chapter 7 compares the misconduct risks identified from other sources with those identified by commanders.
- Chapters 8 and 9 concern processes and strategies used by individual commands. Chapter 8 describes the processes that commands report using to identify and assess their misconduct risks. It also highlights distinctive strategies developed by some individual commands in a series of case studies. Chapter 9 focuses on the communication strategies. In addition to describing how commanders said they communicate information about misconduct risks to their staff, Chapter 9 examines command-based corruption resistance plans and command-based induction packages. It also presents communication strategies used in some commands as a series of 'Tips from commanders'.

All six 'results' chapters follow a similar format. Each commences with an overview of the purpose and content of the chapter. This is followed by a brief discussion of the relevant literature to provide a context and an outline of the types of information collected. The bulk of each chapter contains a description of the findings. Each of these chapters ends with a summary of the findings and implications to promote discussion for minimising police misconduct.

The final chapter (Chapter 10) provides the Commission's views on strengths as well as opportunities to improve on current NSW Police Force practices as well as recommendations for enhancing the NSW Police Force's approach to identifying and communicating its misconduct risks at the command level.

The identification of misconduct risks is only the initial part of a process for managing misconduct risks and hence minimising police misconduct at the command level. How NSW Police Force commands manage their misconduct risks will be the subject of a subsequent Commission report.

2. METHODOLOGY

2.1 OVERVIEW

In summary, the Commission wrote to commanders from a randomly selected sample of 25 NSW Police Force commands to seek their responses to a series of written questions and to obtain copies of documentation relevant to identifying and managing misconduct risks faced by their commands.

2.2 SELECTING THE COMMANDS

As mentioned in the previous chapter, the NSW Police Force is subdivided into 80 local area commands on the basis of their geographical location as well as a number of other centrally managed commands that provide technical or administrative support (such as operational communications, forensic services, counter-terrorism, public management, education and training, fleet management) to police in the field. In this report such centrally managed commands are referred to as 'specialist commands'.

The 80 local area commands are organised into six regions:

- Central Metropolitan Region
- South West Metropolitan Region
- North West Metropolitan Region
- Southern Region
- Northern Region
- Western Region.

In order to obtain a representative sample of 20 local area commands, the Commission used a 'proportionate stratified sampling' technique to ensure that commands from each region were included in the sample, with more commands sampled from the larger regions and fewer commands sampled from the smaller regions (see Table 2.1). Hence the sample of local area commands included metropolitan commands and rural commands; large commands and small commands.

At the time this research was undertaken, there was no readily available list of specialist commands. A list of potential specialist commands was constructed from the NSW Police Force organisational chart, the telephone list provided by Professional Standards Command and the discussions held with the Deputy Commissioner Specialist Operation's Chief of Staff. Only specialist commands that are involved in criminal investigations were included. Hence specialist commands that reported to the Executive Director of Corporate Services and those that comprised the then Commissioner's Inspectorate were excluded from consideration, as were other units not involved in criminal investigations, such as Public Affairs. Units undertaking counter-terrorism-policing were excluded on the basis that they had been the subject of a similar Commission study in 2006 (Police Integrity Commission 2006). It was decided to include the individual squads within the State Crime Command as distinct entities on

the basis that they are sizeable business units with different foci, potentially confronting different misconduct risks. From the resulting list, a sample of five specialist commands was randomly selected to participate in this project.

Table 2.1: Number of local area commands sampled compared to total number of commands in each region

NSW Police Force Region	Number of Local Area Commands	
	No. in sample	Total in region
Central Metropolitan	4	16
South West Metropolitan	3	14
North West Metropolitan	4	16
Metropolitan regions subtotal	(11)	(46)
Southern	3	11
Northern	3	12
Western	3	11
Rural regions subtotal	(9)	(34)
Total	**20**	**80**

2.3 INFORMATION COLLECTION

Project Manta examines the nature of the work undertaken by individual commands and other command characteristics which may impact on misconduct risks, as well as the identification, communication and management of any associated misconduct risks. Information was collected about six broad areas:

- command characteristics
- types of police work undertaken within the command and frequency with which the work is undertaken
- command misconduct risks
- command processes and strategies for identifying, assessing and reviewing misconduct risks
- command strategies for communicating misconduct risks
- command strategies for managing misconduct risks and other command misconduct prevention strategies.

In May 2007 the Commission wrote to commanders of each of the randomly selected sample of 25 commands (20 local area commands and five specialist commands). Each commander was sent:

- a 'Command Work Types Checklist' - which listed 39 different types of police work and sought ratings of how often any officers from the command undertake each of the types of work. This Checklist also asked commanders to specify additional types of work that they considered to be frequently performed by officers within their command. This Checklist was not intended to be an inventory of all activities performed. Instead it focussed on types of police work that may present opportunities for corruption or other police misconduct or police work that may be likely to be the subject of complaint. (See Table 5.1 in Chapter 5 for a list of the work types included in the Checklist.)
- a request for their responses to a series of written questions and for copies of relevant documentation, concerning:
    - the command's functions, factors that distinguish the command from others and staffing profile
    - identification, assessment, communication, management and review of misconduct risks facing officers working in the command, and
    - corruption prevention strategies employed.

To facilitate the provision of responses to these written questions, the Commission offered commanders the option of providing this information in writing, over the telephone, or in a personal interview with a Commission officer.

The documentation requested included the command's Command Management Framework, Complaint Management Team Meeting minutes, corruption prevention plan or corruption resistance plan, induction materials and other documentation that the commander considered relevant to the command's misconduct risk identification, communication and corruption prevention strategies.

The Commission supplemented the information provided by the commands with:

- a review of corporate documents, available on the NSW Police Force intranet, concerning command responsibilities in regard to corruption prevention or, as it is frequently referred to within the NSW Police Force, 'corruption resistance'
- complaints made about officers working in each of the sampled commands over the two calendar years 2005 and 2006, extracted from the NSW Police Force complaint management system known as 'C@ts.i'. An analysis of these complaints was undertaken by Commission officers as an additional indicator of possible misconduct risks faced by officers working in these commands. (Information about this analysis is provided in Chapter 7)
- information on the number of authorised and actual officers as at June 2007 from the NSW Police Force Human Resource Services and from its website
- further information about the commands from their intranet sites
- a review of published literature on topics of relevance.

2.4 RESPONSES

All commands in the sample responded to these requests. The majority of commands returned their Work Types Checklists to the Commission in May 2007, with the final command returning its Checklist in July 2007. Fourteen of the commanders elected to provide written responses to the Commission's questions, eight requested a face-to-face interview, and three answered the questions over the telephone. The majority of written responses were received in June and July 2007. The majority of interviews were also completed during this period, with the final interview completed in early August 2007.

While the questions were addressed to commanders, the responsibility for preparing the responses may have been delegated within the command. In one of the written responses, the commander made it clear that he had personally drafted the responses. Another commander said that the questions had been discussed and responses determined during a Complaint Management Team meeting with input from all team members. All face-to-face and telephone interviews were conducted with commanders. In most cases these interviews were conducted with the commander in the absence of other staff. However, two of the face-to-face interviews were conducted with the commander and the executive officer, one interview was conducted with all members of the Complaint Management Team present, while another interview was conducted with the substantive commander in the presence of a second superintendent who was soon to relieve in the role.

In addition to the Command Management Framework, Complaint Management Team Meeting minutes, corruption prevention plan or corruption resistance plan and induction materials that were specifically requested, commands provided copies of a variety of other documents including:

- a multitude of different command-specific standard operating procedures and guidelines
- command-specific examples of reviews of complaint trends
- copies of Executive Management Team meeting minutes
- Professional Standards Diary
- Command Professional Standards Council Charter
- Team Review Performance Scorecard
- Quality Assurance Program report
- shift changeover forms
- officer risk assessment screens
- examples of supervision assistance plans
- example of coaching record for individual officers
- results of staff ethical culture surveys
- memoranda from regional commanders
- corporate policy documents.

More than 290 documents were provided by the 25 commands, in addition to responses to the specific questions asked. Some of these documents, such as the command Complaint Management Team meeting minutes, were several hundred pages long.

2.5 ANALYSIS AND REVIEW

Following receipt of the response from each command, the material was checked to determine whether it was complete and whether the information provided raised further questions. Where necessary, additional information was requested from the command to clarify issues. This review of documentation, clarification of responses and receipt of additional information continued until January 2008.

In the chapters that follow, command results tend to be grouped into three categories:

- metropolitan local area commands (that is, those sampled from one of the three metropolitan regions)
- rural local area commands (that is, those sampled from one of the three non-metropolitan regions)
- specialist commands.

This grouping of responses was chosen to allow some detail in the results reported without linking specific comments to individual commands. The Commission did not have any views prior to the analysis being undertaken as to whether or not responses would be likely to be related to the type of command (metropolitan, rural or specialist) that made the response.

2.6 CONSULTATION

In order to verify the accuracy of the material described in this report, and in keeping with the consultative approach in which the research had been conducted, prior to finalising its report the Commission consulted with the NSW Police Force on the results and recommendations of Project Manta.

The Commission finalised a draft of the project report in December 2008 and commenced consultation with the NSW Police Force in 2009. The consultation process involved:

- briefing the Commissioner of Police and other members of the Police Commissioner's Executive Team in March 2009 to provide senior police with the key messages from the report and the opportunity to ask questions about the findings and draft recommendations
- conducting a workshop with a small number of commanders and representatives of the Professional Standards Command in May 2009 to explore draft recommendations with key stakeholders prior to finalising the recommendations

- requesting NSWPF written comments on the accuracy of Commission descriptions of NSWPF policies and practices and views the Commission's stated implications arising from the findings in May 2009
- further clarifying the NSW Police Force position on relevant issues in June and July 2009.

2.7 LIMITATIONS

The project did not encompass risks other than misconduct risks, such as operational risks or financial risks. Nor did it include matters that would be captured in a standard financial audit.

The information collected for this project primarily relies on the material provided by 25 individual NSW Police Force commands. Where possible, supplementary sources (such as the review of past complaints made about officers, review of the relevant documentation and literature to identify potential misconduct risks and examination of minutes of meetings) were used to check and provide context for the information supplied by the commanders. Hence, this research is based largely on an examination of stated practices in the absence of any verification of how these practices are applied in the field.

3. CORPORATE GUIDANCE

3.1 OVERVIEW

This chapter collates and summarises the documented corporate guidance available to individual commands about their responsibilities for minimising police misconduct. The material contained in this chapter is based on the Commission's identification and analysis of 14 key corporate documents or sets of documents from the NSW Police Force intranet. These documents, which were reviewed for content relating to command responsibilities for minimising police misconduct, include:

- Command Management Framework
- Compliance Manual
- Duty Officer Deployment Model and associated performance agreements
- Business Planning Corporate Policy and Guidelines
- Position descriptions and other employment documents (principally relating to the role of local area commanders and duty officers)
- Complaint Management Team Policy[9]
- Complaint Management Manual[10]
- Complaint Management Standard Operating Procedures[11]
- Complaint Allocation Risk Appraisal (CARA) Guidelines
- Complaint Management Team (CMT) Hints and Guidelines pages on the NSW Police Force intranet
- Complaints Management Pack (User Guide)
- Police Handbook
- Police Notices and Circulars
- Complaint Practice Notes.

Each of these documents was available on the NSW Police Force intranet at the time that the Commission was collecting information from the sampled commands for Project Manta. A description of the format and pertinent content of each of these documents is provided in Appendix 1. Two additional sets of guidelines relevant to command responsibilities for minimising police misconduct were finalised and distributed after the Commission had completed its information collection for this project. These two documents – the NSW Police Force Corruption Resistance Planning

[9] On 23 June 2009, the NSW Police Force advised that the Complaint Management Team Policy had been replaced by Part 3 of the Complaint Handling Guidelines in May 2008.

[10] On 23 June 2009, the NSW Police Force advised that the Complaint Management Manual had been replaced by the Complaint Handling Guidelines in May 2008.

[11] On 23 June 2009, NSW Police Force advised that the Complaint Management Standard Operating Procedures had been replaced by the Complaint Handling Guidelines in May 2008.

Guidelines and the NSW Police Force Complaint Handling Guidelines – are also described in this chapter.

Within this chapter, the corporate guidance available to commands is described in terms of three broad themes, which each relate to the objective of minimising police misconduct at the command level:

- corruption resistance, including planning and training
- the Command Management Framework, including compliance and its relation to corruption resistance planning
- complaint management, including the role of Complaint Management Teams.

Tables collating extracts from relevant corporate documents are provided throughout the chapter to illustrate the responsibilities assigned to various command staff in terms of these three broad themes.

3.2 CORRUPTION RESISTANCE PLANNING AND TRAINING

The term 'corruption resistance' is used by the NSW Police Force to define strategies – such as corruption resistance planning and training - which are aimed at minimising corruption and other police misconduct risks. The term is currently used in place of 'corruption prevention' to 'minimise the unrealistic expectation that all corruption can be prevented' (NSW Police Force 2008a, p. 2).

Corruption resistance planning and training are the subject of several NSW Police Force documents.

CORRUPTION RESISTANCE PLANNING

As can be seen from Table 3.1, prior to the release of the Corruption Resistance Planning Guidelines in January 2008, the Commission identified six NSW Police Force documents that provide different advice on command responsibilities for corruption resistance planning: the Command Management Framework, the Compliance Manual, the Duty Officer Deployment Model, the Business Planning Preparation Guidelines, the Duty Officer position description, and Job Streaming Responsibilities JSR3 – Commander/Manager. The advice in these documents is directed to the following personnel or management teams:

- Command Management Team
- Complaint Management Team
- Business Planning Team
- Commanders and Managers
- Duty officers.

Table 3.1: Summary of corporate guidance concerning key corruption resistance planning responsibilities

Position	Nature of responsibility as described in corporate documentation	Document
Command Management Team	Review and assess the relevance of the corruption resistance plan. Review CMT Minutes, CMF returns, Staff Ethical Surveys, 'at risk' officers, trends in complaints/local management issues etc. to ensure risks within Plan are appropriate. Conduct quarterly reviews of the corruption resistance plan activities within the CMF to identify areas that should be receiving attention but are not.	Command Management Framework, Corruption Resistance Portfolio[12]
Commanders and Managers	Ensure command/unit regularly (at least annually) reviews the corruption resistance plan taking into consideration the following methods of identifying and addressing risks: • staff surveyed to capture their perceptions on corrupt/unethical behaviour and their attitude to reporting • Complaint Management Team evaluation of recent complaints • Complaint Management Team review corruption resistance activities in light of complaints (issues arising) • Human Resource Committee consultation • regular consultation with professional standards manager to identify trends, complaint types, etc. • review of corruption resistance activities within CMF annually or when a breach or issue arises to minimise reoccurrence and evaluate effectiveness. Ensure a review of corruption resistance activities every three months to ensure that risk areas are being addressed and that any necessary improvements or amendments are made.	Compliance Manual, Corruption Resistance[13]
Complaint Management Team	Review corruption resistance activities in light of complaints (issues arising).	Compliance Manual, Corruption Resistance[14]

(Table 3.1 is continued on the next page.)

[12] NSW Police Force intranet, Command Management Framework, 'Corruption Resistance', downloaded 17 June 2008. On 3 June 2009, the Commission was informed that the NSW Police Force had moved to an electronic CMF and that the contents of the Corruption Resistance Portfolio had changed and at that time was:

P2.2 The Command's Corruption Resistance Plan had been registered with PSC and reviewed in the past 12 months. Date of registration with PSC: Date of last review:

P2.3 Strategies within the Corruption Resistance Plan are being implemented. Number of strategies implemented: Number of strategies outstanding:

P2.4 Potential or actual corruption risks have been identified and referred to the Corruption Resistance Planning Team for assessment. Issues identified this reporting period and date referred:

The Command Management Team and/of Corruption Resistance Planning Team has reinforced and/or promoted the corruption resistance plan this reporting period. Date and method of communication.

[13] NSW Police 2005, Compliance Manual, 'Corruption Resistance', downloaded from NSW Police Force intranet 1 April 2008.

[14] NSW Police 2005, Compliance Manual, 'Corruption Resistance', downloaded from NSW Police Force intranet 1 April 2008.

Table 3.1: Summary of corporate guidance concerning key corruption resistance planning responsibilities - continued

Position	Nature of responsibility as described in corporate documentation	Document
Duty Officer responsible for the Professional Standards portfolio (PSDO)	Ensure corruption resistance plan is revised biannually and linked to Command Management Framework. Ensure performance measures are included in the Corruption [Resistance] Plan. Provide written report to Senior Management Team on performance measures from Corruption [Resistance] Plan quarterly.	Duty Officer Deployment Model, Performance Agreement for Duty Officer—Professional Standards[15]
Commander/ Business Planning Team	Identify and develop strategies to solve employee management and corruption resistance issues by managing any grievance or complaint from staff and having internal controls to minimise the opportunity for corruption (systems and supervision).	Business Planning Preparation Guidelines[16]
Duty Officer (unspecified)	Analyse, develop, recommend, implement and manage comprehensive corruption prevention strategies for the local area command	Duty Officer (LAC) (Position description)[17]
Duty officers (unspecified) and local area commanders	Develop and implement comprehensive corruption prevention approach for the command incorporating the Command Management Framework	Job Stream Responsibilities JSR3 – Commander/ Manager[18]
Portfolio holder, Command Management Framework, Corruption resistance[19]	Suggest improvements in management of the portfolio	Command Management Framework, Corruption Resistance Portfolio[20]
Corruption Resistance Planning Team	Commanders are responsible for ensuring they create a Corruption Resistance Planning Team. Development of a Corruption Resistance Plan needs to be the results of a collaborative effort and not simply a reflection of the views of one commander or delegated officer.	Corruption Resistance Planning Guidelines[21]

[15] NSW Police Force intranet, 'Duty Officer Deployment Model, Performance Agreement for Duty Officer – Professional Standards', downloaded 1 April 2008.

[16] NSW Police Force intranet, 'Business Planning Preparation Guidelines 2007/2008', downloaded 1 April 2008.

[17] NSW Police Force intranet, 'Duty Officer (Local Area Command), downloaded 1 April 2008.

[18] NSW Police Force intranet, 'Job Stream Responsibilities JSR3 – Commander/Manager', downloaded 1 April 2008.

[19] On 10 July 2009, the NSW Police Force informed the Commission that the role of Professional Standards Duty Officers (PSDOs) had developed in recent years and that PSDOs are the nominated CMF portfolio holders for corruption resistance.

[20] NSW Police Force intranet, Command Management Framework, 'Corruption Resistance', downloaded 17 June 2008.

[21] NSW Police Force (2008a, p. 4).

Table 3.1 provides extracts of the corruption resistance planning responsibilities of different personnel or management teams taken from the 14 NSW Police Force documents that were available to commands at the time the Commission collected in formation for Project Manta as well as from the more recent Corruption Resistance Planning Guidelines. The information indicates that certain responsibilities are held simultaneously by different personnel functions within commands, for example, responsibility for reviewing a command's corruption resistance plan falls to both the Command Management Team (within the Command Management Framework) and duty officers (within the framework of the Duty Officer Deployment Model).

Corruption Resistance Planning Guidelines 2008[22]

Following the Commission's 2006 assessment of misconduct risk identification and management by the Counter Terrorist Coordination Command, the NSW Police Force Professional Standards Command commenced a project to develop resources and training materials to assist commands in 'corruption resistance planning'. In January 2008, the Professional Standards Command finalised its Corruption Resistance Planning Guidelines (NSW Police Force 2008a) and ran training sessions on the use of these guidelines in February and March 2008. To further support the new process, the Professional Standards Command established new pages on the intranet site which contain an electronic copy of the guidelines, the templates that commands are required to use in preparing their corruption resistance plans, and a series of 'Frequently Asked Questions' (FAQs).

What is the purpose of the new Guidelines?

The objective of the Corruption Resistance Planning Guidelines is stated to be 'to ensure quality and consistency in corruption resistance planning across the state' by explaining 'the NSW Police Force standard for corruption resistance planning, the process that needs to take place to create a Corruption Resistance Plan and the obligations each command has in developing and implementing a plan' (NSW Police Force 2008a, p. 1). The FAQs describe an additional objective: 'to ensure that the planning process is practical and not unnecessarily resource intensive'.[23]

These Guidelines describe corruption resistance planning as 'a risk management exercise designed to identify corruption risks and the appropriate resources and responses to employ to ensure that they are managed well' (p. 2). Further, the guidelines state that the purpose of having a corruption resistance plan is to ensure 'that a command has examined its unique risks in order to minimise the likelihood of corruption occurring, or going unnoticed or unreported' (p. 2).

[22] While the terms 'corruption resistance planning' and 'corruption risk' are used in this section for consistency with the NSW Police Force documentation, these terms are considered to be synonymous with the terms 'identifying and managing police misconduct risks' and 'misconduct risk' used earlier in this report. At the time of finalising this report, the NSW Police Force advised that it had suspended use of these Guidelines while it reviews them (communication from Manager, Corporate Advice Policy and Projects, Professional Standards Command, NSW Police Force, 13 July 2009).

[23] NSW Police Force intranet, Corruption Resistance Planning FAQs, downloaded 24 June 2008.

How do these Guidelines differ from earlier corporate guidance on corruption resistance planning?

While the requirement for commands to have a corruption resistance plan predates these Guidelines (NSW Police Force 2008a, p. 2), previously 'no guidance was provided to commands on *how* to create a plan' [emphasis added].[24] The corruption resistance planning process outlined in these Guidelines is modelled on the Australian/New Zealand Standard for Risk Management (AS/NZS 4360: 2004) and includes sections on: communication and consultation, establishing the context, identifying risks, analysing risks, evaluating risks, treating risks, and monitoring and review.

More specifically, the Corruption Resistance Planning Guidelines differ from earlier documents in the following six ways:

- the requirement to create a 'Corruption Resistance Planning Team' consisting of senior command staff, supervisors, 'lower ranked staff' and an independent (such as a Professional Standards Manager) to develop the plan (p. 4)
- the division of the planning process into two distinct stages:
    - an assessment stage – that includes an evaluation of the likelihood and consequence of the risk given the existing controls – which leads to the creation of 'Corruption Risk Assessment Forms'
    - the treatment stage – that involves the creation, implementation and management of a corruption resistance plan and associated documentation of review dates, review methods, people involved in the review, a person/position with responsibility for maintaining the plan and a communication strategy (pp. 4, 7, 11)
- an emphasis on the importance of documentation and the provision of templates to standardise the format of the corruption risk assessment forms and corruption resistance plans that are produced (pp. 4, 13-17)
- the explicit consideration of the people that the command employs, the environment the command is in and the operations that comprise its business as part of the process to identify and assess corruption risks. Commands are also advised not to copy the plans of other commands as their people, environment and operations will never be exactly the same (p. 3)
- the requirement that all corruption resistance plans be registered with the Corruption Resistance and Education Unit of the NSW Police Force Professional Standards Command (pp. 3, 12)
- the availability of the Corruption Resistance and Education Unit within the Professional Standards Command as a resource to assist commands with their corruption resistance planning (p. 3) and to 'drive the continuous improvement process'.[25]

The 2008 Corruption Resistance Planning Guidelines refer to a new command team, called the 'Corruption Resistance Planning Team'. From the corporate documents available, the overlap and differences in the roles of the Complaint Management Team

[24] NSW Police Force intranet, Corruption Resistance Planning FAQs, downloaded 24 June 2008.

[25] NSW Police Force intranet, Corruption Resistance Planning FAQs, downloaded 24 June 2008.

and the Corruption Resistance Planning Team for identifying and minimising misconduct risks is unclear. In May 2009, the Commission convened a workshop with several commanders and representatives of the Professional Standards Command to discuss draft recommendations arising from Project Manta as well as to clarify issues of interest. At that workshop, some superintendents explained to the Commission that the Corruption Resistance Planning Team was established for only a short duration unlike the Complaint Management Team which is an enduring committee within the command.

CORRUPTION RESISTANCE TRAINING

The Commission identified three NSW Police Force documents that provide advice on command responsibilities for corruption resistance training (including the communication of misconduct risks): the Compliance Manual, the Duty Officer Deployment Model and the Command Management Framework. The advice in these documents is directed to the following personnel or management teams:

- Commanders and Managers
- Duty officers
- Command Management Team.

Table 3.2 provides a summary of their respective corruption resistance training responsibilities as stated in these NSW Police Force documents. The responsibilities suggest that the formal mechanisms through which officers are trained in corruption resistance are:

- the Command Management Framework
- Clause 49 of the *Police Regulation 2008* (NSW), under which police have a duty to report corruption
- customer service training
- promotion of the Code of Conduct and Ethics
- promotion of a command's corruption resistance plan.

Table 3.2: Summary of corporate guidance concerning key corruption resistance training responsibilities

Position	Nature of responsibility as described in corporate documentation	Document
Commanders and Managers	Ensure training days/briefings conducted for staff to be familiar with corruption resistance issues/activities within CMF Ensure staff assessed as to their knowledge of corruption resistance issues and associated activities within the command	Compliance Manual, Corruption Resistance[26]
Duty Officer responsible for the Professional Standards portfolio	Professional standards training and awareness, comprising the following actions and expectations: • agreed % of senior officers with complaint management training & access to C@ts.i • attendance at workshops/training days to ensure awareness of current legislation and procedures • training and development of staff in customer service • training and development addressing corruption reporting mechanisms • regular promotion of the Code of Conduct and Ethics	Duty Officer Deployment Model, Performance Agreement for Duty Officer—Professional Standards[27]
Command Management Team	Regularly reinforce and promote the [Corruption Resistance] Plan to ensure staff are aware of managerial focus and commitment	Command Management Framework, Corruption Resistance Portfolio[28]

3.3 THE COMMAND MANAGEMENT FRAMEWORK

As described by the NSW Police Force, the Command Management Framework (CMF) is a 'risk based, self-assessment process, focussing on the audit function'.[29] Principally, it is a tool that is meant to be used by commands to self-audit policy and legislative compliance as well as identify and manage risks.

The CMF is comprised of 55 'portfolios' or 'performance areas' as they became known in 2009[30]. Each of these portfolios addresses a different area of risk relating broadly to policing or a police management function, for example:

- 'Arms and Appointments'
- 'Complaints'

[26] NSW Police 2005, Compliance Manual, 'Corruption Resistance', downloaded from NSW Police Force intranet 1 April 2008.

[27] NSW Police Force intranet, 'Duty Officer Deployment Model, Performance Agreement for Duty Officer – Professional Standards', downloaded 1 April 2008.

[28] NSW Police Force intranet, Command Management Framework, 'Corruption Resistance', downloaded 17 June 2008.

[29] NSW Police Force intranet, 'Command Management Framework', downloaded 1 April 2008.

[30] The term 'Performance Area' replaced the term 'portfolio' in the internet-based version of the CMF which was introduced in February 2009.

- 'Corruption Resistance'
- 'Licensing'.

Within each portfolio are listed policy and legislative requirements relating to the area of risk and approaches as to how these requirements may be implemented by commands. For example, the Arms and Appointments portfolio lists, amongst other things, the requirement that:

> All firearms are accounted for.[31]

Corresponding to that requirement, the portfolio provides a list of procedures for local implementation including, for example:

> Weekly checks of Appointments of police on leave and unloading room/gun safe compliance conducted by supervisors and recorded on the General Station Pad.[32]

An officer is nominated within each command to have responsibility for monitoring the portfolio. This includes providing periodic reports ('CMF returns') on results and recommendations on how to improve the management of the risk area. The reports are provided to portfolio supervisors, the local area commander and Command Management Team. (For additional information about the structure and content of the CMF see Appendix 1.)

A TOOL FOR MANAGING MISCONDUCT RISKS

In 2006, the Commission was advised that the CMF was the NSW Police Force's preferred tool for managing all risks, including misconduct risks, at the command level (Police Integrity Commission 2006, pp. 45-46). There appear to be several ways that the CMF achieves that objective in theory.

Systems compliance as corruption resistance

The CMF is focused on overall 'systems compliance' (both corporate and legislative), which the NSW Police Force states is one way to reduce opportunities for corruption:

> *The CMF is about ensuring systems compliance, which overseas studies suggest reduces opportunities for corruption* [emphasis added]. Once compliance is improved, there is an identifiable impact on complaints generated from systems failure or neglect (NSW Police Force response to questions on notice. In Committee on the Office of the Ombudsman and the Police Integrity Commission 2002, p. 109).

Ensuring systems compliance is the subject of several NSW Police Force documents. Table 3.3 provides a summary of key responsibilities relating to this function as revealed in five NSW Police Force documents: the Compliance Manual, the Duty Officer Statement, the Police Handbook, the Duty Officer Deployment Model and Job

[31] NSW Police Force intranet, Command Management Framework, 'Arms and Appointments', downloaded 17 June 2008.

[32] NSW Police Force intranet, Command Management Framework, 'Arms and Appointments', downloaded 17 June 2008.

Streaming Responsibilities JSR3 – Commander/Manager. These documents are addressed to the following command position types:

- Commanders
- Managers
- all duty officers (unspecified - regardless of their specific responsibilities)
- duty officers having responsibility for Systems and Processes
- Local Area Managers.

Table 3.3: Summary of CMF compliance monitoring responsibilities as stated in different corporate documents

Position	Nature of responsibility as described in corporate documentation	Document
Commanders and Managers	Ensure duty officers, crime manager, LAM [local area manager], managers and supervisors held accountable and responsible for compliance with CMF inspections and reporting e.g., performance agreements and command assignments Ensure cross-checking of high risk portfolio areas to ensure an independent check is made e.g., SAO to check the work of rosters etc	Compliance Manual, Corruption Resistance[33]
All Duty Officers (unspecified)	Command Management Framework including test sampling	Duty Officer Statement[34]
All Duty Officers and Local Area Manager	The CMF and associated administrative functions are to be managed by the duty officer in conjunction with the Local Area Manager. These two people are to be the driving force for the CMF and administration functions within the LAC. Included in this is test sampling and auditing as required by the CMF for the entire command, not just those associated with the general duties component.	Duty Officer Statement[35]
Commanders	Conduct your own regular test sampling to oversight the sampling conducted by team leaders, supervisors, duty officers and managers. Compile a list of high risk areas in your command to help you in this task.	Police Handbook, Inspections[36]

(Table 3.3 is continued on the next page.)

[33] NSW Police 2005, Compliance Manual, 'Corruption Resistance', downloaded from NSW Police Force intranet 1 April 2008.
[34] NSW Police Force intranet, 'Duty Officer Statement', downloaded 1 April 2008.
[35] NSW Police Force intranet, 'Duty Officer Statement', downloaded 1 April 2008.
[36] NSW Police Force 2007, Police Handbook, 'Inspections', downloaded from NSW Police Force intranet 19 March 2008.

Table 3.3: Summary of CMF compliance monitoring responsibilities as stated in different corporate documents - continued

Position	Nature of responsibility as described in corporate documentation	Document
Duty Officer responsible for Systems and Processes portfolio	Command Management Framework, including: • Coordination of CMF portfolios including communicating target dates, monitoring progress & quality control. • Evidence of oversight and verification of test sampling practices. • No. of follow-ups of outstanding actions. • Maintaining electronic and hard copies of CMF portfolios. • Recording and distribution of ALL meeting minutes to staff, where appropriate. • Reviewing Officer for agreed CMF portfolios (subject to negotiation with Senior Mgt Team). • CMF portfolios completed within prescribed time frame with verification of updated report. • Preparation of and maintenance of CMF reports relevant to command risks. • Evidence of risk analysis of all systems reports. • Recommend inspection frequency to address identified risk areas (Excluding legislative and procedural requirements, eg: Handbook/Compliance Manual). • Coordination of external and/or internal audits of the command. Submitted on time and records maintained. • Communicating all systems and process information to the Senior Management Team and within the command. Information disseminated as agreed by Senior Management Team. • Number and quality of reports to Senior Management Team. • Minimum quarterly reporting on improvement areas to the Senior Management Team. • Evidence of results being analysed. • Evidence of identified improvement to processes actioned from last CMF report.	Duty Officer Deployment Model, Performance Agreement for Duty Officer – Systems and Processes[37]
All Duty Officers (unspecified) and Local Area Commanders	Ensuring prudent resource management and the conduct of regular audits and inspections utilising the Command Management Framework	Job Stream Responsibilities JSR3 – Commander/ Manager[38]

The documents indicate that, amongst other things, ensuring CMF compliance is supported by several mechanisms, including:

[37] NSW Police Force intranet, 'Duty Officer Deployment Model, Performance Agreement for Duty Officer – Systems and Processes', downloaded 1 April 2008.

[38] NSW Police Force intranet, 'Job Stream Responsibilities JSR3 – Commander/Manager', downloaded 1 April 2008.

- accountability of persons responsible for ensuring overall compliance with CMF inspections
- a regime of cross-checking
- test sampling
- inspections
- internal and external audits.

Compliance would also appear to be supported by internal reporting mechanisms within each CMF portfolio and several NSW Police Force documents which provide guidance on how to comply with the CMF. The monitoring reports of CMF portfolio holders are subject to up to four stages of review: by first and second level supervisors, if required; commander or unit manager; and 'management team'. Officers with CMF responsibilities are provided detailed guidance on how to check and oversight the management of CMF systems portfolios; for example, by advice in documents such as the Compliance Manual and the Police Weekly.

A dedicated portfolio on 'corruption resistance'

The CMF has a standard portfolio on 'corruption resistance'. The policy requirements for the portfolio envisage that a command will have a 'corruption resistance plan' and that corruption resistance activities will be reviewed 'to identify areas that should be receiving attention but are not'.[39] The portfolio exists in addition to the CMF's overall focus on corruption resistance through systems compliance; and was included within the CMF precisely to ensure that 'corruption resistance' was not lost in that focus. This was indicated by the NSW Police Force when responding to questions on notice from the Parliamentary Committee on the Ombudsman's Office and Police Integrity Commission in 2002:

> The Command Management Framework (CMF) is another systems tool that assists local commands in identifying, prioritising and responding to local issues, inclusive of corruption resistance approaches.
>
> …
>
> The CMF was trialled in 2000, implemented across the organisation in 2001-2002 and in August 2002 was endorsed by the Commissioner as the self-assessment audit system for all commands, replacing the previous P80 system. In early 2002 the proposal to integrate the Corruption Resistance planning process into the CMF was endorsed by the Commander of SCIA [Special Crimes and Internal Affairs] and the Commissioner's Executive Team (CET). The Commander of SCIA approved the proposal for commands to use the CMF as the active monitoring tool, but was concerned that there should always be a separate Corruption Resistance planning component within commands. This component will be contained in a separate 'self assessment' document within the CMF to ensure that Corruption Resistance planning remains a top priority and provides an effective tool to continually improve the management of corruption resistance activities and complaints handling procedures (Committee on the Office of the Ombudsman and the Police Integrity Commission 2002, pp. 99-100).

[39] NSW Police Force intranet, Command Management Framework, 'Corruption Resistance', downloaded 17 June 2008.

Table 3.4 provides an extract of the requirements and local implementation procedures that are included in the CMF's standard 'corruption resistance' portfolio. These requirements are addressed to the Command Management Team and to the CMF portfolio holder[40].

Table 3.4: Required actions and local implementation extracted from Corruption Resistance portfolio, Command Management Framework[41]

Required Actions	Local implementation
Outstanding actions and recommendations addressed	Follow up actions from previous reporting period(s) CMF return(s) addressed and actioned by portfolio holder
Corruption Resistance Plan reviewed (at least annually or when it is apparent that risk areas and/or strategies within plan are insufficient)	Command Management Team schedules reviews of the corruption resistance plan, and to assess relevance of Plan Command Management Team reviews; [*sic*] • CMT [Complaint Management Team] minutes • CMF returns • Staff Ethical Culture Surveys • 'at risk' officers • trends in complaints/LMIs etc. to ensure risks within plan are appropriate
Staff awareness of identified corruption risks and strategies in place to minimise risk	Command Management Team regularly reinforces/promotes the plan to ensure staff are aware of managerial focus and commitment
CMF Corruption Resistance Activity monitoring is effective	Command Management Team conducts quarterly reviews of the corruption resistance plan activities within the CMF to identify areas that should be receiving attention but are not. (Local strategies and activities to address the risks identified with person nominated to audit/assess the activities. Update CMF to include new identified risks)

[40] On 10 July 2009, the NSW Police Force informed the Commission that the role of Professional Standards Duty Officers (PSDOs) had developed in recent years and that PSDOs are the nominated CMF portfolio holders for corruption resistance.

[41] NSW Police Force intranet, Command Management Framework, 'Corruption Resistance', downloaded 17 June 2008. On 3 June 2009, the Commission was informed that the NSW Police Force had moved to an electronic CMF and that the contents of the Corruption Resistance Portfolio had changed and at that time was:

P2.2 The Command's Corruption Resistance Plan had been registered with PSC and reviewed in the past 12 months. Date of registration with PSC: Date of last review:

P2.3 Strategies within the Corruption Resistance Plan are being implemented. Number of strategies implemented: Number of strategies outstanding:

P2.4 Potential or actual corruption risks have been identified and referred to the Corruption Resistance Planning Team for assessment. Issues identified this reporting period and date referred:

The Command Management Team and/of Corruption Resistance Planning Team has reinforced and/or promoted the corruption resistance plan this reporting period. Date and method of communication.

CMF and Corruption resistance planning

Several NSW Police Force documents indicate that the CMF is meant to link with a command's 'corruption resistance' planning. The Compliance Manual and performance agreement documents that accompany the Duty Officer Deployment Model, for instance, indicate that a command's corruption resistance plan and corruption resistance plan activities are to be linked or reviewed in light of the CMF. Table 3.5 provides a summary of information on the responsibilities for corruption resistance planning as this relates to the CMF.

Table 3.5: Summary of corporate guidance concerning responsibilities linking the CMF to corruption resistance planning

Position	Nature of responsibility linking the CMF to corruption resistance planning as described in corporate documentation	Document
Command Management Team	Command Management Team conducts quarterly reviews of the corruption resistance plan activities within the CMF to identify areas that should be receiving attention but are not. (Local strategies and activities to address the risks identified with person nominated to audit/assess the activities. Update CMF to include new identified risks)	Command Management Framework, Corruption Resistance portfolio[42]
Duty Officer responsible for the Professional Standards Portfolio	Ensure corruption resistance plan is revised biannually and linked to Command Management Framework	DODM, Performance Agreement for Duty Officer – Professional Standards[43]
Commanders and Managers	Ensure command regularly (at least annually) reviews the corruption resistance plan taking into consideration the following methods of identifying and addressing risks: … • staff involved consulted to ensure there is representative involvement in the corruption resistance planning process (i.e., ensuring the CMF is appropriate for the capture of corruption resistance activities) … • review of corruption resistance activities within CMF annually or when a breach or issue arises to minimise reoccurrence and evaluate effectiveness	Compliance Manual, Corruption Resistance[44]
Duty Officers (unspecified) and local area commanders	Develop and implement comprehensive corruption prevention approach for the command incorporating the Command Management Framework	Job Stream Responsibilities JSR3 – Commander/ Manager[45]

[42] NSW Police Force intranet, Command Management Framework, 'Corruption Resistance', downloaded 17 June 2008.

[43] NSW Police Force intranet, 'Duty Officer Deployment Model, Performance Agreement for Duty Officer – Professional Standards', downloaded 1 April 2008.

[44] NSW Police 2005, Compliance Manual, 'Corruption Resistance', downloaded from NSW Police Force intranet 1 April 2008.

[45] NSW Police Force intranet, 'Job Stream Responsibilities JSR3 – Commander/Manager', downloaded 1 April 2008.

Tailoring the CMF to suit command needs

Information about the Command Management Framework (CMF) on the NSW Police Force intranet indicates that the CMF can and should be tailored by commands to meet their own requirements:

> The Command Management Framework (CMF) is a risk based, self assessment process, focussing on the audit function. The CMF contains legislative compliance issues, however, the overall approach is flexible in that it encourages local input and development of the process by Commands. *We acknowledge that one size does not fit all and we therefore encourage all Commands to adapt the CMF to their own needs* [emphasis added].[46]

The Commission was advised by a representative of the NSW Police Force that the scope for adapting the CMF is limited to two types of changes:[47]

- commands can change the frequency at which portfolio holders are required to report to commanders on checks in any given portfolio
- commands can change the CMF to meet command specificities. This can occur in three ways:
    - commands may create a portfolio on something that is specific to the command, for example, boats
    - within any given portfolio, commands may ignore any question or issue which is listed in the standard portfolio template that does not apply to the command
    - if an entire portfolio does not apply, it is conceivable that the portfolio may also be ignored, but only if it does not apply to a command.

3.4 COMPLAINT MANAGEMENT

Within the literature on policing and misconduct, it is recognised that complaint management represents an opportunity for police agencies to identify and address misconduct risks (Ede, Homel and Prenzler 2002a, pp. 27, 29). Complaints are also seen as 'opportunities for organisational and individual learning and for service improvement' (Her Majesty's Inspectorate of Constabulary 2006, p. 66).

The NSW Police Force has recognised the role of complaint management in minimising police misconduct. In the Commission's work on the management of misconduct risk by the Counter Terrorist Coordination Command, for example, the Commission was advised by that command that its Complaint Management Team (CMT) had a role to play in identifying and minimising misconduct risks at the command level (Police Integrity Commission 2006, pp. 49, 52-53). To some degree this was supported at the time by information on the NSW Police Force intranet, which stated that:

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[46] NSW Police Force intranet, 'Command Management Framework', downloaded 1 April 2008.

[47] Advice from the NSW Police Force, Expert Referral Team, 31 March 2008.

> To enable CMTs to identify system issues, recurring themes, emerging patterns in officer complaint histories and complaint turnaround times, they should maintain 'Complaint Trends' as a standing agenda item (Police Integrity Commission 2006, p. 53).

The content of NSW Police Force documents relating to complaint management responsibilities are described in terms of:

- the role of Complaint Management Teams in corruption resistance
- the identification of complaint trends
- the relationship between complaint management and corruption resistance.

COMPLAINT MANAGEMENT TEAMS AND THEIR ROLE IN DEVELOPING CORRUPTION RESISTANCE

Complaint Management Teams were made mandatory for all NSW Police Force commands in 2003. At the broadest level, their role is to 'administer and coordinate complaints management' (NSW Police 2005a, p. 3). Their principal responsibilities were listed in the NSW Police Force Complaint Management Team Policy[48] and Complaint Management Manual[49] as follows:

> assessing complaints and determining the level of investigation
>
> monitoring and reviewing complaints through to completion
>
> assigning appropriate actions in resolving complaints (NSW Police 2003, p. 4; NSW Police Force 2005-2007, p. 21).

Table 3.6 provides a list of some CMT responsibilities and stated benefits as they appeared in a number of documents dealing with the role of CMTs at the time information was collected for Project Manta. The table is focused on those functions which may indicate a role for CMTs in developing corruption resistance. It is not focused on identifying any wider purposes of the CMT. The information reveals that, amongst other things, CMTs were intended to play a role at the command level in:

- overseeing the broader management of complaints under Part 8A of the *Police Act 1990* (NSW) and analysing complaint trends
- taking early management intervention
- promoting uniformity in the development and implementation of planning processes and the adoption of core standards
- identifying system issues, recurring themes, emerging patterns in officer complaint histories and complaint turnaround times
- reviewing corruption resistance activities in light of complaints
- identifying opportunities to correct immediate problems

[48] On 23 June 2009, the NSW Police Force advised that the Complaint Management Team Policy had been replaced by Part 3 of the Complaint Handling Guidelines in May 2009.

[49] On 23 June 2009, the NSW Police Force advised that the Complaint Management Manual had been replaced by the Complaint Handling Guidelines in May 2009.

- taking organisational action related to addressing organisational, procedural or systemic deficiencies
- providing ideas for changing policies and procedures
- identifying officers at risk of attracting complaints.

It is relevant to note that subsequent to the guidance that was available at the time that commands provided information for Project Manta, the NSW Police Force released its 'Complaint Handling Guidelines' in May 2008 (NSW Police Force 2008b). Compared to earlier documents, the new guidelines appear to narrow the focus and role of CMTs to handling individual matters requiring 'evidence based investigations' (NSW Police Force 2008b, pp. 23, 44). The Complaint Handling Guidelines do not explicitly provide information on the role of CMTs in either identifying complaint trends or identifying and remedying command-wide misconduct risks. The closest the guidelines come to providing information on the subject of complaint trends is in the following excerpt, which is addressed to individual officer histories:

> [I]f not done during triage, obtain and consider any records of the subject officer having been subject to any previous reviewable management action and, or issue of a Warning Notice (NSW Police Force 2008b, p. 26).

The information on how complaint handling may be relevant to identifying and remedying misconduct risks is, at best, only suggested. It appears in two contexts, the first dealing with 'interim management action', the second with 'complaint outcomes'. Commanders are authorised to take interim management action at any time in relation to a complaint until final management action is determined and implemented. Information on interim management action appears in two places within the document. In both cases, mention is made of 'recommendations on organisational issues' in the following context:

> Interim management action can be taken at any time in relation to a complaint matter until final management action is determined and implemented.
>
> …
>
> Risk management action may include; a change of duties, additional supervision, rostering with more experienced staff, rectifying systemic or procedural practices, referring recommendations on organisational issues to responsible commands, suspension and any other management action that appropriately alters relevant risks (NSW Police Force 2008b, pp. 12, 27).

The information on 'complaint outcomes' includes examples for investigators on 'possible complaint outcomes for complainants, the organisation and witnesses'. The following is provided as the example of organisational outcomes of complaints:

> Organisation - command-wide issues, systems, SOPs, legislation (NSW Police Force 2008b, p. 79).

No further information is provided within the Complaint Handling Guidelines on how complaints may represent opportunities for commands to identify and remedy misconduct risks.

Since there is no explicit reference within the Complaint Handling Guidelines to any of the earlier related corporate documents (such as the Complaint Management Manual, the Complaint Management Team Policy and the Compliance Manual), it was not possible to determine whether the new guidelines replace or are to be read in conjunction with these other corporate documents. When the Commission sought clarification of the role of CMTs, in June 2009 the NSW Police Force advised the Commission that:

> The new Complaint Handling Guidelines … include quite significant changes to the way in which complaints are managed at Commands. Because of the triage process resulting in a considerable reduction in matters now managed by CMTS the role that CMT plays in complaint management etc has changed among other things.
>
> …
>
> The Complaint Handling Guidelines do not now cover CMT involvement in areas such as analysing trends, identifying system issues, themes, patterns, reviewing corruption resistance activities but rather with the mechanics of complaint management itself.[50]

In July 2009, the NSW Police Force further described the changes to the role of the CMT since the release of these Guidelines:

> It might assist to expand the answer by adding that the Complaint Handling Guidelines contain no specific instruction for CMTs in regard to corruption resistance (such as what was included in the old Complaint Management Manual.) The Commander now addresses general and specific corruption resistance issues through proper management and interaction with their Professional Standards Duty Officer (PSDO).The PSDO is responsible for monitoring patterns and advising the Commander regarding specific corruption resistance risk issues with current complaints and participates in CMTs when they are held. The CMT is available to be used as a forum for the Commander to discuss related issues with their management team if they wish.[51]

[50] Correspondence from the Director, Corporate Advice and Response, Professional Standards Command, NSW Police Force, 23 June 2009.

[51] Correspondence from the Director, Corporate Advice and Response, Professional Standards Command, NSW Police Force, 10 July 2009.

Table 3.6: Summary of corporate guidance concerning CMT responsibilities and functions relating to the development of corruption resistance

Nature of the responsibility, function or stated benefit of CMTs as described in corporate documentation	Document
• assessing complaints and determining the level of investigation • monitoring and reviewing complaints through to completion • assigning appropriate actions in resolving complaints • oversight of the broader management of Part 8A complaints and an analysis of complaint trends • [providing] opportunities for early management intervention • promotes uniformity in the development and implementation of planning processes and the adoption of core standards	Complaint Management Manual[52] & Complaint Management Team Policy[53]
• [taking] organisational action … related to addressing organisational, procedural or systemic deficiencies. For example, an investigation may identify that policies or procedures need to be rewritten, modified or updated. Alternative actions could be to reinforce or remind staff of a policy or procedure through local training, mandatory lectures or emails [assessing complaints and management actions in light of a subject officer's complaint history] • identifying and managing reprisal (payback) complaints • rectifying systemic or procedural practices to reduce the risk of similar problems happening again • referring practical suggestions for organisational improvements to sections of the NSW Police Force with the authority or expertise to take corrective action	Complaint Management Manual[54]
• identify opportunities to correct immediate problems and provide constructive ideas for improving service delivery, changing policies and procedures, identifying training requirements, identifying system shortcomings, modifying individual behaviours, identifying officers at risk of attracting complaints	Complaint Management Team Policy[55]
• identify system issues, recurring themes, emerging patterns in officer complaint histories and complaint turnaround times	NSW Police Force Intranet, Management of Actions & Outcomes[56]

(Table 3.6 is continued on the next page.)

[52] NSW Police Force 2005-2007, Complaint Management Manual, December 2007, downloaded from NSW Police Force intranet, 1 April 2008. On 23 June 2009, the NSW Police Force advised that the Complaint Management Manual had been replaced by the Complaint Handling Guidelines in May 2008.

[53] NSW Police 2003, Complaint Management Team Policy, June 2003, downloaded from NSW Police Force intranet, 1 April 2008. On 23 June 2009, the NSW Police Force advised that the Complaint Management Team Policy had been replaced by Part 3 of the Complaint Handling Guidelines in May 2008.

[54] NSW Police Force 2005-2007, Complaint Management Manual, December 2007, downloaded from NSW Police Force intranet, 1 April 2008. On 23 June 2009, the NSW Police Force advised that the Complaint Management Manual had been replaced by the Complaint Handling Guidelines in May 2008.

[55] NSW Police 2003, Complaint Management Team Policy, June 2003, downloaded from NSW Police Force intranet, 1 April 2008. On 23 June 2009, the NSW Police Force advised that the Complaint Management Team Policy had been replaced by Part 3 of the Complaint Handling Guidelines in May 2008.

[56] NSW Police Force intranet, 'Management of Actions & Outcomes', downloaded 1 April 2008. On 23 June 2009, the NSW Police Force advised that this document was last modified on 28 May 2008.

Table 3.6: Summary of corporate guidance concerning CMT responsibilities and functions relating to the development of corruption resistance - continued

Nature of the responsibility, function or stated benefit of CMTs as described in corporate documentation	
• review corruption resistance activities in light of complaints	Compliance Manual, Corruption Resistance

THE IDENTIFICATION OF COMPLAINT TRENDS

Identifying complaint trends is one way that complaint management can help to build corruption resistance at the command level. It represents, amongst other things, a source of information commands can use to identify misconduct risks. Table 3.7 provides extracts relating to complaint trends taken from NSW Police Force documents. The information is focused on identifying the positions responsible for the task as well as the nature of the task itself.

It should be noted that those NSW Police Force corporate documents reviewed that refer to 'complaint trends', do not provide a clear description of what is meant by such trends – that is, whether such trends relate to complaint trends exhibited by individuals or the command as a whole and whether these trends relate to complaint issues, adverse findings or other matters such as timeliness of complaint investigations.

Table 3.7: Summary of corporate guidance concerning the identification of complaint trends[57]

Position	Nature of responsibility or task as described in corporate documentation	Document
CMT	*To enable CMTs to identify system issues, recurring themes, emerging patterns in officer complaint histories and complaint turnaround times, they **should** maintain 'Complaint Trends' as a standing agenda item.*	NSW Police Force intranet, CMT Hints & Guidelines[58]
CMT	*The CMT must meet regularly. The executive officer prepares a standing meeting agenda that **may** include topics such as:* *…* • *Trends*	Complaint Management Team Policy[59] & Complaint Management Manual[60]
CMT	Do **not** list complaint trends among the topics that 'must' be included on a CMT meeting agenda or discussed at CMT meetings	Complaint Management Standard Operating Procedures[61]
CMT	Do **not** make any reference to commands identifying trends in complaint issues or how commands might use complaints to identify their misconduct risks	Complaint Handling Guidelines
Commanders	***Ensure that** … command/unit regularly (at least annually) reviews the corruption resistance plan **taking into consideration the following methods of identifying and addressing risks**:* *…* *regular consultation with Professional Standards Manager to identify trends, complaint types, etc*	Compliance Manual, Corruption Resistance[62]

(Table 3.7 is continued on the next page.)

[57] The Commission has used **bold type face** in this table to emphasise some of the distinctions in the guidance provided to commands in different documents.

[58] NSW Police Force intranet, 'Management of Actions and Outcomes'. In Police Integrity Commission 2006, p. 53. On 23 June 2009, the NSW Police Force advised that this document was last modified on 28 May 2008.

[59] NSW Police 2003, Complaint Management Team Policy, June 2003, downloaded from NSW Police Force intranet, 1 April 2008. On 23 June 2009, the NSW Police Force advised that the Complaint Management Team Policy had been replaced by Part 3 of the Complaint Handling Guidelines in May 2008.

[60] NSW Police Force 2005-2007, Complaint Management Manual, December 2007, downloaded from NSW Police Force intranet, 1 April 2008. On 23 June 2009, the NSW Police Force advised that the Complaint Management Manual had been replaced by the Complaint Handling Guidelines in May 2008.

[61] On 23 June 2009, NSW Police Force advised that the Complaint Management Standard Operating Procedures had been replaced by the Complaint Handling Guidelines in May 2008.

[62] NSW Police 2005, Compliance Manual, 'Corruption Resistance', downloaded from NSW Police Force intranet 1 April 2008.

Table 3.7: Summary of corporate guidance concerning the identification of complaint trends - continued[63]

Position	Nature of responsibility or task as described in corporate documentation	Document
Duty Officer in charge of the Professional Standards portfolio	[Complaint management, including] monitoring and verbal reporting to Senior Management team on complaint trends within LAC and surrounding LACs	Duty Officer Deployment Model, Professional Standards Portfolio[64]
All Duty Officers (unspecified)	[Complaint management, including] monitoring complaint trends and pro-actively responding to these trends	Duty Officer Statement[65]
Command Management Team	*Reviews CMT Minutes, CMF returns, Staff Ethical Surveys, 'at risk' officers, trends in complaints/local management issues etc. to ensure risks within Plan are appropriate.*	Command Management Framework, Corruption Resistance Portfolio[66]
Corruption Resistance Planning Team	*The team **will need to have assess to** and knowledge of existing command resources and documentation including:* ▪ *…* ▪ ***trends and issues identified by the Complaint Management Team*** ▪ *trends and issues identified by the (Command) Management Team/Senior Management Team …* *It is important to ensure that your Corruption Resistance Plan remains relevant by addressing issues such as:* ▪ *new risks identified (e.g. through complaints, external reviews or the CMF) …*	Corruption Resistance Planning Guidelines

(Table 3.7 is continued on the next page.)

63 The Commission has used bold type face in this table to emphasise some of the distinctions in the guidance provided to commands in different documents.

64 NSW Police Force intranet, 'Duty Officer Deployment Model, Performance Agreement for Duty Officer – Professional Standards', downloaded 1 April 2008.

65 NSW Police Force intranet, 'Duty Officer Statement', downloaded 1 April 2008.

66 NSW Police Force intranet, Command Management Framework, 'Corruption Resistance', downloaded 17 June 2008.

Table 3.7: Summary of corporate guidance concerning the identification of complaint trends - continued[67]

Position	Nature of responsibility or task as described in corporate documentation	Document
Complaints Management Support Unit (CMSU), Professional Standards Command.	*The Complaints Management Pack (CMP) is an innovation of the Professional Standards Consultancy, PSC [Professional Standards Command] and comes in response to requests from NSW Police commands for a report that will provide the Complaints Management Team (CMT) with a sound picture of their commands' ongoing complaints management performance.* *Containing 16 topical reports and graphs, the CMP provides a wealth of relevant complaints management data in the convenience of a single easy to read pack ….* *The CMP is divided into 3 main sections:* *Complaint Trends – this section of the CMP reports on complaints received by a command over a specific period of time. The Complaint Trends section has two main focuses: a quarterly comparison of complaint data over an 18 month period and monthly statistics over a two year period.* *Data relating to the number of complaints received, origin of complainant, legislative category, investigation level, issues and actions is explored.* *Current Complaints: shows the CMT the current status of the complaints/matters their command has outstanding (open) at the time the Pack is provided …* *Performance Indicators: principally provides the CMT with a snapshot of their complaint management performance in relation to timeliness & complainant satisfaction …* *The CMP is generated monthly and an updated pack will be sent to each command within NSW Police before the 15th of the month. If you do not receive a pack you should contact your Complaints Management Consultant listed on the front page of the pack.*	Complaints Management Pack, User Guide[68]

[67] The Commission has used bold type face in this table to emphasise some of the distinctions in the guidance provided to commands in different documents.

[68] NSW Police 2006, Complaints Management Pack – User Guide, December 2006, downloaded from NSW Police Force intranet, 22 May 2008. On 23 June 2009, the NSW Police Force advised that this document is not currently in use and that the Professional Standards Command has been reviewing the potential to capture information in the light of the Streamlined Complaints Handling Project in c@ts.i.

3.5 SUMMARY AND IMPLICATIONS

SUMMARY

The role that commands may play in minimising misconduct risks at the command level is the subject of many NSW Police Force documents. These documents address the responsibilities of a variety of positions and relate broadly to three topics:

- corruption resistance
- the Command Management Framework
- complaint management.

'Corruption resistance' is the term currently used within the NSW Police Force to define strategies aimed at minimising corruption and other police misconduct. NSW Police Force documents, which address the topic, indicate that responsibility for these strategies is sometimes held simultaneously by different persons or groups of persons within commands. The strategies that have been the focus of this chapter relate to corruption resistance planning and training, with responsibilities relating to the former falling to at least five persons or groups within commands.

The Command Management Framework (CMF) is primarily a self-audit tool for use by commands to monitor policy and legislative compliance as well as identify and manage risks, including misconduct risks. It is the NSW Police Force's preferred vehicle for addressing misconduct risks at the command level. It is designed to achieve this function by:

- focusing on overall system compliance, which is one way of reducing opportunities for police misconduct
- having a dedicated portfolio on corruption resistance
- linking CMF activities to a command's corruption resistance planning activities
- tailoring the CMF to suit the needs of individual commands.

The role that the CMF is designed to play in managing misconduct risks is supported by several NSW Police Force documents. These documents provide further guidance on defining:

- CMF compliance monitoring responsibilities, which are held by several persons
- the nature of the linkages between the CMF and corruption resistance, primarily in terms of corruption resistance planning.

Complaint management provides an opportunity for commands to identify and address misconduct risks. This opportunity had been recognised in several NSW Police Force documents that were current at the time that information was collected for Project Manta. These documents described the role of Complaint Management Teams as well as duty officers in developing corruption resistance. Similarly, there appeared to be a broad recognition that one way that complaint management might achieve this is by identifying complaint trends. However, the more recent Complaint Handling Guidelines,

released in mid-2008, have reduced the role of the Complaint Management Team in relation to identifying and addressing command misconduct risks.

IMPLICATIONS FOR MINIMISING POLICE MISCONDUCT

Corporate documents are available to provide NSW Police Force commands with guidance on what they may be required to do with regard to minimising misconduct. At least six implications can be drawn from the information that has been described in this chapter.

1. The need for document control

The NSW Police Force produces documents containing guidance to commands on their responsibilities for building corruption resistance. While these documents are welcome, it is important that when the NSW Police Force prepares and disseminates new pieces of advice on a topic, other documents on the topic are reviewed and amended. The failure to do so results in the current situation, where multiple documents on a topic are available at the same time on the NSW Police Force intranet. This concurrent availability means that where different documents provide different advice, the relative status of each is unclear. This situation fails to provide commands with certainty regarding their roles and responsibilities.

2. Clarifying the responsibilities for corruption resistance

NSW Police Force documents indicate that various command personnel have functions that relate to 'corruption resistance'. However, the overall nature of those functions and the ways they cooperate and are coordinated, or are different, are not always perceptible. For example, NSW Police Force documents, available at the time information was being collected for Project Manta, indicated that the following command personnel or teams all had responsibilities relating to 'corruption resistance' planning: the Command Management Team, the Complaint Management Team, the Senior Management Team, the Business Planning Team, the portfolio holder of the 'Corruption Resistance' portfolio of the Command Management Framework, the commander and duty officers.

A potential for conflict between the positions in regard to 'corruption resistance' can be demonstrated by comparing information across documents, for example:

- responsibility for reviewing a command's corruption resistance plan falls to each of the Command Management Team (as per the Command Management Framework, 'Corruption Resistance' portfolio), duty officers (as per the Duty Officer Deployment Model) and the Corruption Resistance Planning Team (as per the Corruption Resistance Planning Guidelines)
- responsibility for defining corruption resistance activities, initiatives and strategies appears to fall to Complaint Management Teams (as per the Compliance Manual, 'Corruption Resistance' document), Business Planning Teams (as per the business planning process), duty officers (as per the 'Duty Officer Statement') and the Corruption Resistance Planning Team (as per the Corruption Resistance Planning Guidelines)

- responsibility for reviewing corruption resistance activities falls to commanders and Complaint Management Teams (as per the Compliance Manual, 'Corruption Resistance' document) and the Corruption Resistance Planning Team (as per the Corruption Resistance Planning Guidelines).

This suggests that the NSW Police Force needs to revisit its documentation and clearly define the nature of these responsibilities and the ways they are to be coordinated.

3. Corruption resistance training

The approach to corruption resistance training that is revealed in NSW Police Force documentation focuses on ensuring compliance with policies and procedures. It does not, for instance, involve providing training on how to identify and manage misconduct risks, such as those that may be specific to particular commands. Instead, training is focused on:

- the Command Management Framework
- the duty to report corruption
- customer service training
- promotion of the Code of Conduct and Ethics
- promotion of a command's corruption resistance plan.

Apart from these activities, the Commission is of the view that training in corruption resistance also requires training on how to recognise and manage risks that may be specific, for instance, to:

- a particular command
- a particular policing role such as highway patrol work
- a particular sector within a command.

The importance of command characteristics and policing roles for identifying misconduct risks will be discussed further later in this report.

4. Limitations of the Command Management Framework as a misconduct risk management tool

The weight of information in NSW Police Force documents suggests that the Command Management Framework (CMF) is the NSW Police Force's preferred vehicle for managing risks at the command level. Indeed, as indicated in these documents, there is much information on CMF compliance and on the development of links between the CMF and corruption resistance planning.

While the CMF may be a useful tool for identifying and managing some risks, including certain types of misconduct risks, it has limitations. In particular, its focus on compliance with legislation and policy tends to overlook some potential misconduct risks, for example, misconduct risks pertaining to:

- officer supervision
- officer experience
- community demographics
- inappropriate relationships between officers and community members
- off-duty conduct
- risks specific to particular policing roles such as licensing work or particular sectors within a command.

Finally, there appears to be limited scope for a command to tailor the CMF to suit local needs. This too appears to be a function of the CMF's emphasis on legislative and policy compliance. There is no onus on commands to tailor the CMF taking into consideration factors which lie outside the question of legislative and policy compliance. While they can tailor the CMF to suit specific command needs, for example, because they have boats and therefore must comply with relevant policies and legislation relating to police boats, the CMF does not encourage commands to take into account command characteristics, such as the management of potential conflicts for those who police the community in which they reside, which may have an impact on its misconduct risk areas.

While the CMF may continue to prove useful for tracking compliance, corruption resistance at the command level requires more. The approach that misconduct can be prevented simply by establishing effective systems and procedures suffers from the basic limitation that all rules can be subverted. While a framework for ensuring legislative and policy compliance is an important foundation for the NSW Police Force's corruption resistance ensemble, there is a need for the agency to consider how factors external to policy and legislation shape misconduct vulnerabilities.

5. The role of Complaint Management Teams in corruption resistance

Complaint management represents an opportunity for commands to identify and address emerging misconduct risks. On the whole the opportunity had been recognised across many NSW Police Force documents that were current at the time that information was collected for Project Manta, including those that previously described the role of Complaint Management Teams. While many of the functions of CMTs do suggest a vital role in relation to corruption resistance at the command level, only one NSW Police Force document, the Compliance Manual, makes this explicit. However, in this document that role is embedded in a long list of dense text relating to what commanders must do to ensure that the command reviews its corruption resistance plans. In addition, this role is not mentioned in the 2008 Complaint Handling Guidelines that have replaced the earlier Complaint Management Team Policy, Complaint Management Manual, and Complaint Management Standard Operating Procedures.

It is suggested that the role that CMTs are to play in developing corruption resistance at the command level needs to be made more explicit and clarified in the Complaint Handling Guidelines.

6. Clarifying the responsibilities for identifying complaint trends

One of the ways that commands may identify and manage misconduct risks is by identifying complaint trends. Corporate documents on whether this is required of commands and if so, by whom, are unclear. One collection of corporate documents suggests that the role may be the responsibility of Complaint Management Teams (CMTs). A second set of sources attribute the role of identifying complaint trends to duty officers. Finally, a third set of documents attributes the role of identifying complaint trends to other persons within the command. A significant reference appears in the Compliance Manual document on 'Corruption Resistance', which states that the commander 'will' regularly consult with the Professional Standards Manager 'to identify trends, complaints types etc'.

If complaint trends are to be identified by commands, NSW Police Force documents are unclear as to what those trends relate. Do they relate to complaint trends exhibited by individuals or the command as a whole? Do they relate to complaint types, adverse findings or other matters such as timeliness of complaint investigations?

The NSW Police Force should provide commands with clearer guidance as to their responsibilities with regards to identifying complaint trends, including whether the task is mandatory and where the responsibility for identifying complaint trends lies. If more than one person or management team is responsible for identifying complaint trends, NSW Police Force documents also need to clarify how these responsibilities are to be coordinated. It is suggested that this should include not only a definition of responsibilities but a description of the task itself and how it can be carried out.

Part 2:
RESULTS AND ANALYSIS OF INFORMATION COLLECTED FROM COMMANDS

4. THE POLICING ENVIRONMENT

4.1 OVERVIEW

This chapter provides a description of selected command characteristics including the physical area covered by local area commands, number of police premises, staff numbers, features of the staffing profile, size and nature of the community served, and commanders' views of the effects of community features on police work undertaken.

The reason for looking at command characteristics is to provide a better understanding of the similarities and differences among the commands in the environments in which police undertake their work, referred to here as the 'policing environment'. It has been suggested that the environment in which police agencies work impacts on the extent and nature of police misconduct (Wood 1997a, pp. 38-39; Newburn 1999, p. 21; Kaptein & van Reenen 2001, pp. 285-286). Within the broader risk management literature, establishing the context – including the external and internal environment within which risks must be managed – is one of the steps of a risk management process (Standards Australia & Standards New Zealand 2004a, Standards Australia & Standards New Zealand 2004b, Auditor-General of Queensland 2007, pp. 9-10, 16-18).

4.2 WHAT THE LITERATURE SAYS

Some authors have suggested that there is a relationship between police misconduct and aspects of the environment in which police conduct their work. Newburn (1999), for example, stated:

> The context in which police agencies work is always likely to have a very significant impact on the nature and the style of that work, including the extent to which officers engage in corrupt practices (p. 21).

Similarly Wood (1997a) has stated:

> The environment in which a police service operates can have a significant effect on the nature and extent of the corruption that emerges. To a considerable degree this environment is set within the legislation by which the service is governed, but it is also, to a degree, capable of being set by the service itself, as well as by the size, nature and mores of the community which it is expected to police (pp. 38-39).

Goldstein (1990, p. 193) and Kaptein and van Reenan (2001, pp. 285-286) have also suggested that the integrity of police is heavily influenced by the integrity of the community in which the police operate. Kaptein and van Reenan also suggest that the policing environment 'often limit[s] the possibilities of police management to manage integrity' (2001, pp. 285-286).

When Sherman (1978) suggested that there are geographic differences in opportunities for police misconduct, he cited a New York example:

> A New York congressman once reported that some patrol officers working in midtown Manhattan asked him to have them transferred up to Harlem,

> where they could make more money – presumably from the higher density of vice operations Harlem offers as opportunities for police payoffs (p. 39).

While various community factors have been suggested as being related to police misconduct, no definitive list of relevant factors has been identified. Many of the factors that have been suggested as being related to police misconduct have come from North America, including a longitudinal study that found that 'structural disadvantage, population mobility and increases in percent of Latino population predicted increases in police misconduct' (Kane 2002, p. 887). Similarly, a study of 'career-ending misconduct' amongst officers of the New York Police Department found that dismissals were 'positively associated with variables that measure community disorganisation such as poverty, welfare, transiency, single parent households and rates of crime' (Committee on the Office of the Ombudsman and the Police Integrity Commission 2002, pp. 70-71). In an Australian context, it has been proposed (but not tested) that the crime rate and community education level are likely to affect the number of complaints made about officers (Ede, Homel & Prenzler 2002a, p. 39).

The physical area or physical size of the policing environment may also be related to police misconduct. Inadequate supervision is recognised as a contributing factor to police misconduct (Wood 1997a, p. 28; Miller 2003, pp. iii, 24) and O'Brien (1991, p. 6), for example, has linked low visibility of supervisors with geographical dispersion of police.

In summary, while the environment in which policing occurs is considered to affect the extent and nature of police misconduct, little is understood within an Australian context of the specific aspects of the environment that affect police misconduct and the processes by which these aspects of the police environment affect police misconduct.

4.3 TYPES OF INFORMATION COLLECTED

The Commission collected information about the physical size of each command, staff numbers, numbers of police premises, size and nature of the community served, and factors that commanders considered may distinguish their command from other commands.

The numbers of actual and authorised officers[69] as at June 2007 for local area commands were obtained from the NSW Police Force internet site while the numbers for specialist commands were obtained from Human Resource Services of the NSW Police Force.

The Commission asked local area commanders as well as commanders of specialist commands and squads:

- Is there anything about the staffing profile of this command (e.g. level of experience, age, qualifications) that distinguishes it from other commands?
- How many different physical locations (police stations and other police premises) does this command encompass?

[69] Authorised officers refer to the allocated numbers of police officers assigned to a command (also known as 'allocated strength'). The actual number of police officers working in a command may, from time to time, differ from the allocated strength of a command. For this reason, it is also important to consider the actual number of officers.

The Commission asked local area commanders:

- What factors (e.g. geographical, types of industry, demographic or other factors) distinguish this command from other local area commands?
- In what ways, if any, do these factors result in the work undertaken by this command being different from the work undertaken by other local area commands?

Information on the size of the population served by the commands, the physical area that the commands encompass, as well as additional information about the commands were obtained from command induction packages and command intranet sites.

4.4 WHAT WE FOUND OUT ABOUT SIMILARITIES AND DIFFERENCES AMONG COMMANDS

NUMBER AND DISTRIBUTION OF OFFICERS

The physical area covered by each command, the number of police premises within each command, and authorised staff numbers together provide a picture of the geographical distribution of officers. Table 4.1 provides an overview.

Table 4.1: Averages at a glance - Number and distribution of officers by command type

	Metropolitan Commands (n=11)	Rural Commands (n=9)	Specialist Commands (n=5)	Total (n=25)
Average area of command (sq. km)	225	17,754	NA*	8113
Average number of sworn officers (as at June 2007)	147	138	55	125
Average number of officers/100 sq. km	463	7	NA*	258
Average number of police premises	3	11	1	5

* The physical area covered by the command is reported for local area commands only, since specialist commands are centrally managed and service the entire state.

Area covered by Local Area Commands[70]

As described earlier in this report, the NSW Police Force is a large and geographically dispersed organisation. Its 80 local area commands cover an 801,600 square kilometre (sq. km) area. The physical area covered by individual local area commands varies considerably. The local area commands sampled for this study ranged in area from less than 10 sq. km to more than 50,000 sq. km. Rural commands (which averaged 17,754 sq. km) tended to encompass a larger physical area than metropolitan commands (which averaged 225 sq. km).[71]

Some rural commanders cited distance as a distinguishing feature of their command. For example, one rural commander described his command as being some 300 km between its boundaries and said that the two largest stations within the command are some 200 km apart. Another rural commander spoke not only of the distance but of the effect that physical size can have on the management of the command when he said that the distance between stations makes it difficult to provide constant supervision and causes problems in responding to customers because it can take 40 minutes to drive to the home of a member of the community.

Number of police premises

The number of police premises within individual commands ranged from one to 15, with metropolitan commands having between one and five premises, rural commands having between four and 15 police premises, and specialist commands being located in one or two premises.

Reflecting the differences in physical area covered, on average, rural commands encompassed more police premises (average of 11 police premises) than metropolitan commands (average of three police premises).[72] The commander of one rural command, which had ten stations, stated that eight of the stations within the command were either two-officer stations or 'single unit sectors'.

In some rural centres individual stations are located in multiple buildings. Commanders in these centres said that they were waiting for new premises to be built that would be large enough to house all the officers within the one building.

Some commanders commented that multiple premises cause challenges for supervision, problems in responding to customers, as well as problems in providing officers with backup:

> Geographical and distance issues impact on supervision. Supervision is much easer if officers work from one location unlike five locations for [this command]. (Metropolitan Command)
>
> The geographical distances between stations, as well as limited resources provide staff with unique challenges. The distances between stations can cause problems in responding to customers. (Rural Command)

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[70] The physical area covered by the command is reported for local area commands only, since specialist commands are centrally managed and service the entire state.

[71] This difference was statistically significant, $t = 2.594$,df = 8.007, $p = .032$.

[72] This difference was statistically significant, $t = 6.028$, df = 9.73, $p < .001$.

> Many staff operate as single units with little back-up access due to issues of distance and isolation. (Rural Command)

Staff numbers

The number of authorised officers, as at June 2007, varied from less than 20 to more than 250 sworn officers attached to individual commands or squads. Specialist commands (average 55 authorised sworn officers) tended to have fewer officers than local area commands (average 143 sworn officers).[73] However, the average staffing levels of metropolitan commands (average 147 sworn officers) was not significantly different from that of rural commands (average 138 sworn officers) in the Commission's sample.[74]

Number of officers per 100 sq. km

Given the similarities in the average number of officers but differences between rural and metropolitan commands in physical area, the ratio of the number of officers per 100 sq. km varies markedly amongst the commands. These ratios ranged from less than one officer per 100 sq. km for three of the rural commands to more than 1000 officers per 100 sq. km for two of the metropolitan commands. These differences are reflected in the differences in averages between metropolitan commands (average of 463 officers per 100 sq. km) and rural commands (average of 7 officers per 100 sq. km).[75]

COMMANDER VIEWS OF HOW STAFFING PROFILES MAY DIFFER

Each commander was asked: *Is there anything about the staffing profile of this command (e.g. level of experience, age, qualifications) that distinguishes it from other commands?*

Fifteen of the 25 commanders said that they thought that their staffing profile differed from that of other commands in terms of the age of officers, level of experience of officers or other factors. Five metropolitan commanders and one rural commander described their staff as being relatively young and inexperienced, for example:

> Significant percentage of staff under 30 years old with little policing and life experience. (Metropolitan Command)

> … the age and experience levels are low. The majority of staff does not live in the command due to high cost of living which results in some staff travelling long distances. It is difficult to attract (Leading) Senior Constables due to this issue. (Metropolitan Command)

> Not really. We do have 39 probationary constables and an experience level of 70 police under 5 years experience. It is increasingly hard to keep up with succession and skilling to meet demands. (Rural Command)

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[73] This difference was statistically significant, $t = 3.568$, df = 23, $p = .002$.

[74] This difference was not statistically significant, $t = 0.387$, df =18, $p = .703$.

[75] This difference was statistically significant, $t = 2.788$, df = 10.01, $p = .019$.

On the other hand two metropolitan commanders and four rural commanders spoke of their staff having greater length of service than other commands and a low turnover, for example:

> There are some officers who have worked and lived within the command for extremely long periods of time. Because of their strong links to the community and longevity, their power and influence within the command can far outweigh their organisational position. (Metropolitan Command)

> Officers' years of experience do not equate to level of experience to someone of those years … Our overall age is higher, quite a few officers in their 50s and they are still senior constables. (Rural Command)

> Would have a greater proportion of staff with more than five years service than most metropolitan commands … Attract experienced people and people who have been here for a while have stability. (Rural Command)

> The majority of officers who come to [this command] choose to stay long term, involving themselves in the local community. (Rural Command)

Some local area commanders identified a range of other ways in which they considered that their staffing profile differed from that of other commands, for example:

> A lot more part-timers than other commands. (Metropolitan Command)

> One of the lowest HOD [Hurt on Duty], sick leave levels in the state. Low turnover. (Metropolitan Command)

> [The command] has problems with numbers of officers on sick leave and/or restricted duties. (Rural Command)

> For the workload per officer, the level of supervisory roles and support roles is less than those in a large metropolitan command. (Rural Command).

Three commanders of specialist commands or squads described specific ways in which the qualifications or skills of their staff differed from those of officers in other commands. These commanders spoke of the specific professional qualifications of their officers, their officers' physical fitness and the extensive vetting that officers had to get through to be recruited to the unit. The detail of the responses is not included here to avoid identifying these specialist commands and squads.

In contrast, ten of the 25 commanders (including commanders from metropolitan, rural and specialist commands) said that they thought that the staffing profile of their command did not differ from that of other commands.

COMMUNITIES SERVED[76]

Number of residents in the local area command

The sizes of the communities that these commands serve ranged from approximately 6,000[77] to 180,000 people. The average community size did not differ significantly between metropolitan commands (average 103,972 residents) and rural commands (average 90,274 residents)[78] included in the Commission's sample.[79]

Number of officers per 1000 community members

There was considerable variation in the number of officers per 1000 community members across the sampled local area commands. The ratio of the number of officers per 1000 community members varied from 0.98 to 14.83 for metropolitan commands and from 1.37 to 2.40 for rural commands. However, given the overall similarities in the staffing numbers in metropolitan and rural commands and the similarities in average community size between these metropolitan and rural commands, the average ratio of numbers of officers per 1000 community members for metropolitan commands (average 2.63 officers per 1000 community members) was not significantly different from that of rural commands (average 1.78 officers per 1000 community members).[80]

Nature of the communities served

From the sources examined by the Commission (command intranet sites, induction packages prepared by individual commands and commanders' responses) it is apparent that the communities served by the commands differ in a number of ways. Descriptions of the community demographic factors included:

- the ethnic mix of the communities, with some commanders saying that the majority of residents within their command have an Anglo-Saxon background while others emphasised the diversity of the backgrounds of their residents, for example:

> The vast majority of this population are from Anglo-Saxon backgrounds with only a small percentage of the population from overseas locations. (Rural Command)
>
> Residents come from ninety-seven (97) different countries and speak up to one hundred and thirty-four (134) languages and dialects. Of the [command] population 53% were born overseas. (Metropolitan Command)
>
> [Town] has at least 50 different cultures within the community. (Rural Command)

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[76] The size of the community served by the command is reported for local area commands only, since specialist commands are centrally managed and service the entire state.

[77] While this metropolitan command has a small residential community, it has a large business sector and transient population.

[78] For one rural command, information on the size of the community it served was not available.

[79] This difference was not statistically significant, t =0.608, df = 17, p =.555

[80] This difference was not statistically significant, t =0.549, df =17, p =.590.

- the rate of population growth or decline, for example:

> Much of the growth in new housing production has occurred in the zones located around the main railway stations … In contrast to these growth areas, some areas of the [command] are experiencing population decline …This decline can be attributed to a number of factors including the ageing of the local population and changes in family structure. (Metropolitan Command)

> Over the past 5 years population growth has increased and will continue to increase, as land for development becomes available. This growth will continue to be a significant factor in policing, social and community issues. (Rural Command)

- the transient population (such as tourists, workers, students or shoppers), as distinct from the resident population, for example:

> The transient population consists of office/business workers, commuters, tourists and visitors passing through the command on a daily basis. The numbers of these persons can reach in excess of 1,000,000 per day. (Metropolitan Command)

> The area also receives moderate population influxes during working hours with some 14,000 persons travelling into the area for employment purposes. (Metropolitan Command)

> Transient population through tourism … Have both interstate and overseas visitors. (Rural Command)

> Between the months of May and August, a large number of transient workers attend [the area to harvest fruit]. (Rural Command)

- the socio-economic background of residents or social disadvantage, for example:

> The majority of this population can be separated into socio-economic groups of low to middle income earners residing in government subsidised housing and middle to high income earning professionals residing in high rise 'resort' style residential apartment buildings … (Metropolitan Command)

> A considerable proportion of the community are socially disadvantaged. There are relatively high proportions of persons suffering mental illness that are living in the community with inadequate support and poor supervision by health services. (Metropolitan Command)

> There is a large proportion of Government housing located throughout the command. These areas have a high proportion of low income earners and recipients of Government benefits. (Rural Command)

- the placement of refugees, for example:

> The largest group of permanent refugee/humanitarian arrivals in [command] from 2000 to 2005 was from Afghanistan, Sudan, Iraq and Iran. (Metropolitan Command)

> [Command] is also one of the locations considered suitable for settling Sudanese refugees. (Rural Command)

- other types of diversity, for example:

> Different groups through the [command] – elderly, low-middle class, high unemployment, surfing communities, steel workers and rural areas. (Rural Command)

> Command covers multiple Local Government Areas. This makes building relationships a bit more complex with the different local government areas having competing needs. (Rural Command)

In relation to geographical, industry and other factors, command descriptions made specific reference to:

- transport links, with some commanders referring to major arterial roadways or rail links and some rural commanders referring to the lack of public transport into and out of the command
- major infrastructure or other facilities such as airports, dams, defence bases, gaols, national parks and state forests
- drug and alcohol treatment facilities, with some commanders referring to drug rehabilitation centres and methadone clinics and others to a lack of drug treatment resources
- numbers of schools and hospitals
- the number of licensed premises such as hotels, clubs and restaurants
- different types of land use, for example:

> combines high density residential housing, retail precincts and commercial/financial institutions (Metropolitan Command)

> The [command] is predominantly residential consisting of medium to high density housing, with light to medium concentrations of industrial areas. (Metropolitan Command)

> It has over 2,000 businesses operating in the city and a growing manufacturing sector with value-adding industries predominantly based on processing locally produced agricultural and pastoral products. (Rural Command)

> The command services a range of communities from isolated rural properties, to villages and small towns, to the two larger centres. (Rural Command).

PERCEIVED EFFECTS ON POLICE WORK UNDERTAKEN

As discussed in the preceding section, commands differ in the demographic characteristics of the communities they serve as well as in the infrastructure and other facilities that they contain. Local area commanders were asked in what ways any factors that distinguish their command from other commands, *result in the work undertaken by this command being different from the work undertaken in other local area commands.*

Table 4.2 lists 19 community features and provides examples of how some commanders saw that these features impact upon the work undertaken in their command. The information in Table 4.2 illustrates that some commanders saw that these features impacted upon:

- crime types – such as high rates of volume crime, violence, gang problems, domestic violence, alcohol-related crime over the weekends, drink drivers, rural crime such as theft of stock, gaol-related crime, motor vehicle theft, antisocial behaviour, stealing offences, bag snatching, shoplifting, lost property from tourists
- types of work undertaken – such as emergency management, inspections of licensed premises, high visibility patrols, proactivity and community-focussed interactive activities, transportation of prisoners, strong focus on traffic-related matters
- workload – such as higher workload per officer in comparison with neighbouring commands, increasing community numbers without resources to match the needs of the community, time-consuming activities such as tourist lost property in terms of trying to locate owners and chasing receipts, influx of tourists during holiday periods and long weekends impacting significantly on police resources
- investigations – such as the difficulty in establishing offender patterns because of the transient nature of offenders
- resource management – such as using a leave embargo to deal with the influx of tourists during holiday periods
- interagency liaison – such as the need to liaise with police from adjacent state on a daily basis; officers requiring knowledge of wide range of resources including Aboriginal Community Liaison Officers, mental health workers, translators.

Table 4.2: Commanders' views of the effect of community features on police work undertaken

Community Feature	Effect on police work undertaken – Selected comments by commanders or from induction manuals
Airports	The command is responsible for emergency management roles in the event of an incident. The command's roles include disaster victim registration and victim support and reuniting. (Metropolitan Command) The existence of an airport within the command necessitates undertaking emergency management planning and response. (Rural Command)
Clubs, restaurants, bottle shops	The number of licensed premises requires a full-time licensing commitment. (Metropolitan Command) Police are encouraged to conduct high visibility patrols of critical infrastructure and enter licensed premises, conducting Business Inspections as part of a strategy to reduce alcohol-related crime. (Metropolitan Command) There are over 300 business inspections per month. (Rural Command)
Border with another state	Need to liaise with the [police from adjacent state] on a daily basis … appropriate personnel are sworn in as Special Constables to the [police department from adjacent state]. (Rural Command)
Crime types	The combination of the issues ensure that policing within [command] is violent and unpredictable, where there are high rates of car theft, armed robbery and domestic violence. In addition there are the issues of active terrorism cells and organised crime that elicit a response from a number of the [specialist] squads. (Metropolitan Command) [Serious] gang problems. (Metropolitan Command) [Command] has high rates of domestic violence offences and a general higher workload per officer compared to other neighbouring [commands]. (Rural Command) Anecdotally alcohol-related crime over the weekends, including assaults, malicious damage, and street offences and anti-social behaviour take up most of the Police response, also domestic related assaults and breaches of AVOs. [Rural Command] Drug work – consistently rate [highly] for drug detections in the state. (Rural Command) Have highest number of drink drivers in the state … leads to alcohol-related crashes. (Rural Command) As the command is predominantly residential, assaults are seen as a problem. The majority of these are domestic related assaults, which more often than not involve alcohol. (Rural Command) Have two rural crime officers for rural crimes such as theft of stock, theft of farming equipment, theft of [stock] embryos, etc. (Rural Command) Crime in general is minimal allowing for greater focus on proactivity and community focussed interactive activities. Local police have greater interaction with the farming community, although crime statistics do not reflect any significant rural related crime issues. (Rural Command)

Table 4.2: Commanders' views of the effect of community features on police work undertaken - continued

Community Feature	Effect on police work undertaken – Selected comments by commanders or from induction manuals
Diversity of population	Sheer virtue of broad spectrum of issues. [Officers of command] are required to meet the needs of a very diverse group of people; hence they need knowledge of a wide range of resources including Aboriginal Community Liaison Officers, mental health workers, translators. All staff need to have understanding of wide variety of scenarios. There are language barriers. (Metropolitan Command)
Gaol	The gaol … has a major impact upon the crime figures … as it is a source of drug detection, as well as assaults being reported amongst inmates. (Rural Command) The transportation of prisoners by police is substantially different to metropolitan commands (which is undertaken by Corrective Services) and some other country commands. This is a constant and very time consuming activity. (Rural Command)
Lack of drug treatment facilities	Substance abuse underpins all crime groups. (Rural Command)
Lack of public transport	Drives incidence of motor vehicle theft. (Rural Command) Offenders who reside within the command generally commit the majority of crime in this command. There is minimal influence from neighbouring commands, however, there are isolated incidents where offenders travel to this command and commit multiple offences. The lack of public transport into and out of the command is a significant factor in these issues. (Rural Command)
Language issues	Command spends lots on translation costs. Especially problem for domestic violence matters – police arrive and can't communicate. Also a problem in relation to low number of Arabic-speaking staff. (Metropolitan Command)
Large shopping centres	… since opening of [new] Shopping Complex there has been a predicted increase in retail patronage. Reflected in an increase in anti-social behaviour, stealing offences, assaults, robberies and street crime. (Metropolitan Command) Robberies and stealing from persons are the typical offences committed. The modus operandi vary, and include bag snatching from shopping trolleys, stealing from unlocked cars and locked cars, shoplifting from [larger shops]. (Metropolitan Command)
Methadone clinics	The clinics are situated in the vicinity of the hospitals and service between 180-200 people a day. The transient group cause considerable apprehension in the local area. (Metropolitan Command) Due to the type of persons utilising the services of the clinic, there is anecdotal evidence to suggest that a significant percentage of these persons are directly correlated to the incidents of crime in the immediate vicinity of the clinic and therefore it poses a crime risk to the community. The main crimes associated with the Methadone Clinic include: stealing from motor vehicles, supplying methadone from 'takeaway' purchases, and other drug-related offences. (Metropolitan Command)

Table 4.2: Commanders' views of the effect of community features on police work undertaken - continued

Community Feature	Effect on police work undertaken – Selected comments by commanders or from induction manuals
National Parks, State Forests	There is a higher focus on emergency management because [it] is a major bushfire area and has resulted in major emergencies. (Metropolitan Command) Need for Rescue Squad – when a rescue is underway officers are taken from other duties and during that time the command does not have the same number of officers available for other work. (Metropolitan Command)
Poor urban design	Poor urban design and security features are innate to hotspots in this [command]. There are numerous alleys and places of concealment. Further, lighting is poor and targets can be accessed via rooftops. The isolation and insufficient security of service stations and other businesses makes these premises susceptible to robbery offences. Many schools are not fenced off which increases their susceptibility to malicious damage, and break and enters. (Metropolitan Command)
Public sector housing	[Command] is a very busy command. The [command] has the highest recorded calls for assistance State-wide on an annual basis. The command has six public sector housing estates which drive a lot of those service calls. (Rural Command)
Schools	Due to the large amount of schools in the command, there are a high percentage of juveniles living in the area. Juveniles commit a large percentage of property crime, predominantly break enter & steal, steal from motor vehicles, stolen vehicles and malicious damages that occur in the area. (Metropolitan Command)
Size of community population	Population Size: Have increasing population and not a commensurate increase in resources to match the population. Have calls for 24 hrs coverage in more areas – unable to meet those needs. (Rural Command)
Tourists	As volume of people visiting increases over the warmer months so do incidence of alcohol-related crime in and around licensed premises. (Metropolitan Command) Amount of lost property from tourists – time-consuming in trying to locate owners, chasing receipts. (Metropolitan Command) A desired tourist location holiday periods, and long weekends impacts significantly on police resources. (Rural Command) Tourists visiting this command represent both offenders and victims of crime. As crime victims, tourists are often subject to stealing and property offences, exacerbated by security complacency and naivety … As offenders, tourists can be involved in insurance fraud, stealing and drug offences. (Rural Command) Considerable influx of tourists. Currently managed by leave embargo. (Rural Command)

Table 4.2: Commanders' views of the effect of community features on police work undertaken - continued

Community Feature	Effect on police work undertaken – Selected comments by commanders or from induction manuals
Transient population	Difficult to establish patterns of offenders because of transient nature of offenders. (Metropolitan Command) High rates of volume crime – high numbers of minor crimes like stealing, malicious damage, stolen motor vehicles because of transient population and surf culture. (Rural Command) Have people stopping in [centre] when travelling further West. Some stop over in [centre] and then commit crimes. Transient people are difficult to profile – by the time you receive information, they have moved on. (Rural Command)
Transport junctions	Crime around railway stations – particularly late at night and also crime in the associated city centres/shopping centres around those rail lines. (Metropolitan Command) The main crimes associated with the [suburb] railway station are anti-social behaviour, offences against the person, i.e.: assault, and steal from motor vehicles during daylight hours … Many commuters utilise the uncontrolled and largely unsupervised car parks on a daily basis allowing opportunities for stealing. (Metropolitan Command) The station is a well-known congregation point for young people before and after school hours, which increases the likelihood of victimisation and group conflict. (Metropolitan Command) With a number of main roads running through the command … the command has a strong focus on traffic-related matters. (Rural Command). Not substantially different from other commands, however, the increase in road traffic on the main highway has led to an increase in fatal motor vehicle accidents. (Rural Command)

The comments listed in Table 4.2 provide some indication of how the nature of the police work undertaken within individual commands reflects community factors. The nature of police work undertaken across the commands is the focus of the next chapter.

4.5 SUMMARY AND IMPLICATIONS

SUMMARY

While the available literature suggests that the environment in which policing occurs impacts upon police misconduct, little is known of the specific aspects of the environment which are most salient or about the dynamics of that impact. This chapter seeks to provide a better understanding of the environment in which the sampled commands undertake their work, as a context in which to consider the misconduct risks faced by individual commands (discussed in Chapters 6 and 7) and the management of these risks (discussed in a subsequent report).

The information presented in this chapter reveals that while there are some similarities in command characteristics, there are also important differences across commands. For example, commands in this study ranged in:

- area – from less that 10 sq. km to more than 50,000 sq. km
- number of police premises – from one to 15 premises
- number of authorised sworn officers – from less than 20 to more than 250
- number of officers per 100 sq. km – from less than one officer to more than 1000 officers per 100 sq. km.

Some commanders commented on how physical features of the command such as distance from one end of the command to the other and numbers of police premises affected the ease with which officers can be supervised as well as posed problems in providing officers with support.

The communities that these commands service ranged in size from approximately 6,000 to 180,000 people. These communities also differed in terms of:

- the ethnic mix and socio-economic background of residents
- rate of population growth or decline
- size of transient population
- number of local government areas covered
- transport links
- major infrastructure or other facilities
- types of industry and land use.

Commanders considered that such community differences impact upon crime types, nature of police work undertaken including difficulty in undertaking investigations, resource management and interagency liaison.

Some commanders considered that their staffing profiles differed from the profiles of other commands in terms of:

- age, level of experience and qualifications of officers
- proportion of staff who reside within the command and hence extent of involvement of officers with the community that they police
- level of supervisory roles.

IMPLICATIONS FOR MINIMISING POLICE MISCONDUCT

The following five issues are raised to promote discussion of how differences between commands might translate into differences in misconduct risks, affect the management of such risks and how they might be considered by individual commands when identifying their misconduct risks.

1. Officer supervision and support

The vast physical areas covered by some commands and the geographical separation of police premises pose supervision and communication challenges. Similarly those who work in one- or two-officer stations have little ready access to backup or supervision.

Some commanders spoke of the limited policing experience of many of their officers. Such staffing profiles present the challenge of how best to support these officers and equip them with the knowledge and skills to perform their role and exercise their discretion in the variety of situations they will experience.

2. Management of potential conflicts for those who police the community in which they reside

Understandably, it is very common for officers in rural commands to live in and have ties within the communities that they police. This is also the case for some officers working in metropolitan commands. Officers with strong ties to the community that they police may, at times, find that these ties are in conflict with some of their policing duties and responsibilities. Such conflicts need to be recognised and managed.

3. Expectations of officers when under-resourced relative to demands

Where commands are under-resourced relative to demands, as a result of population growth or other factors, officers may be tempted to take inappropriate short cuts in their work. Expectations of appropriate conduct for officers in such situations need to be clarified and reinforced.

4. Expectations of residents

Expectations by residents of police may vary as a result of their ethnic, socio-economic or educational backgrounds or other influences. These differences in expectations can affect the way residents interact with police as well as the types of complaints they may make about police. For example, research commissioned by the NSW Independent Commission Against Corruption revealed that many NSW residents of non-English speaking backgrounds, particularly newly-arrived immigrants, carry with them beliefs, fears and concerns about corruption from their country of origin. In some cases these may include a belief that corruption is required or is a standard procedure when dealing

with public officials. In other cases, immigrants may bring with them a lack of trust in government institutions including police and a fear of reporting corruption (Independent Commission Against Corruption 2001). Similarly some residents may, as part of their usual cultural practices, express gratitude to public officials by offering a gift or some other benefit. While not offered with corrupt intent, this may create an opportunity for real or perceived corruption on the part of the police officer to whom the gift or benefit may be offered.

5. Consideration of command differences when identifying misconduct risks and identifying strategies to manage these risks

The material reported in this chapter demonstrates that commands differ in many ways. Since some of these differences may affect the misconduct vulnerabilities within commands as well as the available options that commands have to manage their risks, it is important that their impact is considered as part of the command misconduct risk identification process.

The Commission's analysis of commanders' descriptions of their policing environment has drawn attention to some specific features of the policing environment which may merit particular attention. While some commands may already be considering some or all of these features, it is suggested that where they are not already doing so, as part of its misconduct risk identification process each command specifically consider the impact of:

- the physical environment of the command on the supervision of, communication with and support available for officers within the command
- the staffing profile on the nature and amount of supervision and support required
- the relationships of officers working in the command with the community which they police with a view to identifying areas of potential conflict between community ties and policing duties
- resourcing and types of work in which officers might most be tempted to take some form of short cuts
- expectations held by different groups of residents and how these expectations may affect the way residents interact with officers as well as the types of complaints they may make
- prevalent crime types within the command and how these crime types affect the nature of the police work undertaken by the command and as a consequence affect the misconduct opportunities and other misconduct vulnerabilities
- types of work undertaken as a consequence of community infrastructure and other facilities (such as airports, dams, gaols, national parks, transport links, licensed premises, schools and hospitals).

5. POLICE WORK TYPES: SIMILARITIES AND DIFFERENCES AMONG COMMANDS

5.1 OVERVIEW

Like the preceding chapter, this chapter provides some context in which to consider the nature of policing in NSW and how commands may differ. More specifically, this chapter examines similarities and differences among commands in the types and frequencies of work undertaken. This is of interest since the literature on policing and misconduct demonstrates that the nature of the work undertaken affects the misconduct opportunities and hence the level and types of misconduct risks to be managed (Sherman 1978, pp. 38-39; Independent Commission Against Corruption 2003, p. 1; Mills & Cooper 2007, p. 34).

5.2 WHAT THE LITERATURE SAYS

The police function is recognised as being both broad and complex:

> The police function is incredibly complex. The total range of police responsibilities is extraordinarily broad. Many tasks are so entangled that separation appears impossible (Goldstein 1990, p. 21).

Commentators have also observed that policing activity is difficult to quantify and record (Goldstein 1990, p. 26; Cherrett (1993) cited by Dadds & Scheide 2000, p. 2).

There is no agreed taxonomy of police work types. Different researchers have categorised police work in different ways. For example, Kaczmarek and Packer (1996) conducted a job analysis of the duties of the General Duties Constable position across the different Australian policing jurisdictions. This involved the use of a 'Job Analysis Questionnaire' which comprised a list of all job activities carried out by General Duties Constables. The list comprised 87 activities (p. 10) which ranged from 'investigate incidents or offences' and 'employ first aid techniques' to 'prioritise tasks' and 'perform public speaking duties' (pp. 11-14). This list was subsequently reduced to 25 activities, ranging from 'use firearms' and 'maintain a safe working environment' to 'adhere to guidelines relating to uniform' and 'deal with aggressive people' (p. 21). In another study, Boni and Packer (1998) developed a 'Police Role Survey' to undertake a systematic comparison of public and police perceptions of the police role in Australia. The Police Role Survey contained 45 tasks which ranged from 'advise businesses and shops on crime prevention' to 'collect evidence' to 'deal with family violence incidents' (p. vii).

Some forms of police work are seen as being more vulnerable to corruption than others. Different terminology has been used to identify specific types of police work which they consider to be more vulnerable to corruption. Some refer to 'areas of particular organisational vulnerability', while others refer to 'danger zones' that are seen to have specific vulnerabilities, or areas of policing closest to the 'invitational edge of corruption' or 'sensitive and vulnerable posts'. Examples of work types that have been identified as being more vulnerable to corruption and other forms of misconduct include:

- drug law enforcement (HMIC 1999, p. 2; Newburn 1999, p. 26; Punch 2000, p. 319; Wood 2001, pp. 3, 4)
- undercover work (Punch 2000, p. 319; Wood 2001, pp. 3, 4)
- specialist crime squads (HMIC 1999, p. 2; Goldsmith 2001, p. 198)
- use of informants (HMIC 1999, pp. 2, 22; Punch 2000, p. 319; Goldsmith 2001, p. 198; Miller 2003, pp. 20-21, Moran 2005, p. 70)
- enforcement of laws relating to gambling, prostitution, narcotics, and alcoholic beverages (Goldstein 1990, p. 194; Punch 2000, p. 319; Quah 2006, p. 70)
- licensing (Punch 2000, p. 319)
- placing contracts with companies (Punch 2000, p. 319)
- access to confidential information (Miller 2003, pp. 20-21; Quinton & Miller 2003, p. 5; HMIC 2006, pp. 9; 104).

These are not the only types of police work that have been identified as presenting opportunities for corruption, for example:

- traffic police have been described as being vulnerable to corruption as motorists might seek to bribe their way out of traffic violations (Sherman 1978, pp. 38-39; Quah 2006, pp. 72-73)
- Barker (1994) has suggested that during routine investigative duties, officers have the opportunity to 'take' items from burglary scenes and unsecured businesses (p. 48)
- Ede, Homel and Prenzler (2002a) have suggested that patrol officers may be more likely to use excessive force, whereas detectives may be more prone to fabricate evidence (p. 28)
- officers who are required to testify in court as part of their duties may lie or distort the truth in order to ensure a conviction (Barker 1994, p. 49).

While different forms of policing present different opportunities, temptations and frustrations which make the role vulnerable to misconduct, officers who undertake such work will not necessarily take up such opportunities. What is important is that the hazards and misconduct risks associated with the work are identified and managed.

5.3 TYPES OF INFORMATION COLLECTED

As described in Chapter 2, the Commission sought information about the types of police work undertaken within the sampled commands from two sources: a 'Command Work Types Checklist' and a series of written questions.

The 'Command Work Types Checklist' listed 39 different types of police work. Commanders were asked to provide ratings of how often any officers from the command undertake each of the types of work ('Daily', 'Weekly', 'Monthly', 'Rarely' and 'Never'). This Checklist also asked commanders to specify other types of work that they considered to be frequently performed by officers within their command.

The Checklist was not intended to be an inventory of all activities performed. Instead it focussed on types of police work that may present opportunities for corruption and other forms of police misconduct, as well as types of police work that may be likely to be the subject of complaint.

Some of the work types included in the Checklist reflected those that have been identified in the preceding literature review as being more vulnerable to corruption, namely, work types associated with the following tasks or forms of policing:

- drug law enforcement
- undercover work
- use of informants
- licensing
- awarding contracts to private companies
- access to confidential information
- traffic policing
- investigative duties
- detectives
- testifying in court.

Some of these forms of policing, and other work types included in the Checklist, involve interaction with members of the community and officer discretion. Examples of work types included in the Checklist that place officers in a situation where members of the public might seek to bribe the officer to influence his or her decision, or provide opportunities for bias by the officer, include:

- 'issues licences, permits or other authorities to members of the public'
- 'inspect licensed premises'
- 'issue infringement notices'
- 'issue cautions'
- 'issue/process summons or subpoenas'

- ‘conduct random breath tests’
- ‘undertake traffic patrols’.

Some work types included in the Checklist may present opportunities for theft, for example:

- ‘handle property and exhibits other than drugs’
- ‘handle drug exhibits’
- ‘execute search warrants’.

Other work types included were those that might place officers in situations that result in complaints about officers using excessive force, for example:

- ‘arrest individuals’
- ‘conduct searches on individuals’
- ‘detain persons in custody’
- ‘perform crowd control or guard duties’.

An additional two work types were added to the Checklist after consultation with the NSW Police Force Professional Standards Command: ‘perform urgent duty’ and ‘conduct escort or procession point duty’. A complete list of the work types included in the Checklist is provided in Table 5.1. A list of the additional types of work provided by commanders is included in Appendix 2.

In addition to the Work Types Checklist, the Commission asked local area commanders:

- What factors (e.g. geographical, types of industry, demographic or other factors) distinguish this command from other local area commands?
- In what ways, if any, do these factors result in the work undertaken by this command being different from the work undertaken by other local area commands?

Commanders’ responses to these last two questions were discussed in the previous chapter.

5.4 WHAT WE FOUND OUT ABOUT TYPES OF WORK UNDERTAKEN BY COMMANDS

HOW OFTEN DO COMMANDS UNDERTAKE DIFFERENT TYPES OF WORK?

Most frequent and least frequent types of police work

How often different work types are performed by commands was analysed on the basis of commanders' responses to the Work Types Checklist, that is, whether commanders responded that the work types are conducted either 'Never'; 'Rarely'; 'Monthly'; 'Weekly'; or 'Daily'. Separate analyses were performed for local area commands (see Table 5.1) and specialist commands (see Table 5.2) due to the different nature of these command types.

Table 5.1 shows that five of the tasks listed in the Work Types Checklist are performed by all local area commands on a daily basis:

- accessing confidential information
- carrying out criminal investigations
- interviewing witnesses and/or potential perpetrators
- performing station administrative duties (e.g. filing, record-keeping)
- responding to reported crime, inquiries or requests for assistance.

In addition, thirteen tasks were performed frequently (i.e. either daily or weekly) by all local area commands:

- handling property other than drugs
- providing support to victims and witnesses
- arresting individuals
- conducting random breath tests
- conducting searches on individuals
- undertaking foot patrols
- dealing with customer service concerns
- inspecting licensed premises
- issuing infringement notices
- issuing or processing summons or subpoenas
- responding to domestic violence matters
- communicating with external agencies, including the media
- handling drug exhibits.

Table 5.1: Work Type Frequencies Across Sampled Local Area Commands

	No. of Local Area Commands which responded:				
Work Type[81]	**Never**	**Rarely**	**Monthly**	**Weekly**	**Daily**
Access confidential information					20
Carry out criminal investigations					20
Interview witnesses and/or potential perpetrators					20
Perform station administrative duties (e.g. filing, record-keeping)					20
Respond to reported crime, inquiries or requests for assistance					20
Handle property and exhibits other than drugs				1	19
Provide support to victims and witnesses				1	19
Undertake traffic patrols			1		19
Arrest individuals				2	18
Conduct random breath tests				2	18
Conduct searches on individuals				2	18
Undertake foot patrols				2	18
Prepare criminal briefs for use in court			1	1	18
Deal with customer service concerns				4	16
Inspect licensed premises				4	16
Issue infringement notices				4	16
Issue/process summons or subpoenas				4	16
Respond to domestic violence matters				4	16
Detain persons in custody	1			3	16
Conduct radar/speed camera duties	5			1	14
Communicate with external agencies, including the media				8	12
Collect forensic samples		1	2	5	12
Stabilise accident, emergency, disaster or crime scenes		1	1	7	11
Work with children		3	2	4	11
Perform urgent duty			2	8	10
Present evidence in court		1	2	7	10
Issue cautions			4	9	7
Handle drug exhibits				14	6
Organise and/or participate in community programs (e.g. police education programs)		1	5	10	4
Use informants (or sources) to obtain information for intelligence and investigative purposes		4	5	8	3
Submit coroner's reports		1	7	10	2
Perform crowd control or guard duties		4	8	6	2
Undertake SLO (street level operative) or other covert surveillance or covert investigations	1	5	6	6	2
Issue licences, permits or other authorities to members of the public	4	5	4	6	1
Organise or participate in controlled operations	1	10	5	3	1
Execute search warrants		1	9	10	
Conduct escort or procession point duty		6	5	9	
Conduct high speed pursuits	6		6	8	
Organise contracts or tenders for goods or services valued at $50,000 or more	11	9			

[81] Re-ordered from most frequently to least frequently undertaken work types.

Table 5.2: Work Type Frequencies Across Sampled Specialist Commands

	No. of Specialist Commands which responded:				
Work Type[82]	**Never**	**Rarely**	**Monthly**	**Weekly**	**Daily**
Perform station administrative duties (e.g. filing, record-keeping)				2	3
Access confidential information		1		1	3
Carry out criminal investigations		2			3
Respond to reported crime, inquiries or requests for assistance				3	2
Handle property and exhibits other than drugs		1	1	1	2
Issue infringement notices	2	1			2
Prepare criminal briefs for use in court			1	3	1
Conduct searches on individuals	1		1	2	1
Conduct random breath tests	3			1	1
Undertake foot patrols	3			1	1
Use informants (or sources) to obtain information for intelligence and investigative purposes	3			1	1
Present evidence in court		1	3		1
Undertake SLO (street level operative) or other covert surveillance or covert investigations	1		3		1
Interview witnesses and/or potential perpetrators	2	1	1		1
Issue cautions	2	1	1		1
Issue/process summons or subpoenas	3		1		1
Perform crowd control or guard duties	1	2	1		1
Undertake traffic patrols	3	1			1
Communicate with external agencies, including the media				5	
Arrest individuals	1		1	3	
Detain persons in custody	1		1	3	
Execute search warrants	1		2	2	
Perform urgent duty	1	2		2	
Organise or participate in controlled operations			4	1	
Handle drug exhibits	1	2	1	1	
Inspect licensed premises	3		1	1	
Provide support to victims and witnesses	2	1	1	1	
Respond to domestic violence matters	3		1	1	
Stabilise accident, emergency, disaster or crime scenes	1	2	1	1	
Deal with customer service concerns		4		1	
Collect forensic samples	2	1	2		
Organise and/or participate in community programs (e.g. police education programs)	1	2	2		
Conduct high speed pursuits	2	2	1		
Conduct escort or procession point duty	5				
Conduct radar/speed camera duties	4	1			
Issue licences, permits or other authorities to members of the public	5				
Organise contracts or tenders for goods or services valued at $50,000 or more	2	3			
Submit coroner's reports	2	3			
Work with children	3	2			

[82] Re-ordered from most frequently to least frequently undertaken work type.

Table 5.1 also shows that the two tasks performed least frequently by all local area commands were:

- organising contracts and tenders valued at $50,000 or more (a majority of local area commands responded that they 'never' perform this task)
- conducting controlled operations (a majority of local area commands responded that they 'rarely' perform this task).

Table 5.2 shows that none of the tasks in the Checklist were performed daily by all specialist commands in the Project Manta sample. This suggests that there is more variability across the sampled specialist commands than across local area commands in the work performed by those commands. Three tasks were reported as being performed daily by three of the five specialist commands:

- accessing confidential information
- carrying out criminal investigations
- performing station administrative duties (e.g. filing, record-keeping).

These tasks were also the most frequently performed tasks among local area commands, as described above.

Table 5.2 also shows that three tasks were performed frequently (i.e. either daily or weekly) by all five specialist commands:

- performing station administrative duties (e.g. filing, record-keeping)
- responding to reported crime, inquiries or requests for assistance
- communicating with external agencies, including the media.

The three tasks performed least frequently by specialist commands were:

- conducting escort or procession point duty (all specialist commands responded that they 'never' perform this task)
- issuing licences, permits or other authorities to members of the public (all specialist commands responded that they 'never' perform this task)
- conducting radar/speed camera duties (four of the five specialist commands responded that they 'never' perform this task).

Differences in frequency of types of police work

As Tables 5.1 and 5.2 illustrate, while there was consistency across commands in how often they said they undertake some types of work, in some cases commands differed substantially from other commands in the sample in the frequency they report undertaking specific types of work. For example, Table 5.1 shows that:

- undertaking traffic patrols was considered to be a daily activity in all but one local area command, where it was stated to be a monthly activity

- preparing criminal briefs for court was likewise considered a daily activity for eighteen commands but only monthly for one local area command and weekly for another
- detaining persons in custody was considered a daily or weekly activity by all commands except for one, where it was never conducted.[83]

Given the vastly differing functions of the specialist commands in the Project Manta sample, there was even more variety in the frequency responses of specialist commands relative to those of local area commands, despite some similarities outlined previously.

RELATIONSHIPS BETWEEN FREQUENCY OF TYPES OF POLICE WORK AND COMMAND CHARACTERISTICS

The Commission used a statistical technique known as a 'chi-square test'[84] to explore whether there was any relationship between how often different types of police work were reported being undertaken by individual local area commands and seven command characteristics that were recorded as part of Project Manta. These command characteristics were physical size, number of authorised officers, number of authorised officers per 100 sq. km, number of residents, number of police premises, coastal or inland commands, and metropolitan or rural commands.

For these analyses, command responses concerning how often the different types of work were undertaken were re-categorised into two broader categories distinguishing activities being undertaken frequently (daily or weekly) and those being undertaken relatively infrequently (monthly, rarely or never). Possible relationships were examined for only those 20 of the 39 work types listed in Table 5.1 which indicated some spread across these response categories ('daily or weekly'; 'monthly, rarely or never').

These statistical analyses revealed that how often local area commands reported:

- *executing search warrants* was related to both the number of authorised officers[85] and number of residents in the community[86]. Local area commands with more authorised officers and local area commands with greater numbers of residents in the community reported executing search warrants more frequently than commands with fewer officers or fewer residents
- *conducting radar/speed camera duties* was related to the physical size of the command[87], the number of authorised officers per 100 sq. km[88], the number of

[83] One local area command responded that its officers never detain persons in custody, and added that it did not have a custody facility.

[84] The chi-square test is a statistical procedure which is used to test hypotheses about whether *proportions* of responses made by *different* groups are equal (come from the same population or not). An example would be to test whether the proportion of metropolitan commands significantly differs from the proportion of rural commands who report undertaking a particular activity on a daily basis. More specifically, the analyses reported in this section used 'Fisher's Exact Test' a form of statistical test of association used when sample sizes are small.

[85] $\chi^2 = 7.200$, df = 1, $p = .007$.

[86] $\chi^2 = 6.343$, df = 1, $p = .012$.

[87] $\chi^2 = 6.667$, df = 1, $p = .010$.

[88] $\chi^2 = 6.667$, df = 1, $p = .010$.

police premises[89]; and whether the local area command was in a metropolitan or rural region[90]. Local area commands with a larger physical size, fewer authorised officers per 100 sq. km, more police premises and in rural regions (as opposed to metropolitan regions) reported conducting radar/speed camera duties more frequently than other local area commands

- *conducting high speed pursuits* was related to the number of residents in the community.[91] Local area commands with more residents reported conducting high speed pursuits more frequently than other local area commands
- *submitting coroner's reports* was related to the number of authorised officers[92] and the number of residents in the community[93]. Local area commands with more officers and more residents reported submitting coroner's reports more frequently than other local area commands
- *organising and/or participating in community programs (e.g. police education programs)* was related to whether the command was located on the coast or inland[94]. Coastal local area commands reported organising and/or participating in community programs more frequently than inland commands
- *using informants (or sources) to obtain information for intelligence and investigative purposes* was related to whether the local area command was in a metropolitan or rural region.[95] Rural local area commands reported using informants more frequently than metropolitan local area commands.

There were no statistically significant relationships between any of the seven command characteristics examined and the remaining fourteen work types:

- detain persons in custody
- undertake traffic patrols
- perform urgent duty
- prepare criminal briefs for use in court
- present evidence in court
- collect forensic samples
- issue licences, permits or other authorities to members of the public
- issue cautions
- undertake SLO (street level operative) or other covert surveillance or covert investigations
- organise or participate in controlled operations
- work with children

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89 $\chi^2 = 5.455$, df = 1, $p = .020$.
90 $\chi^2 = 5.455$, df = 1, $p = .020$.
91 $\chi^2 = 6.739$, df = 1, $p = .009$.
92 $\chi^2 = 7.500$, df = 1, $p = .006$.
93 $\chi^2 = 6.537$, df = 1, $p = .011$.
94 $\chi^2 = 5.714$, df = 1, $p = .017$.
95 $\chi^2 = 5.455$, df = 1, $p = .020$.

- stabilise accident, emergency, disaster or crime scenes
- perform crowd control or guard duties
- conduct escort or procession point duty.

It is important to recognise that where relationships between specific command characteristics and reported frequency in undertaking specific work types have been identified, there is no suggestion that the differences in frequency with which the work is undertaken has been caused by the command characteristic. Also, there may have been other command characteristics, not measured in Project Manta, which may have been related to differences in how often commands undertook these types of police work.

5.5 SUMMARY AND IMPLICATIONS

SUMMARY

This chapter reports the results of analyses of how often commands said that they undertake different types of police work, and of the relationship between frequency of types of police work and various command characteristics. The analyses demonstrated that:

- local area commands reported some similarities in how often they undertake different types of work, with all 20 of the sampled local area commands advising the Commission that they perform 18 of the 39 types of police work examined either daily or weekly
- some command characteristics (such as number of authorised officers and number of residents in the community) were associated with how often local area commands reported undertaking some types of police work (such as executing search warrants and conducting radar/speed camera duties).

IMPLICATIONS FOR MINIMISING POLICE MISCONDUCT

Four implications for minimising police misconduct, drawn from the findings related to police work types reported in this chapter, are discussed below.

1. Shared work types suggest shared misconduct risks

The Commission found that some types of policing activities are frequently undertaken by a majority of local area commands. This suggests that any of the misconduct risks associated with these types of work are shared by local area commands. Examples of some of the types of work performed frequently by all of the sampled local area commands include: accessing confidential information, carrying out criminal investigations, handling drug exhibits, handling other exhibits and inspecting licensed premises. Within the literature, each of these work types has been associated with specific misconduct risks. Similarly, there may also be shared risks among specialist commands. Corporate recognition of the existence of such shared misconduct risks may minimise the likelihood of such risks being overlooked by individual commands.

2. Both frequently undertaken work types and infrequently undertaken work types can be associated with misconduct risks

The findings reported in this chapter show that there are differences in how often commands undertake various policing activities. These differences were readily discernible when comparing local area commands to specialist commands as well as among specialist commands and squads, which have very specific functions and roles within the NSW Police Force.

Both frequently undertaken work types and infrequently undertaken work types can be associated with misconduct risks. Where a work type is performed frequently, any associated opportunities, frustrations or temptations which may lead to corruption or other forms of police misconduct will be present more frequently, potentially increasing the likelihood of the misconduct risk. On the other hand, where a work type with an associated risk is performed relatively infrequently, officers undertaking the work may be less aware or prepared for any associated misconduct risks.

Hence whilst misconduct risks may be identified by analysing frequently undertaken types of police work, it is important to ensure that misconduct risks are also identified in relation to types of work rarely undertaken.

3. Tailoring information regarding misconduct risks to the type of work undertaken by officers

Commanders' responses to the Work Types Checklist related to 'how often *any* officers from the command undertake each of the types of work'. The results reported in this chapter should not be interpreted as suggesting that the misconduct risks associated with the work undertaken are shared equally by all officers in the command. For example, whilst some of the work types considered, such as accessing confidential information, may apply to the majority of officers in a command; other work types, such as undertaking traffic patrols, may pertain only to some of the officers in a command. This suggests a need to provide targeted information regarding misconduct risks to officers depending on the nature of their duties to ensure that officers are equipped to face the misconduct challenges specific to their work.

4. Consider the impact of supervision and communication challenges on work undertaken in geographically dispersed commands when identifying misconduct risks

As outlined in the preceding chapter, commands which are geographically dispersed pose supervision and communication challenges. Analyses of the relationship between command characteristics and the types of work undertaken by officers in this chapter revealed that some forms of work were more frequently undertaken in geographically dispersed commands than in other commands. For example, officers in relatively large commands in the sample (in terms of physical size) more frequently conducted radar and speed camera duties than officers in relatively smaller commands. Hence, commanders working in geographically dispersed commands should consider the impact of supervision and communication challenges when identifying misconduct risks and developing strategies to address these risks.

6. MISCONDUCT RISKS: TAKING THE COMMANDER'S PERSPECTIVE

6.1 OVERVIEW

In keeping with Project Manta's aim to obtain a better understanding of the nature of misconduct risks facing the NSW Police Force and how these misconduct risks may differ across commands, this chapter describes commanders' views of the misconduct risks faced by those who work in their commands. Commanders' perceptions of the misconduct risks facing their commands are of interest because commanders are in a key position to identify these risks and because their perceptions are likely to impact upon the way that police misconduct is managed within their command.

In addition to describing the misconduct risks identified by commanders, this chapter examines whether the misconduct risks for the command had been identified prior to the Commission's survey, whether documentation exists listing any misconduct risks that had been identified, and commanders' views of possible changes in misconduct risks over the next five years.

6.2 WHAT THE LITERATURE SAYS

Corruption or misconduct risks are of interest because they present opportunities to intervene to minimise future misconduct. The identification of misconduct risks is an important first step in devising effective strategies to minimise future misconduct. A larger number of risks does not necessarily result in more misconduct occurring – it all depends on how the risks are managed (Gorta 2006, p. 207).

One strategy for identifying misconduct risks is to ask those who best know the organisation what they consider the misconduct risks to be. Perceived misconduct risks are important because if organisations do not identify something as a risk, they will be less likely to manage that risk (Gorta 2006, p. 211). Just as identifying occupational health and safety risks does not require waiting for an accident or an injury to occur, identifying integrity hazards and associated misconduct risks does not require misconduct to have already occurred (Independent Commission Against Corruption 2003, p. 5; Gorta 2006, p. 211; Police Integrity Commission 2006, pp. 62-63). As the Independent Commission Against Corruption (2003) has observed:

> When organisations report about what they see as their corruption risks they are identifying activities that they believe could occur and, if they did occur, would have a negative impact on the work of the organisation. They are not necessarily referring to events that have occurred (p. 5).

While the Commission is unaware of any previous studies examining commanders' perceptions of police misconduct risks other than its own study of the misconduct risks facing counter-terrorism policing (Police Integrity Commission 2006), there have been studies identifying perceived misconduct risks across the broader public sector. In 2001-2002, the Independent Commission Against Corruption surveyed a wide range of NSW public sector agencies with diverse functions (excluding the NSW Police Force) to develop a snapshot of corruption-related issues facing these agencies. Amongst other information collected, Chief Executive Officers of government agencies and

Chairpersons of government boards were asked to indicate the corruption risks they believed their organisations faced and to detail the corruption prevention strategies their organisations had in place (Independent Commission Against Corruption 2003, p. ix). NSW public sector organisations most commonly nominated corruption risks in the areas of:

- Use of confidential information
- Purchasing/tendering for goods and services
- Use of agency resources, materials and equipment
- Fraud
- Use of organisation's funds (Independent Commission Against Corruption 2003, p. x).

Chief Executive Officers and Chairpersons were also asked to nominate possible emerging corruption risks for their organisations over the next three to five years. As reported by the Independent Commission Against Corruption:

> Organisations identified the opportunities posed by new technology, information security and increased commercial activity as possible emerging corruption risks over the next three to five years (2003, p. x).

The Independent Commission Against Corruption conducted a similar survey in 2007. When describing interim results of the 2007 survey, it reported that:

> Record keeping, political interference in an organisation's processes and purchasing/tendering for services are the workplace functions that most commonly constitute major corruption risks requiring attention …
>
> [I]n terms of specific misconduct, agencies most frequently regarded abuse of, or failure to disclose conflicts of interest and improper use of information as major risks (Independent Commission Against Corruption 2007, p. 4).

In terms of perceptions of emerging risks, the Independent Commission Against Corruption (2007) reported that:

> Many respondents were unsure what risks lie ahead, however, those agencies who did nominate emerging risks most often identified issues related to information technology (p. 4).

Developing a profile or inventory of what commanders consider to be their misconduct risks is a useful strategy to promote further discussion of the misconduct risks that face NSW Police Force commands. When discussing surveys of perceived corruption risks more generally Gorta (2006) stated that:

> The responses are useful, not to say whether perceived risks are right or wrong, but to promote further discussion about the major corruption risks facing organisations. Failure to recognise the potential risks faced by an organisation is a significant risk in itself (p. 213).

6.3 TYPES OF INFORMATION COLLECTED

The Commission asked local area commanders as well as commanders of specialist commands and squads:

- Have the major misconduct risks faced by officers in this command been identified?
- If your command has not as yet identified its misconduct risks, thinking about it now, what do you consider to be the command's major misconduct risks?
- If the major misconduct risks have been identified, what are these misconduct risks and when were they identified?
- Are you aware of any documentation listing the misconduct risks that have been identified as potentially being faced by officers working in this command? Please provide a copy of this documentation.
- Do you consider that the misconduct risks facing officers in this command are likely to change in the next five years? If so, in what ways do you think that these misconduct risks may change?

Prior to asking about these misconduct risks, the Commission clarified that it was interested in the broader work-related misconduct risks or command vulnerabilities and opportunities to engage in misconduct rather than the misconduct risks posed by individual officers:

> For the purposes of this project, ***'Misconduct risks'*** refer to those temptations, opportunities and frustrations that may trigger an employee to engage in corruption, fraud or some other form of misconduct and that are related to the work undertaken by the command or the staffing profile of the command.
>
> Some misconduct risks relate to specific types of work, while others are relevant to many types of work. For example, a highway patrol officer, who may be exposed to motorists willing to offer a bribe to avoid a penalty, would face different misconduct risks from those faced by an officer handling drug exhibits, who may be exposed to items worth a significant amount of money. On the other hand, some misconduct risks, such as inappropriate disclosure of confidential information, may be relevant to many types of duties.
>
> As used in this project, 'misconduct risks' do **not** refer to circumstances (such as financial circumstances) of individual officers nor do they refer to misconduct incidents by individual officers.[96]

[96] Source: Police Integrity Commission Project Manta questionnaires 2007: *Command Corruption Prevention and Misconduct Risk Management Strategies – Questions for Local Area Commanders*; and *Command Corruption Prevention and Misconduct Risk Management Strategies – Questions for Specialist Commands and Squads*.

6.4 WHAT WE FOUND OUT ABOUT MISCONDUCT RISKS IDENTIFIED BY COMMANDERS

HAD ALL COMMANDS IDENTIFIED THEIR MISCONDUCT RISKS?

Most of the commands surveyed (22 out of 25) advised that the major misconduct risks faced by officers in their command had been identified prior to the Commission's survey. One of these commands qualified its response by saying that 'there are no major misconduct risks faced by officers [specific to] this command' and then listed several what it termed 'generic risks' for all police commands.

Only three commands (one metropolitan command and two rural commands) said that the misconduct risks for their command had not been formally identified. However, these three commanders were each able to list what they considered to be their commands' major risks.

Surprisingly, in fact, each of the three commands that said that they had not identified their misconduct risks provided documentation of their risks. The metropolitan command that had yet to identify its misconduct risks advised that it currently did not have a duty officer with responsibilities for Professional Standards. However, when subsequently asked whether he was aware of any documentation listing the misconduct risks, this commander said that they were listed in the Local Anti-corruption Plan that is displayed throughout the police station.

Similarly, it is noteworthy that the copies of the corruption resistance plans, supplied by the two rural commands that said that their misconduct risks had not been identified, each included a list of misconduct risks. The corruption resistance plan for one of these commands was dated 2001-2002 while the plan for the other command was dated 2005-2008. It may be that these commanders had not been aware of these plans or considered them out-of-date when responding to the Commission's questions.

WHAT MISCONDUCT RISKS DID COMMANDERS IDENTIFY?

Commanders varied greatly in the nature of the misconduct risks they identified as being faced by officers in their commands. In total, the 25 commanders identified 169 misconduct risks, with the number of risks identified by individual commanders ranging from one to 19. Briefly, the misconduct risks nominated involved:

- on-duty as well as off-duty behaviour
- specific work types or policing roles
- supervision issues
- improper associations or other inappropriate relationships with community members
- misuse of resources (such as vehicles, assets, equipment and telephones)
- making false claims (such as 'rorting overtime', or excess or inappropriate travel)

- risks internal to command management (such as insubordinate behaviours, general lack of compliance with policy, inappropriate use of sick leave, rosters, employee management)
- failure to report corrupt conduct and a lack of willingness to discuss ethical dilemmas
- noble cause corruption
- a specific police station (identified as a particular misconduct risk by one commander).

In order to summarise the nature of the misconduct risks identified, the risks were grouped into categories (see Table 6.1). In some cases individual commands nominated more than one risk that has been categorised within the one misconduct risk category. Table 6.1 describes both the number of risks nominated as well as the number of commands nominating the risks, within each category. The footnotes to this table illustrate the variations in descriptions used to describe the misconduct risks within each category.

As indicated in Table 6.1, the four most commonly nominated categories of risk were those concerning:

- misuse of information
- theft of money/exhibits/property
- inappropriate relationships with community members
- misuse of resources/vehicles/equipment/assets.

Two of these categories of misconduct risk (misuse of information and misuse of resources) were the same as those most commonly identified in the broader NSW public sector by the Independent Commission Against Corruption (2003, p. x). Receipt and storage of money, exhibits and other property is a task more relevant to policing than to most other public sector agencies, hence it is to be expected that the opportunity to steal such exhibits would be more likely to present a risk for the NSW Police Force than other NSW public sector agencies. While inappropriate relationships with community members may occur in many public sector agencies, it is of particular relevance to police and other agencies that have a regulatory function.

Table 6.1: Categories of misconduct risks identified by commanders – Summary table

Misconduct risk category Misconduct in relation to:	No. of risks nominated in each category	No. of commands nominating risks in each category			
		Metropolitan	Rural	Specialist	Total
Misuse of information[97]	15	4	3	4	11
Theft of money/exhibits/property[98]	15	6	4	1	11
Inappropriate relationships with community members[99]	9	3	3	0	6
Misuse of resources/vehicles/ equipment/assets[100]	9	2	0	3	5
Making false claims, rorting overtime, inappropriate travel etc[101]	8	1	4	2	7
Search warrants[102]	7	5	1	0	6
Source management[103]	6	2	3	1	6
Secondary employment[104]	6	1	2	2	5

[97] This category combines the following risks identified by 11 commanders: 'misuse of information'; 'inappropriate release of information'; 'unauthorised release of confidential or sensitive NSW Police information'; 'COPS access'; 'improper access to information on COPS and other databases'; 'abuse of COPS system, e.g. unlawful access'; 'systems abuse – computers'; 'unlawful computer access'; 'computer access (unlawful access, inappropriate materials)'; 'computer access audits'; 'security of intelligence records and holdings'; 'the receipt of bribes for deletion, manipulation or addition of evidentiary material'; 'improper, unauthorised dissemination and management of command's intelligence holdings'.

[98] This category combines the following risks identified by 11 commanders: 'money/cash – storing any significant sum of money in duty officers' safe'; 'moneys going missing from the safe – take money over the counter, receive as exhibit - having money in the safe is always a potential risk'; 'exhibits and drugs – a risk for any command that takes property'; 'opportunistic types of corruption such as drugs and money and other high risk exhibits'; 'exhibits (including drug exhibits)'; 'exhibit management – especially drugs'; 'drug safe – theft of exhibits'; 'general exhibits'; 'drug exhibits'; 'exhibit/MPD disposal'; 'activity – property in possession(exhibits & miscellaneous property'; 'mishandling of exhibits'; 'exhibits'; 'miscellaneous property'; 'access to current briefs and exhibits'.

[99] This category combines the following risks identified by six commanders: 'improper associations'; 'improper associations – people associated with the drug culture'; 'familiarity with the community – e.g. assault or malicious damage cases some officers may regularly give cautions based on the argument that "this is the way it is done around here"'; 'higher risk of "noble-cause" corruption with familiarity of single sector policing when a single unit officer becomes an accepted member of the local community'; 'cultural links – favouritism/preferential treatment'; 'links to private security services – favouritism/preferential treatment'; 'links to organised crime, in particular car theft'.

[100] This category combines the following risks identified by five commanders: misuse of resources (rescue truck)'; 'inappropriate use of NSW Police property i.e. vehicles, equipment and assets'; 'use of motor vehicles'; 'use of assets and equipment'; 'assets management'; 'personal issue equipment'; 'assets/plant acquisition and disposal'; 'telephone usage'.

[101] This category combines the following risks identified by seven commanders: 'Inappropriate call outs for rescue and associated inappropriate use of overtime'; 'inappropriate recalling of police to duty after hours to embellish overtime payments'; 'officers rorting overtime'; 'excess/inappropriate travel'; 'travel allowance'; 'making false (financial) claims – financial claims travel approvals and meal claim approvals is daily process'; 'inappropriate use of finances from covert ops/recovered assets pool'; 'inappropriate disclosure/use of internal process i.e. sick leave, secondary employment, travel allowance, higher duties'.

[102] This category combines the following risks identified by six commanders: 'search warrants'; 'activity – search warrants'; 'activity – search warrant videos'; 'search warrants – make sure everything properly documented – no breaks in evidentiary chain'; 'execution of search warrants'; 'exposure to money, i.e. theft of money – opportunity through search warrants and searching people'.

[103] This category combines the following risks identified by six commanders: 'source management'; 'source management – dealing with sources – level of expertise isn't quite as good as it was years ago – improper or not recording of contacts. Unless everything is properly documented there is the opportunity for sources to run the handlers – or meetings not recorded, police promising rewards to sources – while this is a potential problem not aware of it happening here'; 'source management – source management system is a risk because a lot of police don't see it as an easy system – hence risk is that some officers would take shortcuts'; 'inappropriate relationships with sources, targets or others'.

[104] This category combines the following risks identified by five commanders: 'secondary employment'; 'unauthorised secondary employment'; 'authorised secondary employment being performed outside of criterion that led to acceptance'.

Table 6.1: Categories of misconduct risks identified by commanders – continued

Misconduct risk category Misconduct in relation to:	No. of risks nominated in each category	No. of commands nominating risks in each category			
		Metropolitan	Rural	Specialist	Total
Highway patrol[105]	6	2	4	0	6
Other position types[106]	6	3	2	0	5
Lack of supervision/ isolation of officers[107]	5	2	3	0	5
Inadequate investigations[108]	5	2	2	1	5
Lack of compliance with policy and procedure[109]	5	1	2	0	3
Off-duty behaviour[110]	5	2	1	0	3
Failure to report corrupt conduct/lack of willingness to discuss ethical dilemmas etc[111]	5	0	0	2	2
Customer service[112]	4	1	3	0	4

[105] This category combines the following risks identified by six commanders: 'highway patrol – large number of heavy vehicles – drivers of heavy vehicles, where their driving is an employment issue, might be more likely to try to avoid a ticket than other motorists, don't think that most motorists are prone to offering bribes'; 'Duty type – highway patrol (minimal supervision, higher incidence of complaint)'; 'inappropriate dealings with motorists in regards to highway patrol officers issuing infringements and the possibility of accepting gratuities in lieu of writing out an infringement notice'; 'highway patrol – always a risk because they are out in the middle of no where and have little day to day supervision – could take a bribe or let a friend off'; 'highway patrol police interacting with visitors to the area'.

[106] This category combines the following risks identified by five commanders: 'Duty type: Crime Team (minimal supervision, plain clothes, sources)'; 'Duty type: Detectives (minimal supervision, plain clothes, sources)'; 'detectives located away from main station reduces effectiveness of supervision'; 'risk of specialised insular sections for example, drug squad, anti-theft, Tag and detectives forming inappropriate relationships'; 'Proactive team – particularly drug unit – because of the nature of the work – ensuring strict supervision is the greatest challenge. They are working in plain clothes, have more latitude than general duties – opportunities are greater. General duties responds to a job and then writes it off – proactive work not getting same level of documentation – relies on level of supervision'; 'drug detections – officer detects someone with drugs at an outstation – to try to reduce allegations and temptations of theft'.

[107] This category combines the following risks identified by five commanders: 'lack of supervision in a large geographical area (isolation of some officers)'; 'isolation of some officers and related lack of supervision (also property handed in at smaller stations - may be less likely to follow procedures)'; 'isolation of officers working alone – lack of supervision and supervising by distance'; 'low supervision in high workload environment'.

[108] This category combines the following risks identified by five commanders: 'failure to investigate'; 'inadequate investigations – haven't interviewed everyone, not taken all statements – part inexperience and part supervision'; 'failure to investigate/failed prosecutions/court brief preparation'; 'investigations (compliance with procedures)'; 'investigation security'.

[109] This category combines the following risks identified by three commanders: 'insubordinate behaviours, disobedience, harassment, bullying'; 'general failure to comply with policy and procedure such as completing motor vehicle diaries, failure to sign out a portable'; 'CMF – temptation for some officers, potential lying, temptation to write something done when not done, laziness; 'systems issues'; 'overall compliance'.

[110] This category combines the following risks identified by three commanders: 'drug use'; 'off duty intoxicated related behaviour'; 'off duty behaviour – e.g. licensed premises – getting too intoxicated and being identified as a police officer in a small rural community – "piss and bad manners"'; 'breach of confidentiality to do with police business – a lot of these relate to off duty behaviour – secondary employment and socially talking but where can be overheard'; 'young age of police attached to the [command] risks exposure to drug use'.

[111] This category combines the following risks identified by two commanders: 'unprofessional standards of behaviour and performance'; 'a workplace where staff re not willing to discuss ethical dilemmas'; 'insufficient recording, monitoring or disclosure of [un]ethical behaviour or corruption issues'; 'failure to report misconduct and corruption'.

Table 6.1: Categories of misconduct risks identified by commanders – continued

Misconduct risk category Misconduct in relation to:	No. of risks nominated in each category	No. of commands nominating risks in each category			
		Metropolitan	Rural	Specialist	Total
Abuse relating to legal process[113]	4	0	0	3	3
Excessive force/assault[114]	4	2	1	1	4
Licensed premises[115]	4	3	1	0	4
Sick leave/Inappropriate use of sick leave[116]	4	1	2	1	4
Noble cause corruption[117]	3	0	0	3	3
Custody/charging[118]	3	1	2	0	3
Harassment/Sexual harassment[119]	3	3	0	0	3
Drugs/money – combining theft and personal use[120]	2	1	1	0	2
Firearms[121]	2	1	0	1	2
Reckless driving/poor driving[122]	2	1	1	0	2
Receiving/not declaring gifts[123]	2	0	2	0	2

[112] This category combines the following risks identified by four commanders: 'customer service/fail to investigate'; 'poor/inappropriate work ethic related to customer service'; 'customer service – rudeness, perceived or actual hostility – identified as the most common type of complaint made'; 'rudeness, incivility'.

[113] This category combines the following risks identified by three commanders: 'abuse of legal process relating to "letters of assistance"'; 'inappropriate disclosure/abuse relating to legal process i.e., briefs of evidence, electronic device and search warrants, controlled operations applications'; 'Failure to follow strict evidence management policies'; 'Misunderstood, inadequate or incorrect evidence delivered to the higher courts that may result in adverse case law'.

[114] This category combines the following risks identified by four commanders: 'excessive use of force'; 'inappropriate use of force'.

[115] This category combines the following risks identified by four commanders: 'licensed premises within [command]'; 'dealing with licensed premises – risk if officers become too familiar with hotel management, will not issue infringement notices or carry out other aspects of enforcement notices (such as for underage drinkers) appropriately'; '[command] has always been aware of misconduct matters relating to the misuse of alcohol and inappropriate relationships with licensed premises. This includes officers within and from outside command'; 'licensing officer – temptation to accept free drinks and/or free meals for turning blind eye – also risk of consumption of alcohol on duty'.

[116] This category combines the following risks identified by four commanders: 'sick leave'; 'inappropriate use of sick leave'; 'sick leave/absenteeism'.

[117] All three risks included in this category used the same description: 'noble cause corruption'.

[118] This category combines the following risks identified by three commanders: 'assault of prisoners in custody'; 'custody/charging'; 'charge room – risk that prisoner may be injured or assaulted or self harm'.

[119] This category combines the following risks identified by three commanders: 'sexual harassment'; 'harassment'; 'harassment & discrimination'.

[120] This category combines the following risks identified by two commanders: 'exposure to drugs – i.e. theft of drugs and/or personal use – upon arrest and seizing of drugs always opportunity due to age, inner city exposure to drug usage'; 'drugs/money – including theft of exhibits, personal use of drugs, supply of drugs. This is considered a risk because of the level of contact with drug users and suppliers – provides opportunities – though hasn't seen it as a problem here – but need to be considered a risk – officers who are most likely to come in contact with drugs are those working in the TAG'.

[121] This category combines the following risks identified by two commanders: 'firearms security'; 'arms & appointments (loss of firearms)'.

[122] This category combines the following risks identified by two commanders: 'reckless high speed driving of police vehicles'; 'use of motor vehicles – poor driving – not a common one here'.

[123] This category combines the following risks identified by two commanders: 'acceptance of gifts or favours – not saying that it is identified here – just a risk for police in general'; 'receiving gifts/not declaring gifts, not entering them in the gift

Table 6.1: Categories of misconduct risks identified by commanders – continued

Misconduct risk category Misconduct in relation to:	No. of risks nominated in each category	No. of commands nominating risks in each category			
		Metropolitan	Rural	Specialist	Total
Failed prosecutions[124]	2	2	0	0	2
Rosters[125]	2	0	1	1	2
Equity with regard to opportunities to undertake higher duties[126]	2	0	1	1	2
Pervert course of justice	1	1	0	0	1
Court attendance	1	1	0	0	1
Specific police station	1	0	1	0	1
Other risks:					
- community factors[127]	3	0	2	1	3
- officer attitudes[128]	2	0	1	1	2
- officer numbers[129]	2	1	0	1	2
- miscellaneous[130]	4	2	0	1	3
Total	**169**	**57**	**53**	**31**	**141**

register – country people are very generous, will offer gratuities – because they are generous people – officers may not tell those offering gifts that it is inappropriate to offer gifts'.

[124] This category combines the following risks identified by two commanders: 'brief failure – accidental/deliberate'; 'failed prosecutions'.

[125] This category combines the following risks identified by two commanders: 'rosters'; 'rosters and overtime (overinflation of overtime)'.

[126] This category combines the following risks identified by two commanders: 'equality with regard to opportunities to undertake higher duties'; 'equitable relieving'.

[127] This category combines the following risks identified by three commanders: 'knowledge of who makes complaint against officer - because it is such a small town it is relatively easy for officers to work out who (either IPC or member of the community has made the complaint against them'; 'cultural diversity issues relating to core business'; 'lower workloads attributable to smaller country sectors leave officers with a great deal of time and opportunity to engage in unauthorised activities not aligned to core duties or priorities'.

[128] This category combines the following risks identified by two commanders: 'officers consider themselves to be elite'; 'generational and social beliefs and values in relation to drugs and alcohol and policing in these areas given those social beliefs'.

[129] This category combines the following risks identified by two commanders: 'Shared Duty Officers [SDO] shift system. The risk is that an SDO will not be aware of High Risk Officers in other LACs'; 'Overburdened staff might accept what they are being told by investigators and not consistently and comprehensively search electronic items for all related evidence, good and bad'.

[130] This category combines the following risks identified by three commanders: '"Blind eye"/"fixing" licensing issues and receipt of goods for same'; 'employee management'; 'performance management'.

The broad categories used in Table 6.1 may mask differences in the ways that some commanders view the misconduct risks facing officers within their commands. Taking the category of 'misuse of information' as an example, commanders described their risks slightly differently, as the following responses demonstrate:

> Misuse of information (Rural Commander)
>
> Inappropriate release of information (Metropolitan Commander)
>
> COPS access (2 Metropolitan Commanders + 1 Rural Commander + 1 Specialist Commander)
>
> Improper access to information on COPS and other databases (Specialist Commander)
>
> Computer access (unlawful access, inappropriate materials) (Specialist Commander)
>
> Unlawful computer access (Metropolitan Commander)
>
> Systems abuse – computers (Rural Commander)
>
> Computer access audits (Rural Commander)
>
> Security of intelligence records and holdings (Metropolitan Commander)

It is unclear, for example, whether the commanders who nominated 'COPS access' as a risk were referring to the same or a different risk from the commander who specified 'computer access audits' and whether or not either of these risks were the same or different from the one referred to by the commander who nominated 'Systems abuse – computers'. The value of developing a standardised method to describe and communicate misconduct risks is raised at the end of this chapter.

Differences in level of detail

Commanders differed in the detail of their descriptions of misconduct risks. For example, each of the following commanders nominated 'source management' as a misconduct risk:

> Source management. (Metropolitan Commander + 2 Rural Commanders)
>
> Source Management – source management system is a risk because a lot of police don't see it as an easy system - hence risk is that some officers would take shortcuts. (Rural Commander)
>
> Source management – dealing with sources – level of expertise isn't quite as good as it was years ago – improper or not recording of contacts. Unless everything is properly documented there is the opportunity for sources to run the handlers or meetings not recorded. Police promising rewards to sources – while this is a potential problem, not aware of it happening at [this Command]. Sources have split rewards with officers, so officers colour the information. (Metropolitan Commander)

> Inappropriate relationships with sources, targets or others. (Specialist Commander)

From these descriptions it is clear that one commander considers that the risk lies with the complexity of the system which may result in some officers taking shortcuts, while another commander considers that the misconduct risk relates to the level of expertise and potential failure to document contacts appropriately. For those commanders who have described the risks simply as 'source management' it is not clear which aspect (or aspects) of the management of informants are considered to comprise the risk.

Some other commanders gave detailed descriptions of the risks facing officers in their commands as the following examples illustrate:

> Off-duty behaviour – e.g. licensed premises – getting too intoxicated and being identified as a police officer in a small rural community – 'piss and bad manners'. (Rural Command)

> Knowledge of who makes complaint against officer – because it is such a small town it is relatively easy for officers to work out who (either IPC [Internal Police Complainant] or member of the community) has made the complaint against them. (Rural Command)

In contrast, some other commanders gave brief unembellished descriptions of their misconduct risks, as the following five examples provided by five different commanders illustrate:

> Court attendance (Metropolitan Commander)

> Sexual harassment (Metropolitan Commander)

> Search warrants (Rural Commander)

> Drug exhibits (Rural Commander)

> Employee Management (Specialist Commander)

It is not possible to determine whether the differences in the detail provided in the risk descriptions reflect differences in the ways that the commanders conceptualise the risks or reflect the amount of time given to the task of describing these risks. However, while the nature of the misconduct risk may be clear to the commanders who used these summary terms, such brief descriptions do not clarify for others the nature of the specific misconduct risk to be managed. Some of the items on this list such as 'COPS access', 'court attendance', 'search warrants', 'drug exhibits', 'travel allowance' and 'employee management' are routine aspects of police work. By simply listing such routine aspects of police work as misconduct risks it is not clear what aspect or aspects of the work are considered to constitute the risk.

Generic versus command-specific misconduct risks

While many of the misconduct risks nominated by commanders could be considered to be generic in so much as they could apply to the majority of NSW Police Force commands; others, as illustrated by the examples in the following paragraphs, were

more tailored to the specific circumstances of their individual command. Some of the descriptions of these more specific risks mention the physical size of the command, the isolation of the officers, the level of experience of the officers, officer attitudes, the size of the community and attitudes of members of the community to be policed. (Refer to Chapter 4 for information about the ways in which commands differed in terms of such characteristics.) For example, one of the two rural commanders who said that their command's misconduct risks had not previously been identified nominated the following four misconduct risks as those facing officers in his command:

> Isolation/remoteness allows for less consistent supervision on a personal or face-to-face basis, which then allows for greater opportunities to engage in corruption or misconduct.
>
> Higher risk of 'noble-cause' corruption with familiarity of single unit sector policing when a single unit officer becomes an accepted member of the local community.
>
> Lower workloads attributable to smaller country sectors leave officers with a great deal of time and opportunity to engage in unauthorised activities not aligned to core duties or priorities.
>
> Inappropriate recalling of police to duty after hours to embellish overtime payments.

One misconduct risk or two?

Some commanders distinguished different risks within the same broad category. For example one specialist commander nominated 'unauthorised secondary employment' and 'authorised secondary employment being performed outside of criterion that led to acceptance' as two of the eight misconduct risks faced by officers in his command.[131] Similarly one metropolitan commander listed 'Activity: Search Warrants' and 'Activity: Search Warrant Videos' as two of six misconduct risks he considered faced officers working in his command.

On the other hand, descriptions of some individual misconduct risks combined what might appear to be disparate issues. For example, the following description combines a particular work type being located in a different building with consequent supervision problems:

> Detectives located away from main station reduces the effectiveness of supervision. (Metropolitan Commander)

Similarly, in the following example, theft of exhibits, personal drug use and drug supply are combined within the one misconduct risk:

> Drugs/money – including theft of exhibits, personal use of drugs, supply of drugs. This is considered a risk because of the level of contact with drug users and suppliers – provides opportunities – though hasn't seen it as a problem here – but needs to considered a risk – officers who are most

[131] These two misconduct risks, specified by the one commander, comprise two of the six misconduct risks categorised as 'Secondary employment' in Table 6.1.

> likely to come in contact with drugs are those working in the TAG. (Rural Commander)[132]

Risks associated with different policing roles

Some commanders identified different types of positions or roles as having specific misconduct risks. The six commanders who specified 'highway patrol' as a misconduct risk, each elaborated why they considered it to be a risk, as illustrated below:

> Highway patrol – large number of heavy vehicles – drivers of heavy vehicles, where their driving is an employment issue, might be more likely to try to avoid a ticket than other motorists, don't think that most motorists are prone to offering bribes. (Metropolitan Command)

> Duty type: Highway Patrol (Minimal supervision, higher incidence of complaint). (Metropolitan Command)

> Inappropriate dealings with motorists in regards to Highway Patrol Officers issuing infringements and the possibility of accepting gratuities in lieu of writing out an infringement notice. (Rural Command)

> Highway patrol – always a risk because they are out in the middle of no where and have little day-to-day to supervision – could take a bribe or let a friend off. (Rural Command)

> Highway Patrol Police interacting with visitors to the area. (The Commander stated that he considers the highest risk of misconduct within the Command to be related to Highway Patrol Police interacting with people travelling through the area.) (Rural Command)

> Highway patrol officers – option of someone offering them a bribe to not be offered a ticket, preferential treatment or perception of preferential treatment for someone they may know. (Rural Command)

In addition to highway patrol officers some commanders identified detectives, or other specialised units such as their crime team or their proactive team, as misconduct risks for their command, for example:

> Duty type: Crime Team (Minimal supervision, plain clothes, sources). (Metropolitan Command)

> Proactive team, and particularly drug unit, because of the nature of the work – ensuring strict supervision is the greatest challenge. They are working in plain clothes, have more latitude than general duties – opportunities are greater. General duties responds to a job and then writes it off – proactive work not getting same level of documentation – relies on level of supervision. (Metropolitan Command)

> The risk of specialised insular sections for example drug squad, anti-theft, TAG and detectives forming inappropriate relationships (Rural Command).

[132] This misconduct risk was categorised as 'Drugs/money – combining theft and personal use' in Table 6.1.

When is a misconduct risk relevant to a command?

Commanders may have used different criteria for determining whether it was appropriate to include or exclude a particular risk in their responses to the Commission. For example, in the 'drugs/money' misconduct risk provided above the commander has stated 'though hasn't seen it as a problem here – but needs to be considered a risk'. Similarly, one of the misconduct risks specified by the rural commander who specified 19 misconduct risks was expressed as follows:

> Acceptance of gift or favours – not saying that it is identified here - just a risk for police in general. (Rural Commander)

It is possible that other commanders who listed fewer misconduct risks may not have included those risks that they, like the commander quoted above, considered to be a 'risk for police in general'.

CONSIDERING THE RISKS IN CONTEXT

Some of the misconduct risks identified by commanders were associated with specific types of police work, such as those associated with search warrants or those associated with source or informant management. One would expect that any misconduct opportunities or vulnerabilities associated with search warrants would only be an issue for those commands that conduct search warrants. Similarly one would expect that any misconduct opportunities or vulnerabilities associated with source (or informant) management would only be an issue for those commands that use informants or sources.

In Table 6.2 the number of commands that said that they performed particular work types (which was discussed more fully in Chapter 5) are compared with the number of commanders who identified misconduct risks associated with this area of work. Only selected work types, which are readily linked to work types examined as part of this project, are included in this table. Information for local area commands (combining metropolitan and rural commands) is displayed separately from the information pertaining to specialist commands.

From Table 6.2, it is noteworthy that all four of the specialist commands or squads that said that they access confidential information on a daily or weekly basis, identified misuse of confidential information as a misconduct risk for officers working within these commands. This, however, was not the case for metropolitan and rural local area commands where only seven of the 20 commanders who said that they accessed confidential information on a daily basis had identified misuse of confidential information as a misconduct risk.

Similarly, for each of the other work types listed in Table 6.2, the number of commands undertaking that type of work exceeds the number of commanders who identified it as being associated with a misconduct risk for officers working in their command.

Table 6.2: Comparison of commands undertaking different work types with commands identifying misconduct risks associated with these work types

Work type	No. of local area commands[133] (n=20)		No. of specialist commands/squads (n=5)	
	Undertaking work at least monthly	Nominating area as a misconduct risk	Undertaking work at least monthly	Nominating area as a misconduct risk
Access confidential information[134]	20	7	4	4
Handle property/exhibits	20	10	4	1
Arrest individuals[135]	20	4	4	1
Carry out criminal investigations	20	4	3	1
Inspect licensed premises	20	4	2	0
Present evidence in court[136]	19	2	4	3
Undertakes traffic patrols/Highway patrol	20	6	1	0
Use informants/source management	16	5	2	1
Execute search warrants	14	6	4	0

In the same way, the number of commanders who identified misconduct risks associated with lack of supervision in a large geographical area or the isolation of officers (two metropolitan commanders and three rural commanders) is fewer than the number of commanders who had identified the physical size of their commands as a distinguishing feature of their command (discussed more fully in Chapter 4 of this report).

This raises the question of whether the potential misconduct risks for commands undertaking the same work (or those with the same physical features) actually differ or the potential risks are the same (though possibly mediated differently in different commands) but these risks are not recognised by some commanders.

[133] Includes both metropolitan commands and rural commands.

[134] Each of these 20 local area commands said that they access confidential information on a daily basis and the four specialist commands said that they access confidential information on a daily or a weekly basis.

[135] The risks associated with this work type are those which were nominated by commanders in relation to excessive force and custody/charging.

[136] The risks associated with this work type are those which were nominated by commanders in relation to abuse relating to legal process, perverting the course of justice and failed prosecutions.

HAD THE IDENTIFIED RISKS BEEN DOCUMENTED?

When commanders were asked whether they were aware of any documentation listing the misconduct risks potentially being faced by officers in their command:

- 17 commanders – eight metropolitan commanders, five rural commanders and four specialist commanders – said that they were aware of such documentation
- three commanders – two metropolitan commanders and one rural commander – responded 'yes and no'
- two commanders – one rural commander and one specialist commander – said that they were not aware of such documentation
- three commanders – one metropolitan commander and the two rural commanders, who had previously advised that their command misconduct risks had not been identified – did not answer the question.

Eleven commanders who nominated documents listing the misconduct risks referred solely to their command's corruption prevention or corruption resistance plan. One commander referred to his command's 'Activity Diary'. Five commanders referred to a series of documents, including documents produced outside of the command, for example:

> The Corruption Prevention Plan. Survey results. (Metropolitan Commander)
>
> CMT minutes. Emails. (Rural Commander)
>
> Some are identified on the corruption resistance plan. The c@ts.i categories provide a list of all (or most of) the risks. (Rural Commander)
>
> Audit report from Commissioner's Inspectorate. Corruption resistance plan. (Specialist Commander)

An examination of the corruption resistance (or prevention) plans that commanders had said documented the command's misconduct risks revealed that for only two commands did the misconduct risks nominated by the commander replicate those in the corruption resistance plan. In one case the corruption resistance plan did not list any misconduct risks. In other cases, while the corruption resistance plan did document risks, there were some risks identified in the plan that were not mentioned by the commander. Also some of the risks identified by the commander were not documented in the plan. (Differences between misconduct risks nominated by commanders and those recorded in command documentation are discussed further in Chapter 7.)

Of the commanders who responded 'yes and no' to whether their commands' misconduct risks were documented, the two metropolitan commanders each referred to several sources of documentation (including the CMT minutes, induction packages) for some misconduct risks, while stating that there was no documentation for other misconduct risks. These commanders also clarified that there is no one list or repository for this information. The rural commander advised that his command had a list of 'strategies' rather than 'risks'.

DID COMMANDERS CONSIDER THAT MISCONDUCT RISKS WERE LIKELY TO CHANGE IN THE NEXT FIVE YEARS?

As can be seen from Table 6.3, the most frequent response was that commanders did not consider that command misconduct risks were likely to change in the next five years.

Table 6.3: Commanders' views on whether misconduct risks likely to change in next 5 years by command type

	Metropolitan Commands (n=11)	Rural Commands (n=9)	Specialist Commands (n=5)	All Commands Sampled (n=25)
Yes – misconduct risks likely to change	2	4	1	7
No – misconduct risks not likely to change	6	2	3	11
Don't know	3	1	1	5
Not applicable*	-	2	-	2

* Two of the three commands, which had responded to an earlier question that they had not identified command misconduct risks prior to the Commission's survey, did not answer this question.

Some examples of comments given to support this position include:

> It is not considered that in this older conservative developed area risks will change within the next five years. (Metropolitan Command)
>
> Not if the population is stable and policing numbers are stable. (Rural Command)
>
> I do not anticipate that the misconduct risks will change over the next 5 years but in saying this I am always mindful there is a possibility of new risks being identified and I am vigilant in scanning the environment to identify new potential risks. (Specialist Command)

Those commanders who considered that misconduct risks were likely to change in the next five years identified the following as factors that may impact upon the misconduct risks within their commands:

- recent and ongoing high recruitment levels, for example:

> Misconduct risks are likely to change in the next five years. Recent and ongoing high recruitment levels will mean that a larger proportion of the workforce will be limited in experience. At the completion of the new [command] police station … for the first time in ten years … [this] will be a custody station which will add a further series of misconduct risks we don't have at this time. (Metropolitan Command)

- the building of a new police station, for example:

> Some will – with the building of a new police station some of the risks will be reduced because of greater capacity to supervise when all under the same roof. Other risks may not change. (Rural Command)

- population growth in the region, for example:

> Probably going to increase due to population growth in this region … will experience an increase in 'customer service' and 'lack of investigation' complaints. Demographic of people who move … here – can afford the area or looking to retire – their expectations are probably higher than those of other people. This in turn is likely to lead to more customer service and failure to investigate complaints. (Rural Command)

- developments in technology or changes in legislation, for example:

> … with developments in technology, legislation, economic and crime environment. (Specialist Command)

Those commanders who were not sure whether their misconduct risks were likely to change in the next five years referred to possible influences such as changes in the community population, filling of vacant duty officer position, legislative changes, technological changes and changes within the NSW Police Force hierarchy:

> Depends if increasing population leads to increase in number of organised crime/ethnic gangs, it may present an increased risk of inappropriate associations. (Metropolitan Command)

> Once the position [of duty officer for Professional Standards] is filled, that officer will have the responsibility for addressing the misconduct risks – and identifying strategies. (Metropolitan Command)

> Thinking of new legislation, changes within the community, new Commissioner – new deputies, new police station – change in leadership in the organisation which will be reflected throughout the organisation … Current misconduct risks will always be there. (Rural Command)

> It's a good hypothetical question. I don't have a crystal ball. I would think that if there would be some change, considering the growth in the population in the community – what will the changes be? – may have more sectors operating as satellite stations. However, moves in technology may strengthen ability to supervise officers in these satellite stations – e.g. GPS tracking on vehicles, mobile finger printing. Officers with heavy workloads tend to take short cuts, may not conduct thorough investigations. (Rural Command)

6.5 SUMMARY AND IMPLICATIONS

SUMMARY

All of the commanders were able to identify some misconduct risks that they considered were faced by officers in their command. In total, the 25 commanders identified 169 misconduct risks, with the numbers of risks identified by individual commanders ranging from one to 19. The majority of commanders (22 out of 25) advised the Commission that they had identified their misconduct risks prior to the Commission's survey. Even for the three commanders who said that the misconduct risks for their commands had not been identified, there was evidence that someone had identified and documented command misconduct risks at some time in the past.

The findings highlight the diversity in what different commanders perceive to be the misconduct risks faced by their officers. The misconduct risks identified by commanders differed in their nature as well as the way in which they were expressed. There were similarities and some differences between the misconduct risks that had been identified by the sampled commands and those identified by Chief Executive Officers and Chairpersons across the broader NSW public sector.

While many of the misconduct risks nominated by commanders could be considered to be generic in so much as they could apply to the majority of NSW Police Force commands, others were more tailored to the specific circumstances of their command referring to factors such as the physical size of the command, the isolation of the officers, and attitudes of members of the community to be policed.

Where misconduct risks related to specific types of police work, it is noteworthy that frequently the number of commands undertaking that type of work exceeded the number of commanders who identified the work as being associated with a misconduct risk. This raises the question of whether the potential misconduct risks for commands undertaking the same work actually differ or the potential risks are the same (though possibly mediated differently in different commands) but these risks are not recognised by some commanders.

Only two of the 25 sampled commands had a documented list of all of the misconduct risks the commander had identified (in their corruption resistance plan). For the remaining 23 commands, while some of the misconduct risks may have been recorded in different documents there was not one discrete source where officers could go to find a list of these misconduct risks.

While almost half of the commands in the sample did not consider that their misconduct risks were likely to change in the next five years, those which did discuss the possibility of change provided some insight into factors that they considered might drive their misconduct risks. Such factors included staff experience, the physical premises from which the officers worked and community demographics. These commanders discussed how:

- recent and ongoing high recruitment levels will result in a larger proportion of officers having only limited experience

- the construction of a new police station at one command would include additional facilities which will increase the misconduct risks faced by officers at that command, while at another command a new police station will reduce misconduct risks as a result of supervision being facilitated by having all officers located in the one building
- population growth in the region and the demographics of those likely to move into the area are anticipated to lead to increased expectations and an associated increase in the number of customer service and failure to investigate complaints within one command; to a possible increase in crime and ethnic gangs with the related risks of inappropriate associations in another command; and to a possible increase in the number of sectors operating as satellite stations within a third command
- developments in technology such as GPS tracking on vehicles and mobile fingerprinting may assist in supervising officers in remote locations.

IMPLICATIONS FOR MINIMISING POLICE MISCONDUCT

As stated at the beginning of the chapter, commanders' perceptions of the misconduct risks facing their commands are of interest both because commanders are in a key position to identify these risks and because their perceptions are likely to impact upon the way that police misconduct is managed within their command.

1. Developing a standardised method of describing and communicating misconduct risks

The differences in the ways that commanders expressed the misconduct risks that they considered faced officers in their command – ranging from detailed descriptions of specific circumstances facing specific subgroups of officers to brief unembellished labels for common officer activities such as 'telephone usage' – suggests that commanders may not have a shared understanding of, or at least a shared method of expressing, what might constitute a misconduct risk.

The value in identifying misconduct risks is so that they can be communicated, recognised and managed. As noted earlier in this chapter, while the nature of the misconduct risks may be clear to commanders who used summary terms to describe the risks facing officers within their command, such brief descriptions do not clarify for others the nature of the specific risk to be managed. To assist in more clearly describing the risk, it is suggested that commands include the following information in their misconduct risks descriptions:

- the types of officers or roles that might face the risk, for example, whether it is a risk that may be encountered by all officers in the command or only those undertaking a particular type of police work (e.g. detectives or officers working in a particular location) or only those with a particular length of service
- the nature of the risk to the officer(s), that is what is it that puts the officer at risk (e.g. it may be the complexity of a policy that puts the officer at risk, the opportunity for theft or the frustrations with a process)
- at risk of what, that is what type of misconduct might the individual officer engage in (e.g. taking short cuts, show bias in applying the law)

- what would be the harmful consequences to the officer, the command and to the NSW Police Force if this were to eventuate?

2. Identifying the missing risks

One of the risks associated with identifying and managing misconduct risks is that some significant misconduct risks may be overlooked. The question of which misconduct risks have been overlooked will be considered further in the next chapter which describes other sources of information about command misconduct risks. In the final chapter of this report, the Commission recommends a structured approach that commands can use to identify their misconduct risks as a strategy to minimise the likelihood of commands overlooking their significant integrity hazards and associated misconduct risks.

As noted previously, a large number of identified risks does not necessarily result in more misconduct occurring. It is important that the misconduct risks are identified both so that they can be managed at a command level and so that officers can be made aware of these risks in order to help them recognise the risks and know how to respond to them.

3. Retaining the commander's perspective

The misconduct risks identified by the commander were recorded in a single document for only two of the 25 commands that participated in this study. In collecting the information for Project Manta, the Commission observed significant staff movement, including the movement of commanders, across commands. The absence of documentation of commanders' understanding of the misconduct vulnerabilities facing officers working in their commands may result in officers within the command not being aware of these misconduct risks as well as the loss of this information to the command when the commander moves on. Communication of the misconduct risks is discussed further in Chapter 9.

7. MISCONDUCT RISKS: BEYOND THE COMMANDER'S PERSPECTIVE

7.1 OVERVIEW

In accordance with Project Manta's aim of obtaining a better understanding of the misconduct risks facing NSW Police Force commands, the Commission reviewed documents that were provided by the sampled commands to identify misconduct risks in addition to those nominated by commanders. The Commission also analysed complaints data for the sampled commands for recurrent or extraordinary issues as indicators of potential areas of misconduct risk faced by officers working at the commands. This chapter describes these findings.

This chapter also compares commanders' perspectives of the misconduct risks facing officers who work at their commands with the misconduct risks identified by the Commission from other sources. This comparison may provide an insight into some risks which might otherwise be overlooked by some commands as well as a better understanding of the sources of information that may have informed commanders' perspectives. Further information on the processes and sources of information used by commands to identify misconduct risks is provided in Chapter 8.

7.2 WHAT THE LITERATURE SAYS

The misconduct risks faced by an organisation can be identified using several methods. Gorta (2006) identifies four:

> examining the nature of the work the organisation undertakes, asking those who know the organisation the best what they consider the corruption risks to be, identifying the corruption prevention strategies in place and examining staff awareness of relevant policies and practices (p. 203).

Another method is to examine the documents of an organisation to see whether it has identified and recorded its misconduct risks (Independent Commission Against Corruption 2003, p. 29).

Complaints are another useful source of information to identify misconduct risks. This is recognised by commentators such Ede, Homel and Prenzler (2002a) who have noted:

> the potential for using complaints data to identify and remedy misconduct problems in policing and to reduce complaints (p. 27).

In their work, Ede, Homel and Prenzler (2002a) have also observed that:

> complaints are a potentially rich source of information about corruption or inappropriate police practices from a preventive and diagnostic perspective (p. 29).

Complaints can also represent opportunities for organisational and individual learning. For example, Her Majesty's Inspectorate of Constabulary (2006), remarked:

> In its statutory guidance the [United Kingdom's] IPCC [Independent Police Complaints Commission] suggests that the Police Service should move to a complaint-centred approach, where complaints are seen as opportunities for organisational and individual learning and for service improvement (p. 66).

The fact that complaints may not be sustained is not grounds for not looking at them to determine the existence of misconduct risks. Writing about the implementation and impact of the Fitzgerald Inquiry reforms in Queensland, the Criminal Justice Commission (1997) observed that:

> Focusing only on substantiated allegations almost certainly leads to an understating of the extent of police misconduct, because complaints categorised as 'unsubstantiated' include many matters where it is *possible* that the police behaved improperly, but insufficient evidence was available to support a criminal or disciplinary charge. In addition, the number of substantiated complaints recorded in any given year is sensitive to changes in reporting and recording practices, as well as to changes in the way in which complaints are dealt with (for example, greater use of informal resolution will result in fewer matters being recorded as substantiated) and the efficacy of the complaints investigation process (p. 111).

At the very least, complaints may also reveal areas of potential conflict between police and citizens:

> Complaints are also indicative of undesirable conflict between police and citizens. While conflict is inevitable if police are doing their job properly, it is desirable to try to minimise antagonisms wherever possible. Complaints are one indicator of conflict, and reducing complaints – without dissuading genuine complainants – will be a legitimate goal of any police integrity agency – internal or external (Ede, Homel & Prenzler 2002a, p. 29).

7.3 TYPES OF INFORMATION COLLECTED

The Commission asked local area commanders as well as commanders of specialist commands and squads for the following documentation:

- any documentation listing the misconduct risks that have been identified as potentially being faced by officers working in their command
- any documentation listing strategies for reducing or managing misconduct risks
- induction materials
- corruption resistance or prevention plans
- the command's Command Management Framework
- minutes of the command's Complaint Management Team (CMT) meetings over the past 24 months
- any other relevant information, including documentation.

Furthermore, the Commission obtained and analysed complaints data for all of the sampled commands. This data was obtained from c@ts.i, the NSW Police Force's electronic complaints management system, and included information relating to, amongst other things:

- complaints attracted by officers working at each command over a two-year period
- complaint summaries and details
- issues (allegations) raised in each complaint
- minor and major complaint categories assigned to each complaint
- subject officers involved in each complaint.

The Commission analysed the complaints data for trends and extraordinary issues as indicators of potential misconduct risks facing officers working at the commands.

7.4 WHAT WE FOUND BEYOND THE COMMANDER'S PERSPECTIVE

MISCONDUCT RISKS IN THE DOCUMENTS PROVIDED BY COMMANDS

Misconduct risks were identified in a variety of documents provided by commands. The documents may be categorised as follows:

- documents produced by the command that listed misconduct risks faced by officers at the command and strategies to treat them. These documents included corruption resistance, prevention or professional standards plans; business plans; and unit corruption prevention strategies
- documents produced for the command by NSW Police Force oversight units listing potential misconduct risks faced by officers working at the command. These included Operations and Crime Reviews (OCR) and complaint reviews by the Professional Standards Command
- minutes of Complaint Management Team (CMT) meetings
- minutes of other meetings, including Management Team meetings and Team Development Reviews
- Corruption Resistance/Ethical Culture Surveys
- documents relating to the Command Management Framework (CMF)
- other documents, including command memoranda, induction packages, secondary employment applications, and procedural manuals.

Misconduct risks in documents produced by commands

The misconduct risks facing officers working at NSW Police Force commands are sometimes documented by commands. The most common document listing these risks and the strategies to treat them is the command's corruption resistance, prevention or professional standards plan. At one command, they were also listed in the business plan. At another command, they were listed in a document headed 'Unit Corruption Prevention Strategies'. Nineteen of the sampled commands had documented their misconduct risks in one or another of these document types.

In order to summarise the nature of the misconduct risks identified in the documents, the risks were grouped into 33 broad categories. Table 7.1 describes both the number of risk identified in command documentation in each category as well as the number of commands (out of 19) documenting risks in each category. The footnotes to this table illustrate the variations in descriptions of the misconduct risks grouped within each category.

As described in Table 7.1, the most common categories of misconduct risk in command documents included:

- misuse and security of information and information systems
- customer service
- leave issues
- property in police possession (exhibits, drugs, money, property).

A number of the misconduct risks contained in corruption resistance plans and related documents closely resembled Command Management Framework (CMF) portfolios. (Refer to Chapter 3 and Appendix 1 for further information about the CMF.) Four commands, in particular, provided documents indicating that they had expressly used the CMF to identify risks, including their misconduct risks. These four commands also included the 'CMF' as a misconduct risk in their plans. Examples of misconduct risks documented in the corruption resistance plans of these commands include, amongst others, risks pertaining to:

- Arms and Appointments
- Assets Management
- Exhibits
- Miscellaneous Property.

Table 7.1: Categories of misconduct risks in documents produced by commands – Summary table

Misconduct risk category Misconduct in relation to:	No. of risks nominated in each category	No. of commands nominating risks			
		Metropolitan (n=8)	Rural (n=6)	Specialist (n=5)	Total (n=19)
Misuse and security of information and information systems[137]	27	7	6	4	17
Customer service[138]	16	6	4	1	11
Leave issues[139]	13	4	4	3	11
Property in police possession (exhibits, drugs, money, property)[140]	12	6	2	0	8
Misuse of police resources[141]	9	2	2	3	7
Drug and alcohol abuse[142]	6	4	2	1	7
Poor brief handling[143]	5	4	3	0	7
Secondary employment[144]	7	3	2	2	7
Improper associations and conflicts of interest[145]	7	1	4	2	7

[137] This category combines 14 risk descriptions: 'communications', 'computer access', 'computer access – ensuring compliance with recording procedures', 'police email system', 'maintaining computer system integrity', 'COPS access and management', 'electronic messaging', 'employees dealing with sensitive and personal information on a daily basis', 'illegal or improper use of computers', 'improper access of briefs of evidence', 'inappropriate material on Memo system', 'information integrity', 'security of records and intelligence holdings', 'improper or unauthorised dissemination of intelligence holdings'.

[138] This category combines 10 risk descriptions: 'customer service', 'customer service – increased involvement of community in policing', 'customer service – interactions of First Response Police', 'customer service – regular training/information relating to customer service delivery', 'customer service – STMP [Suspect Targeting Management Plan] Targeted Offenders', 'lack of feedback/explanation', 'rudeness', 'service delivery', 'victim of crime follow-up', 'unjustifiable delay in finalising inquiry'.

[139] This category combines six risk descriptions: 'annual leave', 'sick leave', 'short term sick leave', 'failure of staff to report for duty (related to inappropriate use of FACS leave, sick leave and secondary employment)', 'sick leave management', 'inappropriate use of internal processes i.e., sick leave, secondary employment, travel allowance, higher duties'.

[140] This category combines nine risk descriptions: 'Drug Bag Register', 'exhibits (general)', 'exhibits (DNA)', 'exhibits (money)', 'exhibits (drugs)', 'exhibits (property)', 'exhibits mishandled', 'miscellaneous property', 'property in police possession'.

[141] This category combines nine risk descriptions: 'abuse, mismanagement or misuse of police resources', 'high value assets (equipment) misuse or theft', 'inappropriate use of police resources', 'inappropriate use of NSW Police property i.e., vehicles, equipment and assets', 'mobile telephone/telephones', 'motor vehicle usage contracts and accidents', 'motor vehicle usage (FBT liability)','use of motor vehicles', 'use of assets and equipment'.

[142] This category combines five risk descriptions: 'alcohol and licensed premises', 'drugs and alcohol abuse', 'drugs and alcohol use by staff', 'substance abuse (prescribed drugs)', 'substance abuse (drugs and alcohol)'.

[143] This category combines five risk descriptions: 'brief handling (non-service of briefs)', 'brief management', 'brief preparation', 'briefs of evidence', 'poor quality briefs (drug unit)'.

[144] This category combines three risk descriptions: 'secondary employment', 'secondary employment (authorised/unauthorised)', 'inappropriate use of internal processes, i.e., sick leave, secondary employment, travel allowance, higher duties'.

[145] This category combines six risk descriptions: 'conflicts of interest', 'criminal association with police service personnel', 'improper associations', 'inappropriate associations and conflicts of interest', 'inappropriate relationships with sources, targets or others', 'inappropriate relationships'.

Table 7.1: Categories of misconduct risks in documents produced by commands – continued

Misconduct risk category Misconduct in relation to:	No. of risks nominated in each category	No. of commands nominating risks			
		Metropolitan (n=8)	Rural (n=6)	Specialist (n=5)	Total (n=19)
Arms, appointments, equipment and other personal issue[146]	9	4	2	0	6
Search warrants[147]	6	3	2	1	6
Source management[148]	4	3	1	2	6
High risk work or duty types[149]	14	2	1	3	6
Fail to create an ethical culture[150]	7	2	0	3	5
Performance management[151]	5	4	1	0	5
Investigative deficiencies[152]	9	4	1	0	5
Workplace harassment and discrimination[153]	5	3	0	1	4
Complaint management[154]	5	4	0	0	4
Command Management Framework[155]	4	3	1	0	4

[146] This category combines eight risk descriptions: 'firearms', 'appointments', 'portable equipment', 'personal issue', 'accountable books', 'loss of equipment', 'deployment of OC spray', 'security of appointments'.

[147] This category combines three risk descriptions: 'search warrants', 'investigations – ensure compliance with search warrants SOPS', 'abuse relating to legal process, i.e., briefs of evidence, electronic device and search warrants, controlled operations applications'.

[148] This category combines three risk descriptions: 'source management', 'informant management', 'inappropriate relationships with sources, targets or others'.

[149] This category combines 14 risk descriptions: 'Duty Type – Crime Team (minimal supervision, plain clothes, sources)', 'Duty Type – Detectives (minimal supervision, plain clothes, sources)', 'Duty Type – Highway Patrol (minimal supervision, higher incidents of complaints)', 'high risk management areas', 'investigations – case management', 'investigations – ensure compliance with search warrant SOPS', 'Investigations – supervision of high risk teams', 'investigations – victim care', 'licensing – improve professionalism regarding licensing enforcement', 'licensing – improved resistance to unethical associations', 'non-compliance with Controlled Operations Act (drug unit)', 'Operational security (drug unit)', 'Planned Operations – non-compliance with SOPS', 'investigation security'.

[150] This category combines seven risk descriptions: 'a workplace that fails to appropriately report misconduct and corruption', 'a workplace where staff are not willing to discuss ethical dilemmas', 'misconception that employees who act corruptly are immune from disciplinary action or prosecution', 'ethics awareness', 'fail to create an ethical culture', 'insufficient recording, monitoring or disclosure of ethical behaviour or corruption issues', 'corruption resistance'.

[151] This category combines two risk descriptions: 'performance management', 'poor performance'.

[152] This category combines nine risk descriptions: 'failure to properly manage investigations', 'failure to properly manage/investigate investigations', 'investigations – deficiencies and timeliness', 'investigations – timeliness, quality, completeness and cost effectiveness', 'investigations – case management', 'investigations – ensure compliance with search warrant SOPS', 'Investigations – supervision of high risk teams', 'investigations – victim care', 'statute barred MVAs [motor vehicle accidents]'.

[153] This category combines four risk descriptions: 'workplace harassment', 'workplace discrimination', 'sexual harassment', 'bullying'.

[154] This category combines four risk descriptions: 'complaints', 'complaints handling properly [*sic*] (drug unit)', 'failure to identify patterns of complaints e.g., failed prosecutions', 'officer complaint analysis'.

[155] This category combines two risk descriptions: 'Command Management Framework', 'non-compliance CMF'.

Table 7.1: Categories of misconduct risks in documents produced by commands – continued

Misconduct risk category Misconduct in relation to:	No. of risks nominated in each category	No. of commands nominating risks			
		Metropolitan (n=8)	Rural (n=6)	Specialist (n=5)	Total (n=19)
Making false claims, rorting overtime, travel allowance etc.[156]	3	2	0	1	3
Off-duty behaviour[157]	3	1	2	0	3
Use of force[158]	3	1	2	0	3
Unprofessional standards of behaviour[159]	3	1	0	2	3
Noble cause corruption[160]	2	0	1	2	3
Relieving opportunities and promotion[161]	4	0	1	1	2
Abuse of legal processes[162]	3	0	0	2	2
Failed prosecutions[163]	2	2	0	0	2
High risk officers[164]	2	2	0	0	2
Internal witnesses[165]	2	1	1	0	2
Court processes[166]	2	2	0	0	2
Gifts and gratuities[167]	2	1	1	0	2
Station security[168]	3	1	1	0	2
Other[169]	15	4	3	2	9

156 This category combines three risk descriptions: 'inappropriate use of internal processes, i.e., sick leave, secondary employment, travel allowance, high duties', 'rosters, shifts, penalties and overtime', 'travel allowance'.

157 This category combines three risk descriptions: 'licensing – police conduct on licensed premises (on/off duty)', 'off duty conduct', 'off duty deviant behaviour'.

158 This category combines two risk descriptions: 'excessive use of force', 'use of force'.

159 This category combines two risk descriptions: 'unprofessional standards of behaviour and performance', 'professional behaviour'.

160 This category includes one risk description: 'noble cause corruption'.

161 This category combines four risk descriptions: 'equitable relieving', 'promotion', 'relieving opportunity (development/assessment)', 'workload – equity/effort sharing'.

162 This category combines three risk descriptions: 'abuse of legal processes – embellishment or untruths in search warrants, TI, LD, Controlled Operation applications', 'abuse of legal processes relating to letters of assistance for sources', 'abuse relating to legal process, i.e., briefs of evidence, electronic device and search warrants, controlled operations applications'.

163 This category includes one risk description: 'failed prosecutions'.

164 This category includes one risk description: 'identification and management of high risk officers'.

165 This category includes one risk description: 'internal witnesses'.

166 This category combines two risk descriptions: 'court attendance', 'future CANs, AVOs, warrants and subpoenas'.

167 This category combines two risk descriptions: 'gifts and gratuities', 'gratuities/rewards – gift register'.

168 This category combines three risk descriptions: 'cash on hand', 'integrity of station safes, keys, cash handling', 'station security'.

Also noteworthy were that six commands documented misconduct risks pertaining to high risk work or duty types and five commands documented risks relating to a failure to create an ethical culture. This indicates that some commands recognise the unique misconduct risks that apply to certain types of policing, for example:

> duty type – crime team (minimal supervision, plain clothes, sources) (Metropolitan Command)
>
> investigations – supervision of high risk teams (Rural Command)
>
> licensing – improved resistance to unethical associations (Rural Command)
>
> non-compliance with Controlled Operations Act (drug unit) (Metropolitan Command)

Some commands also recognise that a failure to create an ethical culture is a misconduct risk in itself. Some risk descriptions included in this category were:

> a workplace where staff are not willing to discuss ethical dilemmas (Specialist Command)
>
> misconception that employees who act corruptly are immune from disciplinary action or prosecution (Specialist Command)
>
> fail to create an ethical culture (Metropolitan Command)
>
> insufficient recording, monitoring or disclosure of ethical behaviour or corruption issues. (Specialist Command)

A comparison of the misconduct risks nominated by commanders with those described in the documentation from these 19 commands (see Table 7.2) reveals that:

- on average, there were more misconduct risks listed in command documents than were nominated by commanders. The documents listed between two and 27 (median of 10) risks compared to the 19 commanders who listed between 2 and 19 (median of 5) misconduct risks
- two of 19 commanders described misconduct risks that were identical to those listed in their command documents. This suggests that the commanders had consulted these plans when responding to the Commission
- the misconduct risks nominated by five of the 19 commanders were not reflected in the command documents examined by the Commission
- the number of misconduct risks that were nominated by commanders and included in their command documents ranged from one to 14 (median of 1)

[169] This category combines fourteen 'other' risk descriptions: 'abuse of office', 'pervert course of justice', 'staff not attending duty location', 'systems management', 'criminal behaviour and gross misconduct', 'cultural diversity issues relating to core business', 'employee management', 'financial accountability', 'high level of junior staff exposing the command to adverse attention through inappropriate decision-making', 'lack of staff and workload – could lead to corner cutting, discouraging proactive work, staff becoming stressed', 'opportunistic risks', 'user pays', 'staff accountability', 'accountability – code of conduct and ethics'.

- commanders' responses about the misconduct risks facing officers working at the commands tended to be more detailed than those listed in their command documents.

Table 7.2: Comparison of number of misconduct risks nominated by commanders with number of misconduct risks listed in command documents[170]

Command type[171]	No. of risks nominated by commander	No. of risks listed in command documents	No. of commander nominated risks listed in documents
Rural	4	16	0
Metropolitan	5	6	0
Specialist	2	7	0
Rural	4	5	0
Specialist	7	2	0
Rural	2	27	1
Rural	3	13	1
Rural	5	5	1
Metropolitan	2	4	1
Specialist	8	3	1
Metropolitan	2	25	2
Metropolitan	6	13	2
Metropolitan	6	21	4
Metropolitan	14	15	4
Metropolitan	5	5	5
Rural	19	5	8
Specialist	10	10	10
Metropolitan	13	16	11
Specialist	14	16	14

[170] Documents include: corruption resistance plans, corruption prevention plans, professional standards plans, business plans, and other documents such as Unit Corruption Prevention Strategies.

[171] This table includes only 19 of the 25 sampled commands. This is because only 19 provided the Commission with relevant command documents which listed the misconduct risks faced by officers at the command. One of the sampled commands did not have any documents of this kind. Five other commands provided documents, but these documents did not list misconduct risks.

Misconduct risks in documents produced for commands

The misconduct risks facing officers working at NSW Police Force commands are sometimes documented for the commands by other NSW Police Force units which provide an oversight function. Examples were provided by two of the sampled commands in the form of:

- a complaint review by the Professional Standards Command
- an Operations and Crime Review (OCR) by the former Commissioner's Inspectorate.

One commander said that he had requested a complaint review for his command after he had heard that this service, provided by the Professional Standards Command, was under-utilised because few commands were requesting it. The commander provided the Commission with a copy of the Professional Standard Command's report, dated August 2006, that analysed the command's complaint profile and reported on trends within a period:

> [The command] received the highest number of c@ts.i issues for LMI Issues (79) followed by unreasonable use of force including assault (31), Investigations (21) and Arrests Issues (16). (Metropolitan Command)

When identifying his command's misconduct risks to the Commission in July 2007, this commander identified only one risk: 'Exhibits (including drug exhibits)'. He added that:

> Other risks would be the same as other commands – e.g. COPS audits, search warrants etc. (Metropolitan Command)

Misconduct risks relating to the areas highlighted in the Professional Standards Command's analysis – unreasonable use of force including assault, investigations and arrest issues – were not mentioned by the commander in his response to the Commission.

The second document, dated January 2007, identified a command's risks based on an audit of the command, principally in the form of its Command Management Framework (CMF). The review highlighted risks relating to, amongst other things, fleet maintenance, corruption resistance, rosters, financial systems, and arms and appointments.

In relation to corruption resistance, the review identified the following issues, amongst others:

> The Corruption Resistance Plan is generic and does not address unique risks for the unit.
>
> There is no evidence of culture surveys having been conducted in the past twelve months.
>
> There was also no structured format for identification of high risk officers, however, anecdotal evidence was presented of an officer who was considered a risk - this officer has since left the unit.

…

> The unit's Corruption [Resistance] Plan does not have clear links to the CMF. (Specialist Squad)

The commander listed all risks identified by the OCR in his response to the Commission, with the exception of the risks relating to the CMF and corruption resistance planning inactivity.

Complaint Management Team meeting minutes

As described in Chapter 3, Complaint Management Teams are mandatory for all NSW Police Force commands. Their responsibilities, at the time that the commands supplied information to the Commission for Project Manta, would appear to include the identification of command-wide misconduct risks or at the very least the identification of issues requiring 'organisational action'. The Commission requested sampled commands to provide a copy of the minutes of CMT meetings over the previous 24 months. The Commission undertook a review of these CMT meeting minutes to identify any misconduct risks they had identified for officers working at the commands. From its review, the Commission found that CMTs in only five of the 25 sampled commands had identified such risks within the minutes of their meetings. These risks were:

> Brief handling – non compliance of procedures, particularly by detectives. (Metropolitan Command)
>
> Misuse of the email system – sending inappropriate emails. (Two Metropolitan Commands + 1 Specialist Command)
>
> Loss of exhibits – breakdown in correct exhibit handling procedures. (Metropolitan Command)
>
> Failed prosecutions. (Metropolitan Command)
>
> Statute barred investigations – motor vehicle accidents. (Metropolitan Command)
>
> Loss of police property. (Metropolitan Command)
>
> COPS access. (Metropolitan Command)
>
> Incorrect use of vehicle diaries. (Metropolitan Command)
>
> Unprofessional language in the workplace. (Metropolitan Command)
>
> Security and storage of firearms off-site. (Metropolitan Command)
>
> Security of confidential information. (Rural Command)
>
> Wasting resources by checking significant events on COPS – i.e. unessential COPS inquiries related to significant events at other commands. (Rural Command)

> Document recording/receipting – for internal and external correspondence. (Rural Command)
>
> Unauthorised computer access. (Specialist Squad)
>
> Secondary employment. (Specialist Squad)

Commanders at three of these five commands nominated one or two risks that were also reflected in the minutes of CMT meetings. The remaining two commanders did not nominate any of the risks that had been documented in the minutes of their CMT meetings.

It is interesting to note that the CMT minutes of one metropolitan command identified risks in relation to officers attached to a specialist squad which formed part of the project sample. The relevant minutes of the command's CMT meetings indicate that officers from the squad were observed obtaining free meals and drinks at a local function centre on at least two separate occasions. The minutes note that after the first occasion, a report was forwarded to the commander of the squad for attention, who assured the command that the 'practice would cease'. On the second occasion, the command's CMT minutes record the following information:

> Inspector … tabled a report concerning this matter and explained its background. It would appear that police from [squad] are attending functions at the [name of local function centre] in uniform and are obtaining free meals and drink there. The XO advised that similar incidents were reported in the CMT 4-6 weeks ago and that [the metropolitan command's superintendent] forwarded a report to [the commander of the squad] who assured him this practice would cease.

The minutes record that the matter was referred to the Region, and that a decision was later made by the metropolitan command to refer the matter back to the specialist squad and remove the matter from its minutes:

> [The Professional Standards Manager] has directed that this matter be assessed by the … LAC CMT. In the circumstances and bearing in mind that previous papers were forwarded to the [Squad's commander] for a similar occurrence it was agreed that the XO should hold this matter pending the return [of the LAC superintendent] from duties at APEC.
>
> Matter to remain in minutes.
>
> [The superintendent] advised he considers this to be a matter that should be dealt with by the [Squad] administration. He directed the XO to forwarded [*sic*] these papers to the commander [of the squad] …
>
> When done, this matter is to be removed from the minutes.

These complaints were not reported to the Commission by the specialist squad. Nor were they referenced in any of the documents that the squad provided. While there may be many reasons why the specialist squad did not include this information amongst the material it provided to the Commission, this example does raise the possibility that one command may be in a position to provide information concerning possible misconduct risks facing another command.

Other meeting minutes

For some commands, the Commission obtained the minutes of other management team meetings, such as the minutes of Command Management Team meetings and Team Development Reviews. From its review of these minutes, the Commission found three examples of where these meetings had highlighted the existence of misconduct risks for officers working at the commands. These risks related to:

- brief handling and management
- exhibits
- poor policing response to domestic violence incidents.

- The risks related to brief handling and exhibits were also nominated by commanders at these commands. However, the risk relating to domestic violence policing was not mentioned by the relevant commander.

Staff corruption resistance surveys

Staff surveys provide an opportunity for command staff to become involved in the identification of misconduct risks. They are important because they can provide staff perspectives of misconduct risks facing officers working at the command. Three sampled commands provided the Commission with copies of these surveys; however, only one provided results. Where the results were provided, the survey had involved 60 per cent of the command. Off- and on-duty alcohol-related issues were the risks most frequently reported in the survey, followed by lack of supervision, inexperience of staff and management's handling of complaints. Other risks identified by officers in their survey responses included: inappropriate associations, unsecured ERISP (Electronically Recorded Interview of Suspected Persons) tapes, bullying, failure to report misconduct, brief storage and security, falsification of rosters, disclosure of confidential information, improper use of police vehicles, and inadequate investigations.

The survey formed the basis of the commander's response to the Commission, when outlining his views of the misconduct risks facing officers who work at the command:

> The [command] has always been aware of misconduct matters relating to the misuse of alcohol and inappropriate relationships with Licensed Premises. This includes officers within and from outside the command. This has historically been an issue and was again identified during an internal staff survey/review. This includes 'off-duty' behaviour. (Metropolitan Command)

It is noteworthy that one command's corruption resistance plan included reference to the use of staff surveys to identify misconduct risks. The plan states:

> Staff were surveyed anonymously (via Region) at this command and region-wide in [date] to identify their perceptions of risk generally and areas of possible corruption/unethical behaviour to assist in establishing benchmarks.
>
> …

> In terms of the [command] staff survey benchmark, a new risk factor, i.e., not part of the Region Matrix, was identified (& was said to be the greatest risk) - *lack of staff & workload*. Whilst a local Plan can not influence Field Services allocations, the officers comments are particularly relevant and informative:
>
> - Lack of staff leads to corner cutting, taking shortcuts
> - Increased workload & insufficient staff discourages proactive work
> - Staff become stressed from being overworked
> - Some officers appear to be allocated more work yet consistently out perform others. (Rural Command)

Other documents

A number of other documents provided by commands sometimes refer to misconduct risks facing officers working at the commands. Examples were provided by five of the sampled commands in the form of: induction packages, command memoranda, secondary employment applications, and procedural manuals. The misconduct risks identified in these documents concerned:

> inappropriate use of email (Metropolitan Command)
>
> gun security (Rural Command)
>
> accountability of Official Police Notebooks (Rural Command)
>
> improper use of motor vehicles - integrity of covert vehicles (Specialist Command)
>
> evidence collection (Specialist Command)
>
> secondary employment – use of police resources (Specialist Command)
>
> failure to report misconduct. (Specialist Command)

Two of the risks identified in these sources – secondary employment and improper use of motor vehicles – were reflected in the responses given by commanders.

MISCONDUCT RISKS REVEALED IN THE COMMISSION'S ANALYSIS OF COMPLAINTS DATA

The Commission obtained and analysed complaints data for all of the sampled commands to provide an additional source of information about the types of misconduct risks faced by individual commands. The data comprised all complaints (and constituent allegations or issues) received, regardless of the outcome[172], about officers working at the sampled commands over two calendar years (2005 and 2006). The number of complaints made against officers working in local area commands during this two-year period ranged from 11 to 151 complaints. (Refer to Appendix 3 for further information on the Commission's analysis of complaints data, complaint numbers and rates of complaints at the different commands.)

The Commission analysed the complaints data for trends (or 'recurrent complaint issues') and 'extraordinary issues' as indicators of the potential misconduct risks faced by officers working at the commands. Issues that were deemed 'extraordinary', for example the loss of a large quantity of drug exhibits, even if present in only one such complaint, were earmarked by the Commission as potential indicators of misconduct risk. So too were 'recurring complaint issues' such as unreasonable use of force or contextual themes such as task environment, provided they occurred in 15 per cent or more of complaints within a command as well as in a total of five or more complaints over the two-year period.[173] Using these criteria, recurring issues and themes were identified for a total of 12 commands (see Table 7.3 for the number of commands in which specific recurrent complaint issues and contextual themes were identified) and specific extraordinary issues for 16 commands (see Table 7.4 for the number of commands in which specific extraordinary complaint issues were identified).

Table 7.3: Recurrent complaint issues and contextual themes identified from the Commission's analysis of complaints

Complaint Issue	Identified as a recurrent issue or theme for the following number of commands:			
	Metropolitan	Rural	Specialist	Total
Unreasonable use of force	7	3	0	10
Threatening behaviour	1	3	0	4
Inadequate investigations or fail to investigate	2	0	0	2
Police attracting complaints on traffic duties	1	0	0	1

With regard to recurring complaint issues, the Commission found that unreasonable use of force had figured in between 15 and almost 30 per cent of complaints at ten commands. The issue of threatening behaviour figured in between 16 and 20 per cent

[172] Given that the complaint outcome was not considered, it is possible that the analysed data may have included complaints that were declined for investigation by the NSW Police Force. Inclusion of any declined complaints is unlikely to have a noticeable effect on the results, given that a separate analysis undertaken by the Commission revealed that less than 1% of a set of 83,495 complaints had been declined.

[173] These rules were devised to ensure that the Commission was fair in how it judged recurrent complaints given the different numbers of complaints about officers at the sampled commands. These rules also minimise the influence of any individual complaint on the recurrent issues identified.

of complaints at four commands. The issues of fail to investigate or inadequate investigation figured in between 15 and 17 per cent of complaints at two commands.

Table 7.4: Extraordinary issues identified from the Commission's analysis of complaints

Complaint Issue	Identified as an extraordinary issue for the following number of commands:			
	Metropolitan	Rural	Specialist	Total
Workplace sexual harassment	3	0	1	4
Off-duty conduct	2	0	0	2
Failure to investigate offences in relation to licensed premises	2	0	0	2
Sexual or indecent assault of persons in custody	2	0	0	2
Unsecured drug exhibits	1	1	0	2
Theft of seized property during search	1	0	1	2
Improper associations	1	1	0	2
Misuse of resources, especially vehicles	1	0	0	1
Falsification of CIDS [Computerised Incident Dispatch System] records	0	1	0	1
Unauthorised secondary employment and use of sick leave	0	1	0	1
Misuse of firearms	0	1	0	1
Improper behaviour when interviewing children	0	1	0	1
Aboriginal death in custody	0	1	0	1
Disobeying policy due to conflict with religious and cultural beliefs	1	0	0	1
Security of informant's identity	0	1	0	1
Prisoners escaping from custody	0	1	0	1
Supply of drugs and protection of persons involved in drug supply	0	1	0	1
Unauthorised release of information	1	0	0	1
Target setting – inflating RBT [Random Breath Testing] results to meet targets	1	0	0	1

Table 7.3 also includes one contextual theme – police attracting complaints on traffic duties – which was present in just under 20 per cent of complaints at one command. Currently, the information that must be recorded for police complaints on the police complaints system, c@ts.i, does not include contextual information relating to the task environment in which a complaint is attracted. While the Commission planned to

extract themes from the data that is currently available it could not do so for all commands. This theme was discovered fortuitously from the complaint narratives for one command, which indicated the contexts in which police had attracted complaints. Recurring contextual factors may also have been apparent at other commands, however, these could not be determined from the information recorded on c@ts.i.

A comparison of commanders' perspectives to the Commission's analysis of complaints data shows commanders rarely included any of these misconduct risks when describing to the Commission the risks faced by officers who work at their commands. Commanders at only two of the 12 commands for which the Commission identified recurring complaint issues referred to these risks in their response to the Commission. In both cases, this misconduct risk related to unreasonable use of force. Similarly, commanders at only three of the 16 commands for which the Commission identified extraordinary issues referred to these risks in their response to the Commission. The misconduct risks in these cases related to:

- off-duty conduct (alcohol related)
- failure of officers to investigate offences at licensed premises
- theft and the conduct of searches
- workplace sexual harassment.

OVERALL COMPARISON OF COMMANDERS' PERSPECTIVES WITH MISCONDUCT RISKS IDENTIFIED FROM OTHER SOURCES

Table 7.5 provides a comparison of the number of misconduct risks nominated by individual commanders with the number of misconduct risks identified by the Commission for each command from command documents and complaint analysis. When the 169 misconduct risks identified by commanders were compared to the 316 misconduct risks that the Commission identified in command documentation or in complaints made about officers in the sampled commands, it was found that only 84 of the risks were identified both by commanders and from the Commission's review of documentation and complaint analyses.

Half (85) of the misconduct risks identified by commanders were not reflected in command documentation. As discussed in Chapter 6, commanders' perceptions of the misconduct risks facing their commands are of interest because commanders are in a key position to identify these risks and because their perceptions are likely to impact on the way that police misconduct is managed within their command. Where misconduct risks identified by commanders are not documented, this leaves open the possibility that some officers may be unaware of these risks and hence not recognise these risks or respond appropriately when faced with such risks. Also any knowledge of these risks may be lost when the commander moves from the command.

On the other hand, almost three-quarters (232) of the misconduct risks identified in command documentation or through complaint analyses were not mentioned by commanders. There is no suggestion that one source of information about misconduct risks is correct while another source is incorrect. However, this comparison may provide an insight into some of the misconduct risks which might be overlooked by some commands.

Table 7.5: Comparison of number of misconduct risks nominated by commander with number of misconduct risks identified by the Commission from other sources

Command type	No. of risks nominated by commander	No. of risks identified by the Commission[174]	No. of corresponding risks
Metropolitan	9	1	0
Rural	10	1	0
Metropolitan	5	9	0
Metropolitan	3	4	0
Rural	9	1	0
Specialist	2	7	0
Rural	6	1	0
Rural	4	17	1
Rural	2	31	1
Rural	3	18	1
Rural	4	9	1
Metropolitan	1	24	1
Metropolitan	2	7	2
Rural	5	9	2
Metropolitan	2	25	2
Specialist	8	6	4
Metropolitan	6	22	4
Metropolitan	6	19	5
Metropolitan	14	17	5
Specialist	7	12	6
Metropolitan	5	7	7
Rural	19	11	7

(Table 7.5 is continued on the next page.)

[174] Combined total of risks identified by the Commission from its review of complaints data and documents provided by the sampled commands (including Corruption Resistance Plans, Corruption Prevention Plans, Professional Standards Plans, one Business Plan, and one Unit Corruption Prevention Strategies document; one Operation and Crime Review and one complaint review by the Professional Standards Command; the minutes of meetings of Complaint Management Teams, Management Teams and Team Development Reviews; and other documents, including command memoranda, induction packages, secondary employment applications, and procedural manuals).

Table 7.5: Comparison of number of misconduct risks nominated by commander with number of misconduct risks identified by the Commission from other sources - continued

Command type	No. of risks nominated by commander	No. of risks identified by the Commission[175]	No. of corresponding risks
Specialist	10	16	10
Metropolitan	13	19	11
Specialist	14	23	14
Totals	**169**	**316**	**84**

Risks nominated by commanders but not identified in documentation or complaints analyses by the Commission

Overall, 85 risks nominated by commanders were not matched by any of the risks identified by the Commission for their commands from its review of documents and complaints data. There was no apparent pattern in the types of misconduct risks identified by the commander but not included in command documentation. These undocumented misconduct risks covered a broad range of areas as the following examples illustrate:

- risks related to types of work undertaken by many commands:

  search warrants (Metropolitan Command)

  COPS access (Metropolitan Command)

  drug exhibits (Rural Command)

  source management (Rural Command)

- geography and lack of supervision:

  Detectives located away from main station reduces the effectiveness of supervision. (Metropolitan Command)

- risks associated with specific policing duties:

  Highway patrol – large number of heavy vehicles – Supt considers that drivers of heavy vehicles, where their driving is an employment issue,

[175] Combined total of risks identified by the Commission from its review of complaints data and documents provided by the sampled commands (including Corruption Resistance Plans, Corruption Prevention Plans, Professional Standards Plans, one Business Plan, and one Unit Corruption Prevention Strategies document; one Operation and Crime Review and one complaint review by the Professional Standards Command; the minutes of meetings of Complaint Management Teams, Management Teams and Team Development Reviews; and other documents, including command memoranda, induction packages, secondary employment applications, and procedural manuals).

> might be more likely to try to avoid a ticket than other motorists, doesn't think that most motorists are prone to offering bribes. (Metropolitan Command)

> Greatest risk – in proactive team, and particularly drug unit, because of the nature of the work – ensuring strict supervision is the greatest challenge. They are working in plain clothes, have more latitude than general duties – opportunities are greater. GD [General Duties] responds to a job and then writes it off – proactive work not getting same level of documentation – relies on level of supervision. (Metropolitan Command)

- risks associated with young age of police attached to the command, for example:

> Young age of police attached to the LAC risks exposure to drug use. (Metropolitan Command)

- risks associated with the culture of a command or community that it serves, for example:

> Improper associations – people associated with the drug culture – because of the issues of [the command] – find teachers & doctors up here who don't think that drugs are a crime – this is part of culture – that has to influence officers who have been up here for a while. (Rural Command)

> Officers consider themselves to be the elite. (Specialist Command)

> Receiving gifts/not declaring gifts, not entering them in the gift register - Country people are very generous will offer gratuities – because they are generous people – officers may not tell those offering gifts that it is inappropriate to offer gifts. (Rural Command)

Risks identified by the Commission but not nominated by commanders

Overall, 232 of the misconduct risks identified by the Commission for individual commands were not included in the risks nominated by the commanders. Once again there was no readily discernable pattern in the types of misconduct risks derived by the Commission from its review of documents provided by the commands that were not nominated by commanders. These misconduct risks covered a broad range of areas as the following examples illustrate:

> computer access (4 Metropolitan Commands)

> excessive use of force (1 Metropolitan Command + 1 Rural Command)

> noble cause corruption (2 Specialist Commands, 1 Metropolitan Command)

> secondary employment (3 Metropolitan Commands, 1 Rural Command, 1 Specialist Command)

> exhibits/Miscellaneous property (2 Metropolitan Commands)

> search warrants (3 Metropolitan Commands, 1 Rural Command)

> failure to report misconduct … Intimidation of senior police over junior police. Fearful of reporting corrupt behaviour or senior officers (Metropolitan Command)
>
> bullying … The misuse of authority and victimisation of staff for personal gratification and for use in later promotion applications. Corporate bullying (Rural Command)
>
> poor policing response to domestic violence incidents (Rural Command)
>
> staff survey benchmark identified a new risk factor … said to be the greatest risks – lack of staff and workload … which officers commented could lead to corner cutting, discouraging proactive work, staff becoming stressed. (Rural Command)

7.5 SUMMARY AND IMPLICATIONS

SUMMARY

The Commission's review of documentation provided by commands revealed that misconduct risks facing officers working in NSW Police Force commands are documented in a variety of sources. Corruption resistance, prevention or professional standards plans are the most common form of command documentation that list the misconduct risks faced by officers who work at individual commands. From its review of these plans, the Commission found that the plans for 19 of the 25 sampled commands listed misconduct risks, which ranged in number from two to 27. The description of these risks were for the most part unembellished, including headings such as 'COPS access', 'customer service', 'improper association' and 'search warrants'.

Less commonly, the misconduct risks faced by officers who work at NSW Police Force commands were found in other documents. The most noteworthy was an example of a Corruption Resistance/Ethical culture survey, which provided a staff perspective of the risks faced by officers working at a particular metropolitan command.

The minutes of Complaint Management Team (CMT) meetings turned out to be a relatively poor source of information about risks faced by officers working at the sampled commands. From its review of CMT minutes, the Commission found that only five commands had recorded command misconduct risks within their CMT minutes. Even in these cases, however, the Commission found examples with difficulty; for the most part, they were embedded in the minutes of individual complaint matters and rarely, if ever, recorded in a separate section within the minutes.

Comparing the misconduct risks identified by individual commanders to the misconduct risks identified for individual commands by the Commission from other sources revealed that more than half (85) of the misconduct risks identified by commanders were not reflected in command documentation. On the other hand, almost three-quarters (232) of the misconduct risks that were identified by the Commission from other sources were not referred to by commanders when they listed the misconduct risks faced by officers in their commands. There was no apparent pattern in the types of misconduct risks identified by one source but not by the other.

IMPLICATIONS FOR MINIMISING POLICE MISCONDUCT

Several implications can be drawn from the information that has been described in this chapter. Overall, these relate to how commands identify and document the misconduct risks facing officers.

1. It is important that commanders' perspectives on misconduct are documented

Commanders' perspectives on the misconduct risks facing officers who work at their commands are important because commanders, as leaders, occupy key positions in defining and managing these risks. Their sometimes detailed descriptions of these misconduct risks reflect this importance. Therefore, it is valuable that commanders' perspectives are included among the sources of information that commands use to formally identify risks. It is equally important these perspectives are formally documented. This is a necessary first step in ensuring that the officers who work at their commands are aware of these risks and that the knowledge of commanders is not lost when commanders transfer to other commands, are promoted or retire.

2. Complaint analyses can provide a useful source of information on misconduct risks and can be improved by making better use of contextual information

Complaints can provide commands with information not only about individual officer conduct but also about the broader misconduct risks facing officers who work at NSW Police Force commands. Apart from identifying recurring complaint issues, the Commission's analysis indicates that, where possible, recording and analysing contextual material such as location and policing activity pertaining to complaints can assist commands develop a better understanding of their misconduct risks. This could be achieved by making better use of numerous fields in c@ts.i relating to, for example:

- officer's duty type (for example: highway patrol, licensing, investigation, crowd control)
- location of alleged incident (for example: in front of shopping complex, at a railway station, outside a hotel, at the front desk of the police station)
- officer's activity at the time of complaint (for example: arresting an offender, interviewing a domestic violence suspect).

This would allow commands to not only identify complaint issues, but the contexts in which officers attract complaints and enable commands to develop better strategies for managing misconduct risks and reducing complaints. It would enable commands to better understand the dynamic circumstances of complaints within their commands, for example, that complaints relating to unreasonable use of force are overwhelmingly attracted by officers working in particular sectors or in particular policing roles or while undertaking particular duties.

3. Ethical culture surveys provide commands with a staff perspective on misconduct risks

Ethical culture surveys can provide commands with a valuable perspective on the misconduct risk facing officers who work at NSW Police Force commands. The example provided by one of the sampled commands revealed that the results of the survey were used by the commander to support their description of the risks facing officers at the command. It is acknowledged that use of these surveys was recommended in the standard Corruption Resistance portfolio of the CMF.

4. Corruption resistance plans need to be tailored to reflect risks faced by officers working at individual commands as well as the specific risks faced by officers working in different positions

Corruption resistance plans, in one form or another, provide a command with the main documentation of its misconduct risks. Such plans potentially provide officers with an easily accessible source of information about their misconduct risks. From the analysis undertaken in this chapter, however, there is a need to tailor these plans to describe the particular types of misconduct risks that may be specific to the command. The misconduct risks included in a command's plan should include those risks associated with different types of work undertaken by the command; and take into consideration how command characteristics, such as the presence of licensed premises or physical distance covered by the command, may impact on this work and the associated misconduct risks, for example, the misconduct risks facing licensing officers at this command.

Misconduct risks included in plans should be clearly expressed. Unelaborated risk labels such as 'arms and appointments', which appear in some plans, do not provide a clear description of the misconduct risk that these officers face. What is it, for example, about 'arms and appointments' that poses a misconduct risk for the officers at these commands?

5. Commands can benefit by using more of the sources of information to which they have access when identifying their misconduct risks

The Commission is of the view that one can obtain a better understanding of the nature of the misconduct risks facing officers working at any command by considering a variety of sources. The Commission would encourage commands to consider the various sources of information, summarised in this chapter, to assist in ensuring that their own misconduct risk identification and assessment process is comprehensive.

6. One command may be able to provide information about another command's misconduct risks

One command may be in a position to provide valuable information to another command about the misconduct risks facing officers working at that other command, for example, where officers from one command are reported to be engaging in misconduct in a second command. It is important that this is recognised at a corporate level and that guidance is provided to commands on how this information can be communicated. Commands receiving such information should also be held accountable for addressing those misconduct risks.

8. PROCESSES FOR IDENTIFYING MISCONDUCT RISKS

8.1 OVERVIEW

Whilst previous chapters have focused primarily on *what* the identified risks are, this chapter provides information regarding *how* commands go about identifying and assessing their misconduct risks. It provides a description of the processes and sources of information used by commands to identify misconduct risks, highlighting distinctive strategies developed by some individual commands in a series of case studies.

8.2 WHAT THE LITERATURE SAYS

The importance of implementing effective misconduct risk identification and management strategies to the minimisation of corruption and other forms of misconduct has been well recognised. The Fraud and Corruption Control Australian Standard (AS 8001-2008) states:

> The application of contemporary risk management principles is seen as fundamental to the prevention of fraud and corruption (Standards Australia 2008, p. 13).

More specifically in relation to police misconduct, in his report of the Royal Commission into the NSW Police Service, Justice Wood (1997b) stated that:

> 9.36 Individual managers need to identify high-risk areas and implement strategies to reduce that risk. They also need to be aware of the conditions which allow or lead to corruption, and of the staff who are vulnerable (p. 531).

Various guidelines have been published that outline the steps in a risk management process, including the steps to identify and assess different types of risks. Of particular relevance are guidelines regarding risk management (in general) and corruption or misconduct risk management (in particular). Risk identification and assessment strategies from the Occupational Health and Safety field are also of interest because of their relevance for identifying and assessing the hazards and vulnerabilities which can place a police officer's integrity at risk.

AN OVERVIEW OF THE RISK MANAGEMENT PROCESS

While different guidelines divide the risk management process into slightly different steps, there is commonality in the nature of the steps and processes described. While they may use different labels, the various guidelines each include steps that concern:

- identifying the nature of the risks
- assessing (or analysing and evaluating) the risks
- determining the ways of treating, controlling, mitigating or managing the risks
- implementing strategies to treat the risks

- reviewing the nature of the risks and the effectiveness of the treatment strategies.[176]

All see the process as a continuing one, with an emphasis on communication (often including documentation), monitoring and review. (See for example Archbold 2004, p. 48; Archbold 2005, p. 31; Standards Australia 2008, p. 20.) Furthermore, the Auditor-General of Queensland (2007, p. 23) has advised that the process needs to be methodical, documented and involve more than simply reviewing previously identified risks.

Australian/New Zealand Standard for Risk Management

The NSW Police Force has stated that its command risk identification and management process is based, in part, on the Australian/New Zealand Standard for Risk Management (*AS/NZS 4360:2004*) (NSW Police Force 2007a, p. 68). This standard describes itself as a 'generic guide for managing risk' that 'may be applied to a very wide range of activities' (Standards Australia & Standards New Zealand 2004a, p. 1).

The *Australian/New Zealand Risk Management Standard AS/NZS 4360:2004* advocates a seven-step process:

1. ***communicate and consult*** – with internal and external stakeholders as appropriate at each stage of the risk management process and concerning the process as a whole

2. ***establish the context*** – establish the external, internal and risk management context in which the rest of the process will take place. Criteria against which risk will be evaluated should be established and the structure of the analysis defined

3. ***identify risks*** – identify where, when, why and how events could prevent, degrade, decay or enhance the achievements of the objectives

4. ***analyse risks*** – identify and evaluate existing controls. Determine consequences and likelihood and hence the level of risk. This analysis should consider the range of potential consequences and how these could occur

5. ***evaluate risks*** – compare estimated levels of risk against the pre-established criteria and consider the balance between potential benefits and adverse outcomes. This enables decisions to be made about the extent and nature of treatments required and about priorities

6. ***treat risks*** – develop and implement specific cost-effective strategies and action plans for increasing potential benefits and reducing potential costs

7. ***monitor and review*** – It is necessary to monitor the effectiveness of all steps of the risk management process. This is important for continuous improvements. Risks and effectiveness of treatment measures need to be monitored to ensure changing circumstances do not alter priorities.

[176] Strategies for the last three of these five steps – determining ways of treating, controlling, mitigating or managing misconduct risks; implementation of treatment strategies; and reviewing the nature of risks and the effectiveness of the treatment strategies – are discussed in a subsequent report.

> For each stage of the process records should be kept to enable decisions to be understood as part of a process of continual improvement (Standards Australia & Standards New Zealand 2004a, pp. 7-8).

SOURCES OF INFORMATION FOR IDENTIFYING MISCONDUCT RISKS

Misconduct risk management guidelines

Rather than addressing organisational risks in a general sense, some guidelines focus specifically on risks associated with fraud, corruption and other forms of misconduct. Examples of such guidelines include:

- the *Fraud and Corruption Control Australian Standard (AS 8001-2008)*
- the NSW Independent Commission Against Corruption *Corruption risk assessment and management* module of its 1996 *Practical Guide to Corruption Prevention*
- the NSW Independent Commission Against Corruption 2002 *Do-it-yourself corruption resistance guide*
- the NSW Independent Commission Against Corruption 2003 *Profiling the NSW Public Sector* report.

There are some consistencies across these resources and guidelines in terms of sources of information that they advocate for identifying risks. These sources of information include:

- business processes, changes in business processes, nature of the work undertaken and frequency of (or volumes of transactions associated with) that work (Independent Commission Against Corruption 1996, pp. 4-5; Independent Commission Against Corruption 2003; Standards Australia 2008, pp. 33, 35)
- asking those who undertake the work what they consider the risks to be (Independent Commission Against Corruption 2003; Standards Australia 2008, p. 33)
- previous incidents of misconduct within the organisation or in similar organisations (Independent Commission Against Corruption 1996, p. 6; Standards Australia 2008, pp. 20-21, 33, 35-36).

Other possible sources that are referred to in individual guidelines include use of technology (Standards Australia 2008, p. 35) and staff awareness of relevant policies and processes (Independent Commission Against Corruption 2003).

Occupational Health & Safety strategies

Amongst other things the Occupational Health and Safety literature suggests looking at accidents and 'near misses' as well as undertaking workplace inspections and talking to workers doing the jobs to find out what they consider to be the main issues as methods for identifying hazards (WorkCover NSW 1997, p. 26; WorkCover NSW 2001, p. 5).

Like the *Fraud and Corruption Australian Control Standard*, occupational health and safety strategies describe the importance of the investigation of the incident to better understand the nature of the hazard:

> Investigating accidents, incidents or 'near misses' helps you to find out what went wrong, why it happened and, if a control measure was in place, why it failed. Perhaps the control measure which you thought was in place did not work because people at the workplace did not know about it (WorkCover 2001, p. 12).

Law enforcement literature

The law enforcement literature contains some suggestions for methods of identifying misconduct risks. For example, some authors have advocated the use of complaints data to identify misconduct risks:

> Risk analysis involves the use of complaints data and other intelligence to identify areas which are corruption hazards and which may be amenable to interventions such [as] tightened regulations, rotation or overt surveillance (Knapp, 1972; Sherman 1978) (Prenzler & Ronken 2003, p. 155).

PROCESSES FOR ASSESSING MISCONDUCT RISKS

Risks are typically analysed and evaluated in terms of likelihood and consequences. In terms of likelihood, the *Fraud and Corruption Control Australian Standard* suggests considering:

- the volume of transactions associated with the specific business function
- the extent to which technology is involved in the transactions associated with the fraud or corruption risk
- the nature of the potential benefit to the perpetrators
- the previous incidence of the risk within the entity
- the previous incidence of the risk within the broader industry (such as incidence of the risk within policing in other jurisdictions)
- current state of the entity's integrity culture, both within the entity and within the specific business unit (Standards Australia 2008, pp. 35-36).

It suggests considering consequences in terms of regulatory, legal, safety, business performance, stakeholder confidence, reputation, staff welfare and morale impacts in addition to considering financial loss (Standards Australia 2008, p. 34).

A different risk assessment matrix has been used by the Queensland Crime and Misconduct Commission in its analysis of risks of a different nature – examining drug markets and criminal networks. This risk assessment matrix is described as 'a series of formulae to determine level of risk':

> Desire x confidence = **intent**
>
> Resources x knowledge = **capability**
>
> Intent x capability = **likelihood of threat**
>
> Likelihood of threat x harm/consequences = **RISK** (Crime and Misconduct Commission 2007, p. 29).

8.3 CORPORATE GUIDANCE CONCERNING IDENTIFYING AND ASSESSING MISCONDUCT RISKS

The Commission identified several forms of corporate guidance concerning the identification and assessment of misconduct risks that were available to individual commands on the NSW Police Force intranet at the time that the Commission was collecting information from the sampled commands for Project Manta. These were the Compliance Manual, the Command Management Framework (CMF), the NSW Police Force intranet CMT Hints & Guidelines, the Duty Officer Deployment Model and the Duty Officer Statement.

Extracts summarising the responsibilities outlined in these documents (described more fully in Chapter 3 and Appendix 1) are provided in Table 8.1. These extracts describe the corporate guidance on the sources of information that commands should consider when identifying their misconduct risks, available at the time the Commission was collecting information from the sampled commands. The Commission was not able to locate any guidance provided to commands on how to assess misconduct risks from the material that it reviewed.

Table 8.1: Summary of corporate guidance concerning the identification, assessment and review of misconduct risks

Position	Nature of responsibility	Source document
Commanders and Managers	Ensure command/unit regularly (at least annually) reviews the Corruption Resistance Plan taking into consideration the following methods of identifying and addressing risks: staff surveyed to capture their perceptions on corrupt/unethical behaviour and their attitude to reporting … Complaint Management Team evaluation of recent complaints Complaint Management Team review corruption resistance activities in light of complaints (issues arising) Human Resource Committee consultation regular consultation with professional standards manager to identify trends, complaint types, etc. review of corruption resistance activities within CMF annually or when a breach or issue arises to minimise reoccurrence and evaluate effectiveness.	Compliance Manual, Corruption Resistance[177]
Command Management Team	Review CMT Minutes, CMF returns, Staff Ethical Surveys, 'at risk' officers, trends in complaints/local management issues etc. to ensure risks within Plan are appropriate.	Command Management Framework, Corruption Resistance Portfolio[178]
Complaint Management Team	To enable CMTs to identify system issues, recurring themes, emerging patterns in officer complaint histories and complaint turnaround times, they should maintain 'Complaint Trends' as a standing agenda item.	NSW Police Force intranet, CMT Hints & Guidelines[179]
Duty Officer in charge of the Professional Standards portfolio	[Complaint management, including] monitoring and verbal reporting to Senior Management team on complaint trends within LAC and surrounding LACs.	Duty Officer Deployment Model, Professional Standards Portfolio[180]
All Duty Officers (unspecified)	Complaint management, including monitoring complaint trends and pro-actively responding to these trends.	Duty Officer Statement[181]

[177] NSW Police 2005, Compliance Manual, 'Corruption Resistance', downloaded from NSW Police Force intranet 1 April 2008.
[178] NSW Police Force intranet, Command Management Framework, 'Corruption Resistance', downloaded 17 June 2008.
[179] NSW Police Force intranet, 'Management of Actions and Outcomes'. In Police Integrity Commission 2006, p. 53.
[180] NSW Police Force intranet, 'Duty Officer Deployment Model, Performance Agreement for Duty Officer – Professional Standards', downloaded 1 April 2008.
[181] NSW Police Force intranet, 'Duty Officer Statement', downloaded 1 April 2008.

8.4 TYPES OF INFORMATION COLLECTED

The Commission asked local area commanders as well as commanders of specialist commands and squads:

- Who is responsible for identifying misconduct risks within the command?
- What processes and sources of information are used for identifying misconduct risks within this command?
- Is some assessment made of the likelihood, potential consequences and/or relative seriousness of the different misconduct risks? If so, how is this assessment made and who is responsible for making this assessment?
- Is your command required to report on the identification, assessment and/or management of misconduct risks? If so, to whom, and how often is it required to report?
- Has your Regional Command, the Professional Standards Command, or any other command provided support in the form of advice, information, or guidance (including policies) with regard to the identification, assessment and management of misconduct risks?

As outlined in Chapter 7, the Commission asked commanders for copies of relevant documentation. The documentation provided was examined for any insights that it provided in relation to the processes commands used for identifying and assessing their misconduct risks.

8.5 WHAT WE FOUND OUT ABOUT THE WAY COMMANDS IDENTIFY AND ASSESS THEIR MISCONDUCT RISKS

WHO IS RESPONSIBLE FOR IDENTIFYING MISCONDUCT RISKS

When asked who is responsible for identifying misconduct risks within the command, 22 of the 25 commanders said that all staff are responsible (Table 8.2). The other three commanders advised that responsibility in their commands rested with the Senior Management Team, Duty Officers, the Complaint Management Team, the Executive Officer or the Commander. Most of the commanders who advised that all staff are responsible for identifying misconduct risks further commented that some individuals have greater responsibility than others, for example:

> There are two answers: ultimately 'me' but also it is 'everyone' – everyone has a role to play – part of the induction includes informing officers of the process to follow if they see something that doesn't seem right. Sgt, team leaders and inspectors have a greater responsibility. (Metropolitan Command)

> All staff with the Local Area Commander, Local Area Manager, Professional Standards Portfolio Holder and Executive Officer having lead roles. (Metropolitan Command)

> Everyone is – but management bears a greater responsibility (CMT, supervisors, duty officers). (Rural Command)

Table 8.2: Commanders' view on who is responsible for identifying misconduct risks

Responsibility	Number of commands (n = 25)
All staff	22
Senior Management Team	7
Supervisors	6
Duty Officers / Inspectors	6
Commander	5
Complaint Management Team	4
Sergeants	4
Executive Officer	2
Professional Standards Manager/Portfolio Holder	2
Other[182]	5

[182] This category combines the following responses: Team Leaders, Local Area Manager, Commissioned officers, Region Commander (or equivalent), Aboriginal Community Liaison Officer and Admin staff.

PROCESSES FOR IDENTIFYING MISCONDUCT RISKS

When asked what processes and sources of information they use to identify misconduct risks, most commands reported that they used a variety of processes and sources. Individual commands advised that they used between two and 15 different information sources and processes.

As can be seen from Table 8.3, which summarises command responses into broad categories, the most commonly reported process for identifying misconduct risks was the use of complaints, mentioned by 19 of the 25 commands. Auditing of systems was cited as a source for identifying misconduct risks by 11 of the 25 commands. Ten commands advised the Commission that they use performance data, while ten commands said that they use information about officer leave (including sick leave, annual leave etc) to identify misconduct risks. (Details of the specific command responses which have been grouped within each category are provided in Appendix 4.)

Table 8.3: Processes and sources of information used in identifying misconduct risks (as reported by commanders)

Processes and sources of information	Number of Commands
Complaints	19
Auditing systems	11
Performance	10
Leave data	10
Complaint Management Team	8
Informal information from staff	7
Failed prosecutions	7
Staff risk assessments	7
Secondary employment	6
Management meetings	5
Surveys	5
Supervision	5
Feedback from community	4
Operations and Crime Reviews	4
Case management	3
Informants	3
Consultation with other commands	3
Command committees	3
Drug and alcohol detection	2
Workload analysis	2
Changeover reports	2
Use of force	2
Historical information	2
Regional Professional Standards Manager	2
Culture	2
Other[183]	12

[183] 'Other category includes: 'Media', 'Operational Risk Assessment documentation pertaining to specific officers from Professional Standards Command', 'Proactivity measurement material', '[Human resources] personnel material', 'Tasking and Deployment material', 'Analysis of official Squad records', 'Consultation with [Region equivalent]

While Table 8.3 summarises the types of processes and information sources reported being used by commanders, there was not always sufficient detail provided to understand *how* commands used some of the specific strategies reported (listed in Appendix 4). While it was possible to guess how commands may have used 'complaints' to identify misconduct risks, it is less clear how some commands used 'induction package', 'hurt on duty' and 'tenure' to identify their misconduct risks.

The most frequently mentioned processes and sources of information to identify misconduct risks, as well as those of particular interest, are described in more detail below.

The use of complaints data

Nineteen of the 25 sampled commands reported using complaints to identify misconduct risks. Some commands provided some details on how they use complaints, for example:

> Internal/external complaints/concerns – have had issues raised internally when people think things may not have been done appropriately. Important to really assess that information in depth to make sure there are not things we have missed. (Metropolitan Command)

Most commands, however, provided little detail on how they use complaints to identify misconduct risks, for example:

> Written complaints (Metropolitan Command)

> Complaint patterns. (Metropolitan Command)

There was evidence that some commands devised their own methods of identifying complaint trends as a way to identify risks. Case Study A provides an example of how one command analyses complaint trends to identify its misconduct risks.

Command', 'Command Risk Assessments', 'hurt on duty', 'type of duty', 'Tenure', 'Womens [*sic*] Advisory Panel (created as a result of the Ronald's report to deal with grievance issues)', 'The Welfare and Injury Team also refers cases to the [Complaint Management Team] where substance abuse is evident', '[Six Minute Intensive Training] done everyday – [Code of Conduct and Ethics], [Law Enforcement Powers and Responsibilities Act]', 'have a Professional Standards Duty Officer under portfolio system', 'Induction package – a couple of days of training – how we encourage and support people to come forward', '[Complaint Allocation Risk Appraisal] documents', 'Intelligence', 'As things occur we review strategies and risks', 'we do the annual review of the [corruption resistance plan] – has input from senior staff – based on areas identified by [operations and crime review]', 'Peer Support Officer interviews', 'Responses to [Group] operation evaluation questionnaires', 'Officer threat assessments'.

Case Study A: Analysis of Complaint Trends

One rural command provided the Commission with a copy of its monthly analysis of complaint trends. This analysis provides the command with information on:

- number of complaints received, including a 12 month comparison
- number of complaints received at each of the command's sectors, also including a 12 month comparison
- type of duty (TAG, Investigation, highway patrol, general duties and unknown) of subject officers, including a 12 month comparison
- monthly complaint assessments (included number of Category 1 and 2 complaints[184], class and kind complaints, and declined complaints)
- monthly list of complaint allegations by sector with result summaries.

This command used its analysis to identify not only trends in complaint issues but also to identify how complaints varied amongst different stations and among duty types.

Eight of the 25 sampled commands referred to using the Complaint Management Team (CMT) process to identify misconduct risks. Varying levels of detail were provided by commands, for example:

> CMT process of assessing complaints. (Rural Command)
>
> At CMT everyone throws up their thoughts – open discussion and suggestions. (Metropolitan Command)
>
> Complaint review – every fortnight have CMT & complaint review. (Metropolitan Command)

Complaints are commonly used by commands to provide information on individual officer conduct. For example, complaints can be used to identify officers who may require specific attention in the form of training or management action. From the information provided by commands as part of Project Manta, it is not clear how many of the commands that said that they were using complaints or the CMT process to identify misconduct risks were actually referring to identifying individual officers who they consider to be at risk of some misconduct versus identifying broader command misconduct vulnerabilities.

[184] The *Police Amendment (Miscellaneous) Act 2006* (NSW) abolished the distinction between Category 1 and 2 complaints as at 1 June 2007.

Auditing of systems

Eleven of the 25 sampled commands advised that they use auditing procedures or compliance checks to identify misconduct risks. In particular, commands reported auditing of electronic systems, for example:

> Ongoing computer access audits (Metropolitan Command)
>
> COPS audit reports (Rural Command)
>
> COPS / RTA / MEMO audits. (Metropolitan Command)
>
> Electronic systems including [Command] Database, e@gle.i, Source Management, Iask [*sic*], IBIS electronic rostering (for unsworn staff), COPS Case Management, COPS audits, Mobile telephone accounts, MEMO, TRIM, Search Warrants Register, remote location Telephone intercepts, Listening Device Operations & logs, SOPS for current police policies. (Specialist Command)

One specialist command reported conducting checks of physical (non-electronic) documents:

> Physical documents and systems that are checked include Duty Books, Notebooks, Diaries, Vehicle Diaries, Home garaging forms, rosters, overtime forms, annual leave forms, sick leave schedule. (Specialist Command)

Five commands specifically referred to the use of the Command Management Framework in identifying misconduct risks, for example:

> Use of CMF and Supervisory checks (Metropolitan Command)
>
> [Command Management Framework] dip samples/audits (Metropolitan Command)

Once again, from the information provided it is not clear how many of these commands were using these audits to detect individual officers in breach of procedures versus how many were using these audits to identify broader command misconduct vulnerabilities.

Utilising COPS

One way that some commands stated they identified misconduct risks was by undertaking audits of COPS (the Computerised Operational Policing System), an electronic system which stores operational and intelligence information. The purpose of the COPS audit is to identify and reduce the risks of 'improper and unlawful computer accesses'. On their own initiative, some commands use COPS in different ways to identify other misconduct risks at the commands. While they appeared to use the information on COPS to identify risks associated with individual officers, it is clear from the examples provided that this information could also be used to identify command-wide misconduct risks. Some examples of how commands said that they use COPS to identify risks associated with individual officers include:

- checking officer's notebooks and dip sampling notebooks against COPS entries (Metropolitan Command)
- reviewing assault events on COPS (Metropolitan Command)
- scrutinising COPS entries related to person searches (Metropolitan Command)
- comparing COPS events with the CIDS[185] system and Case Management. (Rural Command)

One command elaborated on how it reviewed information on COPS to more broadly examine misconduct risks associated with the policing of licensed premises:

> When we review COPS events on a daily basis we are very particular about whether appropriate action has been taken – e.g. in connection with licensed premises – sometimes see what doesn't seem to be an appropriate level action for what is recorded. Question officer re action taken … (Rural Command).

Undertaking audits by station

One method of conducting audits within commands is to undertake separate audits for different units within the command. Case Study B provides a description of how two rural commands use this method to identify the potentially different misconduct risks facing different stations within their command.

Case Study B: Undertaking Audits by Station

Two rural commands, which each have numerous outlying police stations, advised the Commission that they undertake audits of the command on a station-by-station basis. The minutes of one command's management team meetings, for example, indicate that the command had undertaken audits of three of its police stations. The minutes record that one station, in particular, was:

> the highest risk mainly due to the volume and past system failures in Exhibits and Miscellaneous Property.

In an interview, the commander of another rural command advised that he visited each of the command's police stations and conducted an 80 per cent audit of accountable books and different portfolios. The commander indicated that, following these audits, he sends an email to the relevant inspector at these stations asking them to resolve any identified issues. The commander undertakes these audits on a quarterly basis. The commander stated that it was important to schedule such audits, otherwise they would simply be put off, or he would not be able to get around to visiting the smaller stations.

[185] Computerised Incident Dispatch System: A system used to relay information regarding incidents across police communication centres.

Looking at officer performance

Ten of the 25 sampled commands reported relying on officer performance-related information to identify misconduct risks. Some commands reported relying on officer performance reviews, for example:

> Performance Reviews (Metropolitan Command)
>
> Assessments of officer's performance (Metropolitan Command)
>
> Team Leader Performance Reviews. (Rural Command)

Seven of these commands specifically reported using the Performance Management Scheme[186] to identify misconduct risks within their commands.

One metropolitan command identified in its most recent corruption resistance plan the need to review work performance to ensure that there are no conflict of interest issues regarding officers' secondary employment activities. Another specialist command noted that every six weeks the commander talks to officers in his command, reviewing workload and identifying any extraordinary issues that may contribute to an officer's performance, including personal issues.

It is likely that the commands that reported using these strategies were looking to identify officers at risk of engaging in misconduct rather than broader command vulnerabilities. However, from the information provided one cannot be sure whether this was consistently the case.

Using leave data

Almost half of the sampled commands (ten of the 25 sampled) reported using officer leave data to identify misconduct risks within their command, for example:

> Ongoing monitoring of complaints and complaint trends, annual leave, sick leave and FACS leave (Metropolitan Command)
>
> Sick leave analysis (Rural Command)
>
> Physical documents and systems that are checked include … sick leave schedule. (Specialist Command)

Some commands described how they use sick leave information, for example by comparing sick leave and secondary employment data:

> Sick leave – look at closely – may be an indicator of other problems e.g. drugs and alcohol – receive a report with a pattern analysis (such as leave taken on a particular day of the week, beginning of rostered days on, etc) – also compare to secondary employment (have found that those with secondary employment approvals generally don't have sick leave problems). (Metropolitan Command)

[186] The Performance Management Scheme, now known as the Career Management System (CMS), is the NSW Police Force's system of managing staff performance and training needs.

Once again, commands that reported using these strategies were likely intending to identify officers at risk of engaging in misconduct rather than broader command misconduct risks.

Obtaining feedback from staff

Commands reported using various methods of obtaining feedback from their staff to identify misconduct risks, including surveys, Professional Standards Councils, and performance scorecards. Five of the 25 sampled commands reported the use of survey methodology to obtaining feedback from command staff, for example:

> Ethical culture survey (Metropolitan Command)
>
> Annual staff survey (Metropolitan Command)

The Commission's analyses of command documentation revealed that one sampled command used the results of its ethical culture survey to identify the following misconduct risks: off- and on-duty alcohol-related issues, lack of supervision, inexperience of staff and management's handling of complaints. Case Study C describes how one command used an ethical culture survey to identify its misconduct risks.

Case Study C: Ethical Culture Surveys

At one rural command, an ethical culture survey was conducted to assist in the review of the command's corruption prevention strategies. Relevant questions in the survey included:

> Q.63. Have you been involved in implementing corruption risk management strategies in your area?
>
> Q.64. In your opinion, what are the top 3 risk areas that you think the command needs to address in our corruption prevention strategy and why?
>
> Q.65. Do you have any suggestions for improving the corruption resistance strategy?
>
> Q.66. Do you have any suggestions for improving your working environment?

During an interview for Project Manta, the commander reported that one benefit of the survey was to give staff the opportunity to identify misconduct risks about which the commander may not be aware:

> [We] do an ethical culture survey on an annual basis. [It] gives everyone an opportunity to say to commander that 'you don't know it, but you have a problem here'.

In contrast to the use of surveys, some commands referred to using more informal methods of obtaining information and feedback from staff to assist in identifying misconduct risks, for example:

> Informal information networks and station rumours. (Metropolitan Command)
>
> Information provided by Supervisors and Team Leaders. (Rural Command)

Some commands draw on the views of team leaders and middle managers to identify risks. One method of obtaining feedback from team leaders was via the use of performance scorecards, as described in Case Study D.

Case Study D: Performance Scorecards

One metropolitan command has developed a 'performance scorecard' for use by each of the command's teams. The scorecard records a range of different information, including, for example:

- number and nature of complaints
- local management issues
- customer satisfaction survey
- victim follow ups
- current investigations
- domestic violence matters
- licensing walk throughs.

A specialist squad also appeared to utilise team reporting. Its corruption resistance plan provides that:

> a Team Leader will provide a monthly Report to the [Commander]. These reports include, progress of the team and [employee management] issues that have arisen during the course of the reporting period.
>
> Team reports provide an ongoing means of monitoring individuals and trends that are considered to pose a risk to the Command, the individual or the organisation.

A rural command indicated that it had held meetings of middle managers at the command for the previous six months. These meetings involved sergeants, the command's crime manager and a duty officer representative. The commander stated that the purpose of these meetings is to provide tactical leadership and focus on systems.

The Commission also found evidence that two commands had set up Professional Standards Councils. Case Study E describes the composition and purpose of one of the councils at a metropolitan command, which was in operation at the time information was collected for this project.

Case Study E: Professional Standards Council

The charter of a Professional Standards Council at a metropolitan command, dated December 2006, provides that the role of the council is to:

> act as an advisory body in making recommendations to the local area commander in respect of matters relevant to the effective professional standards of the command.

The charter indicates that the Council is to be, amongst other things, actively involved in reviewing the corruption prevention plan. Some of its activities include:

> identify potential risk in terms of corruption, unethical and/or professional behaviour
>
> ensure currency of corruption prevention plan and that strategies are appropriate
>
> ensuring circulation of corruption prevention plan where alterations effected
>
> review relevant SOPS to ensure checking mechanisms exist to identify corruption/ethics issues
>
> …
>
> monitor work environment and act as earlier identifiers of any emerging trends or patterns and make recommendations to the [Senior Management Team]/commander on how to implement changes to the [command].
>
> …
>
> in consultation with [Complaint Management Team] discuss any complaint trends (in general terms only) and make recommendations to [Complaint Management Team] on ways to manage the trends.

According to the charter, the Council is comprised of elected representatives from all sections of the local area command, including general duties, detectives, crime management unit, and administration. Members hold office for a period of 24 months. Also, according to the charter, the Council reports directly to the either the commander or senior management team. The charter also states that its recommendations to the commander 'shall receive due and proper consideration' and that 'in rejecting any such recommendation, the local area commander shall ascribe specific reasons for the decision'.

The use of staff risk assessments

Seven of the 25 sampled commands reported using staff risk assessments to identify misconduct risks, for example:

> Individual Officer Risk Assessment (Metropolitan Command)
>
> Officer risk assessment for incoming staff. (Metropolitan Command)
>
> Formal risk assessments are carried out on staff annually. However if issues are raised, trends identified or information changes it is redone immediately with the Duty Officer responsible for that span of control with the CMT. (Rural Command)

It should be noted that commanders were informed that Project Manta was concerned with broader command-level misconduct risks, and not misconduct risks posed by individual officers. However, as can be seen from the examples above, some commands described the strategies that they use to identify officers who are at risk of engaging in misconduct rather than strategies to identify broader command vulnerabilities.

Obtaining feedback from the community

A risk identification process reported by four commands involves efforts to obtain information from the community. In one case, a commander reported proactively seeking feedback from the community, particularly in relation to certain types of crimes:

> Contacting members of the public – Supt and Inspectors each did 5 calls per month – identified customer service issues – sometimes positive feedback – stopped doing this about 12 months ago. As at April this year they recommenced. Every break and enter – 3 months doing 100%. Also looking at assaults, domestic violence call outs. (Metropolitan Command)

In another example, described in Case Study F, a command asked targeted questions of community members.

Case Study F: Community Surveys

One method used to obtain the views of customers and victims of crime was by means of surveys and cold-calling. One metropolitan command had devised a customer service call record which included the following information fields and questions:

> Do you have any further information that you can add to your report?
>
> Were you satisfied with police response time?
>
> Did the police deal with you in a courteous and professional manner?
>
> Did the police inform you of what action they would take?
>
> Did the police provide you with additional information such as crime prevention strategies or support services available?
>
> Were you satisfied with the police action?
>
> Is there any thing else you wish to add?

At one command, the Commission was informed that it took a particular interest in monitoring domestic violence matters, which sometimes involved contacting victims for information. The commander stated that he had:

> requested that all [duty officers] take an active interest on shifts as to the outcome of domestic violence attendance, particularly those where no one was arrested. Make discreet inquiries through CIDS[187] and debriefing of staff. If necessary, contact the alleged victim and compare what is on CIDS/COPS to what they tell you. Early intervention in domestic violence is essential and the management team has responsibility of ensuring that where no action is taken, it is appropriate and justified. Command Domestic Violence Policy completed and circulated to Command this date. Clearly outlines Command expectation of attending police, supervisors, Domestic Violence Liaison Officer, Duty Officer.

Whilst some commands employed active means of obtaining information from the community, other commands reported receiving information from the community via relatively passive and informal means, for example:

> Anecdotal information – get things filtered back to you either through community or through the police station. (Metropolitan Command)
>
> Information from the community. (Metropolitan Command)

[187] Computerised Incident Dispatch System: A system used to relay information regarding incidents across police communication centres.

A culture of reporting misconduct

Two of the 25 sampled commands reported using a cultural strategy to assist in the identification of command misconduct risks. These two commanders stated that a misconduct risk identification strategy used in their command is establishing an expectation that officers will report misconduct and any related issues:

> Engendering culture of openness, honesty so that officers will come forward when they see something or when they have a suggestion. Hold our own (relative to other commands) as far as having [internal police complainants] come forward. (Rural Command)

> The Command creates an environment which encourages people to report misconduct and integrity issues. (Specialist Command)

ASSESSMENT OF MISCONDUCT RISKS

Is some assessment made of the identified misconduct risks?

Commanders were asked whether some assessment is made of the likelihood, potential consequences and/or relative seriousness of the different misconduct risks. They were also asked – if an assessment is made – how is this assessment made and who is responsible for making this assessment?

Only three commands said that they did not make any assessment of the identified misconduct risks. Of the remaining commands, 15 said that they did have a process for assessing their misconduct risks, while seven said that they did not have any formal process.

Two of the three commands that said that they did not assess their misconduct risks, elaborated on their response:

> The CMT is aware of what can occur but the approach is a reactive one. (Metropolitan Command)

> There is no rating at [command]. Misconduct in any sense is unacceptable. (Rural Command)

As illustrated in the following comments, some of those who said that they did not have a formal process for assessing their risks provided some insight as to *when* or *by whom* an informal assessment was made:

> No formality in it – talk about risks in CMT meetings. (Metropolitan Command)

> Not in any official recorded format however it is discussed by the [Senior Management Team] in both formal and informal meetings. (Metropolitan Command)

> Done in our minds, no formal policy or no corporate best practice – rely on CMF, and corporate policies e.g. Secondary Employment Policy. (Rural Command)

> Ongoing thing – me meeting with my civilian manager here [and asking] 'how are we going with our finances' etc – done informally – I can't think of any actual written assessments – know its there. With assessments, where do you start and where do you stop? Misconduct is not one of my major dramas. (Rural Command)

Nature of assessment

Some commands that advised that they undertake a formal assessment of their risks said that they used a likelihood versus consequence matrix:

> A standard qualitative risk management assessment form is utilised to identify the level of risk … a likelihood vs consequences rating is used to identify the level of risk. The officer who undertakes this assessment will be the professional standards portfolio holder or an officer who may be allocated the task or case officer to assess/investigate the risk. (Metropolitan Command)

> Our corruption resistance plan is risk-based. Use likelihood vs consequence matrix. (Metropolitan Command)

Two commands said that they used Complaint Allocation Risk Appraisal (CARA) guidelines, which provide a way to mitigate the risks that may arise when a command retains the investigation of complaints involving one of its own officers. One of these commands stated:

> Complaints Management Team uses the CARA document and CARA covers most of the risk management principles … They are the sorts of things [the CMT members] talk about when we look at the Complaints documents [monthly complaints analysis]. (Rural Command)

Another command spoke about using the 'risk management framework':

> The Command Management Team assess any identified risk under the risk management framework. Direction and response rests with the [commander]. The Command is also fortunate to have additional resources in the form of the [Group] Risk Advisory Panel. This independent Panel advises on risks (including misconduct) within all Branches of the Group and provides recommendations directly to the [Group] Commander for his consideration towards implementation. (Specialist Command)

Some other commands specified *who* was responsible for conducting the assessment without stating *how* the assessment was conducted:

> Done through Complaints Management Team, with Duty Officer with Corruption Prevention portfolio, and reviewed through Senior Management Team. (Rural Command)

> Initially the assessment is made by the Supervisors and the Commander and later more formally at the Complaints Management Team. (Specialist Command)

> Senior Management Team, in conjunction with Complaint Management Team, is responsible for making assessment and decision making. (Specialist Command)

Who assesses the identified misconduct risks?

Almost half of the commands (nine out of 22) that assessed their misconduct risks advised the Commission that the responsibility for assessing the likelihood, consequences and seriousness of misconduct risks fell to the Complaint Management Team (see Table 8.4). Five of the commands reported that the responsibility lies with the Command or Senior Management Team. Eleven commands did not state who assesses the identified misconduct risks.

Table 8.4: Who makes the assessment of likelihood and potential consequences of misconduct risks?

	Metropolitan Commands (n=2)[188]	Rural Commands (n=5) [189]	Specialist Commands (n=4) [190]	Total (n=11)
Complaint Management Team (CMT)	2	5	2	9
Command Management Team[191]	2	1	2	5
Commander	1	-	2	3
Duty Officer (Professional Standards portfolio holder)	1	1	-	2
Executive Officer	-	1	-	1
Performance Review Team	-	1	-	1
Professional Standards Committee	-	1	-	1
Supervisors	-	-	1	1
Group Risk Advisory Panel	-	-	1	1
All staff	-	-	1	1

[188] Two of the 11 metropolitan commands in the Project Manta sample said that they did not make any assessment of their misconduct risks and a further seven metropolitan commands did not specify who assessed their misconduct risks.

[189] One of the 9 rural commands in the Project Manta sample said that it did not make any assessment of its misconduct risks and a further three rural commands did not specify who assessed their misconduct risks.

[190] While all five specialist commands in the Project Manta sample stated that they did assess their misconduct risks, one specialist command did not specify who assessed its misconduct risks.

[191] This category combines Senior Management Team and Command Management Team.

Type of risks assessed: individual officers versus command vulnerabilities

It was clear from their responses that some commands were referring to the assessment of risks associated with the conduct of individual officers rather than broader work-related or command-based misconduct risks. This is illustrated in the following examples:

> Complaints Management Team and Senior Management Team. [Assessment] made at the time risk assessment done on officer, implement plan if required, CARA. (Metropolitan Command)

> Under the auspices of the officer risk assessment material prepared and assessed by the Executive Officer and reviewed by the Complaint Management Team. (Rural Command)

> Assessments are made, but primarily focussed on individuals. In other words, the work activities of some individuals are more closely scrutinised than others due to their work performance, attitude, complaints history etc. This is the ultimate aim of our Performance Review Team which primarily aims at improving/managing performance and where risks are identified referring to CMT. (Rural Command)

It was unclear from the responses of some commands, particularly those that referred to discussing risks at Complaint Management Team meetings, whether they were referring to risks associated with individual officers or to broader-based risks. The following response may be referring to assessing the risks associated with individual officers in addition to assessing other risks:

> Misconduct risks are assessed in regards to their seriousness and the potential consequences of the risk at CMT meetings conducted on a weekly basis. This provides on going and up to date information in regards to identified officers or risks. (Rural Command)

SUPPORT PROVIDED TO COMMANDS REGARDING THE IDENTIFICATION AND ASSESSMENT OF MISCONDUCT RISKS

The Commission asked commands whether Region Commands (or equivalent), the Professional Standards Command, or any other command, have provided support in the form of advice, information or guidance (including policies) in relation to the identification, assessment and management of misconduct risks. Twenty-two of the 25 commands sampled in Project Manta reported receiving some form of support or advice from other commands, while three commands did not.

The three commands that stated they did not receive support or advice from other commands suggested that they received support in relation to investigating individual complaints rather than the identification of broader misconduct risks, for example:

> Region Professional Standards' focus is on individuals and individual instances of deviance. They give very good support in this area. There is not too much if any emphasis placed risk identification. (Metropolitan Command)

Seventeen commands reported receiving assistance from the Professional Standards Command in relation to the identification and assessment of misconduct risks (see Table 8.5). Fifteen commands reported receiving some sort of support at the Region level (or equivalent), with eight of these 15 commands reporting receiving support and advice specifically from the Professional Standards Manager at the Region level (or equivalent).

Five commands indicated that they had received information in relation to policies and procedures:

> Yes, with forwarding of upgraded policies, i.e. best practices and benchmarks both via email and at each Region Meeting. (Metropolitan Command)

> Regional PSC office is *[sic]* provides advice and up to date information in regards to policies and changes to the assessment and management of risks. (Rural Command)

Table 8.5: Who provides support to commands regarding the identification, assessment and management of misconduct risks?

	Metropolitan Commands	Rural Commands	Specialist Commands	Total
Professional Standards Command	8	7	2	17
Region Professional Standards Manager	4	2	2	8
Region	2	5		7
Employee Management Branch	2	-	1	3
Commissioner's Inspectorate	1	-	1	2
Ombudsman	-	1	-	1

Seven commands indicated that their Region Command and/or the Professional Standards Command had provided support by attending and participating in the Complaint Management Team (CMT) meeting process:

> The Region PSM is regularly contacted and attends CMTs on a needs basis with respect to complex or significant issues. PSC consultancy unit regularly provides advice and also attends the CMT on a needs basis. (Metropolitan Command)

> The Professional Standards Command have visited this Command previously and sat on CMTs. (Rural Command)

> Region and PSC have had members attend the workplace and CMT meetings. (Metropolitan Command)

> The Professional Standards Unit of [Region Command] runs the Complaint Management Team and provides advice and guidance to officers conducting investigations concerning misconduct. (Specialist Command)

One metropolitan command noted the Region Command's assistance in relation to the formation of the command's Professional Standards Council:

> Regional PSM helped in setting up the command Professional Standards Council. (Metropolitan Command)

Five commands referred to the importance of various external commands in conducting reviews or audits of their command's activities, for example:

> Most of the oversight is in terms of review - Commissioner's Inspectorate – tell you what's wrong – may give example of something that another command uses. (Metropolitan Command)

> The [Complaint Management Support Unit of the Professional Standards Command] regularly reviews the entries on c@ts.i and provides comment on any shortfalls in the determination by the CMT. (Metropolitan Command)

Five commands also referred to the Professional Standards Command's dissemination of Complaint Practice Notes, for example:

> The Professional Standards Command also provides advice and guidance in relation to pertinent issues through complaint practice notes, as well as providing assistance with the formulation or corruption resistance plans. (Specialist Command)

Two commanders spoke specifically about the role of their Region Command in assisting with the identification of misconduct risks:

> Regional PSM – would and has identified misconduct risks, an increase in the types of complaints – key staff from region, Supts and LACS attend meeting where such issues are discussed. (Rural Command)

> The Professional Standards Unit [of the Region Command] also provides advice to Commanders in relation to types of misconduct being identified. (Specialist Command)

ARE COMMANDS REQUIRED TO REPORT ON THEIR MISCONDUCT RISKS?

The Commission asked commands whether they were required to report on the identification, assessment and/or management of misconduct risks, and to clarify the frequency of this reporting, and to whom they report. Commands were divided in their opinion of whether or not they were required to report: fourteen commands stated that they are required to report, nine commands stated that they are not required to report and two commands appeared to be uncertain.

Some of the commands that said that they are not required to report provided further explanation for their responses. Among these explanations were the following:

> I don't get asked formally by another higher than me about risks. From time to time I may be asked about a specific issue of interest. (Metropolitan Command)
>
> There is no corporate requirement, however many of our strategies are documented in Complaint Management Team or Senior Management Team minutes. (Rural Command)
>
> I don't think so – proactively. Other than in our business plans - general risks to the command (not misconduct risks) – only reactively would report on misconduct. (Rural Command)
>
> In all honesty no. Falls to me alone – I have commander (Assistant Commissioner) to report to if I require assistance ... other than that then no – not required to report to anyone. (Specialist Command)

When commands were asked to provide information regarding to whom they are required to report, 11 of the 14 commands that stated they are required to report cited a requirement to report to their Region command (Table 8.6).

Table 8.6: To whom are commands required to report regarding the identification assessment and management of misconduct risks?

	Metropolitan Commands	Rural Commands	Specialist Commands	Total
Region	5	3	3	11
Commissioner's Inspectorate[192]	2	1	-	3
Region Professional Standards Manager	1	1	-	2
Professional Standards Command	2	-	-	2
External authorities (e.g., Ombudsman)	-	-	1	1

Eleven commands provided some further information regarding how often they are required to report. Their responses indicated that commands vary in their understanding of how often they are required to report on their misconduct risks. Some commands referred to a requirement to report annually, monthly or quarterly, for example:

> The Local Area Command reports monthly to Region Command. (Metropolitan Command)
>
> Quarterly to Region Commander at Performance Reviews (of Commander). (Rural Command)

[192] The NSW Police Force Commissioner's Inspectorate was disestablished in February 2008.

> The Commander also has a quarterly responsibility to document reported misconducted *[sic]* in the [Command's] Business Plan. (Specialist Command)

Additionally, some commands advised that they were required to 'regularly' report.

Commands most frequently responded that the CMF and the CMT were the mechanisms through which their misconduct risks were reported (four commands each reported these mechanisms). Two commands each stated that the reporting mechanism was the command's business plan, corruption resistance plan, and the operations and crime review.

What do commands report?

Commands provided few specific examples of what they are required to report. Five commands advised that they report their identified misconduct risks, for example:

> Identified corruption risks are reported to the Commander, CMT and Region PSM. (Metropolitan Command)

> Onus on commander to report [to Region] any areas that are identified as a high risk. (Rural Command)

Three commands advised that they report on complaint management issues, for example:

> The Command regularly reports on corruption and complaint management within the CMF. (Metropolitan Command)

> The only reviews I see is that of timeliness of complaints and total numbers on hand. (Rural Command).

Two commands advised that they report their corruption resistance (or prevention) plan, for example:

> I believe that every command has to have or should have a Corruption Prevention Plan. I'm pretty sure that it is a corporate requirement that it has to be reviewed annually. Provide copies to regional commands & reviewed as part of the [operations and crime review]. (Metropolitan Command)

8.6 SUMMARY AND IMPLICATIONS

SUMMARY

Commands reported using a variety of processes and sources of information for identifying misconduct risks. The most commonly reported processes were the use of complaints, systems audits (involving compliance checks), officer performance-related data, and information about officer leave. It is not clear from the responses provided by commands (such as those relating to use of complaints, officer performance, leave data, staff risk assessments) how many commands were describing processes that they use to identify individual officers whom they consider to be at risk of some misconduct versus how many were describing processes that they use to identify broader command misconduct vulnerabilities.

The Fraud and Corruption Control Australian Standard (AS 8001-2008) and resources produced by the NSW Independent Commission Against Corruption advocate using the following sources of information for identifying fraud, corruption and other misconduct risks:

- business processes, changes in business processes, nature of the work undertaken and frequency of that work
- asking those who undertake the work what they consider the risks to be
- previous incidents of misconduct within the organisation or similar organisations
- technology
- staff awareness of relevant policies and processes.

While the majority of commands did not refer specifically to any of these strategies for identifying their misconduct risks, the following exceptions should be acknowledged:

- in relation to business processes or the nature of the work undertaken, one command referred to 'type of duty' and two commands referred to workload analysis
- in relation to asking those who undertake the work what they consider the risks to be, five commands referred to using staff surveys and five commands referred to using management meetings
- in relation to previous incidents of misconduct within the organisation or similar organisations, 19 commands referred to the use of complaints, three commands referred to consultation with other commands including 'trends that are emerging in other commands' and two commands referred to historical information revealing the most susceptible areas of risk.

No commands specifically referred to technology or staff awareness of relevant policies and processes being considered as part of their processes to identify their misconduct risks.

Amongst the processes that were reported as being used by commands, of particular interest was the use of proactive methods to obtain feedback from the community and efforts to encourage a culture of openness and honesty in the reporting of misconduct,

which some commanders believed was important for ensuring that feedback was obtained from staff. Other innovative strategies included undertaking command audits by station, ethical culture surveys, the establishment of a Professional Standards Council, and the use of performance scorecards.

When commands were asked whether any form of assessment is conducted on their identified misconduct risks, the responses indicated that ten of the 25 sampled commands did not undertake a formal process. Of the 15 commands that reported undertaking a formal process of assessing misconduct risks, some indicated that they utilised a likelihood versus consequence matrix, while others did not specify how the assessment was conducted.

Twenty of the 25 sampled commands reported receiving some form of support or advice from external commands with regard to the identification, assessment and management of misconduct risks. Seven commands stated that they received assistance from external commands through the Complaint Management Team meeting process, while five commands reported receiving information regarding policies and procedures. Five commands also referred to audits or reviews of their command being undertaken by external commands.

Commands were divided in their opinion of whether or not they were required to report on the identification, assessment and/or management of their misconduct risks. Fourteen of the 25 commanders stated that their command is required to report, nine stated that they are not required to report and two appeared uncertain.

IMPLICATIONS FOR MINIMISING POLICE MISCONDUCT

1. Going beyond the individual officer to identify broad misconduct risks

Responses provided by commands, in relation to the identification and assessment of misconduct risks, suggest that some commanders may have understood misconduct risks primarily as related to transgressions of individual officers. As a result, some commands may have focussed on assessing officer risks and neglected assessing other broader command misconduct vulnerabilities.

The importance of commanders managing their individual officers cannot be underestimated. However, unless commands also identify the broader aspects of policing which may put their officers' integrity at risk, such workplace integrity hazards are unlikely to be managed.

2. A variety of information sources and processes are available to commanders when identifying misconduct risks

Commanders reported using many methods and sources of information to identify misconduct risks. Some sources and processes were fairly commonly used amongst commands (for example, analyses of complaints, audits, sick leave, and performance data). Other processes and sources of information were reportedly being used by small numbers of sampled commands (e.g. performance scorecards, community surveys, Professional Standards Council, the media). Commanders might find the sources of information advocated in the Fraud and Corruption Control Australian Standards and resources produced by the NSW Independent Commission Against Corruption – such as businesses processes, the nature of the work undertaken and frequency of that work, technology and staff awareness of relevant policies and processes – to be useful additions to the processes that they currently use. They might also find some of the sources of information which are currently being used by individual commands, and highlighted as case studies within this chapter, to usefully supplement their current misconduct risk identification processes.

3. Identifying the risks faced by different units within commands

A few of the risk identification strategies discussed in this chapter indicate that some commands recognised the value of subdividing the command and considering the misconduct risks facing different units. Complaints analyses and audits by sector or station, for example, provided some commands with a means to gather information about the different misconduct risks facing officers working at different command locations. Similarly, some commands identified the misconduct risks facing officers on the basis of duty type.

4. Considering 'near misses' in the identification of misconduct risks

One of the strategies suggested by the Occupational Health and Safety literature is the examination of 'near misses' to identify hazards and possible methods of addressing those hazards. From a prevention perspective, adopting such an approach encourages organisations to better understand their hazards before major incidents occur. In relation to the identification of police misconduct risks, examining 'near misses' could, for example, be compared to the analysis of 'unsustained' complaints to identify potential misconduct risks.

5. Limitation of audits as a tool to identify misconduct risks

Eleven commands reported using systems audits as one means of identifying their misconduct risks. Given that the primary purpose of audits is to check compliance of police practice against policy, procedural and legislative requirements, the focus of audits is restricted to policy, procedural and legislative issues. While assisting in identifying some potential misconduct risks, it is important to recognise that audits can only be used to provide an incomplete picture of the misconduct risks facing officers working in the command. Those who use system audits would not be prompted to consider misconduct risks pertaining to officer supervision, officer experience, community demographics or inappropriate relationships with community members. Nor would they be prompted to consider off-duty misconduct risks, or the risks particular to specific policing roles such as highway patrol work or those limited to particular sectors within their command.

6. External commands can provide an additional perspective on command misconduct risks

In the context of describing assistance provided to them, some commands reported using information provided by external commands in the identification of misconduct risks. One metropolitan command, for example, reported using the results of a command overview conducted by the Professional Standards Command in identifying its misconduct risks. Some commands also used information provided by audit review teams. Commands should consider the potential value of an external perspective when identifying misconduct risks.

7. Incorporating a formal process for assessing identified misconduct risks

In the corporate documentation reviewed by the Commission, no guidance appeared to be provided on how commands should assess and review their misconduct risks. Hence, it is perhaps unsurprising that ten of the 25 sampled commands advised the Commission that they either do not assess, or have no formal process in place for assessing, the relative importance of their identified misconduct risks. Reasons for some commands not utilising formal methods of assessment may include either some commanders not being aware of how to conduct such an assessment, or some commanders not considering such methods as useful. It is noted that the Corruption Resistance Planning Guidelines released in early 2008 (discussed in more detail in Chapter 3) provide guidance to commands regarding formal risk assessment processes, incorporating the assessment of the likelihood and consequences of their identified misconduct risks.

9. COMMUNICATING THE MISCONDUCT RISKS

9.1 OVERVIEW

While the focus of this report is on vulnerabilities for police misconduct at the command level, independent of the specific individuals who are employed as police officers, it is important to recognise that police misconduct materialises in the action of individuals. One way of minimising police misconduct is by assisting individual officers to recognise the misconduct risks that they may face in their work and to know how to respond appropriately when they encounter these risks.

This chapter describes how commanders said that they communicate information about misconduct risks to their staff. It also provides analyses of the two main types of documents that commands say they use to communicate misconduct risks: command-based corruption resistance plans and command-based induction packages. Suggestions made by commanders are presented throughout this chapter as a series of 'tips'.

9.2 WHAT THE LITERATURE SAYS

In educational materials prepared for the Royal Canadian Mounted Police, Gilmartin (2003) has emphasised the importance of officers being well-prepared for potential misconduct risks before they face them:

> When either unprepared or unaware, officers are more likely to 'go with the flow' than they would be if adequately prepared to face potentially ethical risks. Everyday, officers practice mental preparation as it relates to tactical situations … Just like lethal encounters, ethical dilemmas occur at the most inopportune times, frequently without warning and with little time to stop and think about the situation. When inadequately prepared, even the most honest, above reproach officers can make inappropriate split-second ethical decisions … If officers are going to survive ethical dilemmas, they need to be as mentally prepared as they would be for tactical encounters (p. 125).

Some police officers argue that they do not have any problems recognising and responding appropriately when faced with misconduct risks. For example, there was a view among some NSW police officers who participated in focus groups as part of an earlier Commission research project that having chosen policing as a career, officers would have the appropriate personal moral principles to guide their decisions and would not need other sources of guidance. For example:

> By joining the job, you've got a certain moral standard anyway.

> In terms of ethics, you start to turn off because it's drilled into you so much at the academy, but when you do something right or wrong you know you're doing it. We become a police officer because we want to do right by others, well I do. You don't need to be told by some else what's right and wrong (Police Integrity Commission 2005, pp. 340, 590).

However, situations which pose misconduct risks are not necessarily recognisable and the options available to officers may not be as simple as the choice between one appropriate and one inappropriate response. As Bracey (1989) has pointed out, police officers face situations that are not always clear cut, with officers having 'to choose, not between right and wrong actions, but between incompatible actions, each of which appears to promise a benefit' (p. 46). Also, because police officers come from a variety of backgrounds and experiences, they may not always agree on the moral implications of every situation (Bracey 1989, p. 46).

The importance of equipping employees to recognise and respond appropriately to the misconduct risks they may face is not confined to police officers. Given that staff are one of the most important resources for any organisation, the Independent Commission Against Corruption (2003) has observed that it is essential to provide employees with adequate information about ethical work practices, the potential corruption risks associated with their work and organisational standards to ensure appropriate decision making (p. 50). Furthermore, it has stated that:

> Staff who are not informed about the corruption risks associated with their work are less likely to be able to manage these risks than staff who are aware of the risks (Independent Commission Against Corruption 2003, p. 53).

Both the risk management literature (Standards Australia/Standards New Zealand 2004a, pp. 19-25; Committee of Sponsoring Organizations of the Treadway Commission 2004, p. 4; Standards Australia 2008, p. 38) and the occupational health and safety literature (WorkCover 1997, pp. 29-34; WorkCover 2001, pp. 11, 18) emphasise the importance of communication of risks and hazards. Furthermore the WorkCover NSW 'Due Diligence at Work' guidelines highlight the need to tailor the communication to the type of work being undertaken by the employee and to ensure that specific and detailed guidance is provided:

> [Employees] must understand their responsibility to work safely and to report hazards. Also, they must be made aware of ***every potential hazard*** and trained in how to perform ***every aspect*** of their work safely and efficiently (WorkCover NSW 1997, p. 29).
>
> [O]n-going communication with employees about ***the specific risks*** in their jobs and ***the specific steps that should be followed*** to guard against an accident or injury is essential (WorkCover NSW 1997, p. 33).

Not only do the misconduct risks need to be communicated, but the communication must be effective as well as reinforced (Carter & Stephens 1994, p. 42). Similarly, with regard to occupational health and safety, WorkCover NSW (1997, p. 29) emphasises the importance of not only providing information but ensuring that the information is understood and implemented.

9.3 CORPORATE GUIDANCE CONCERNING COMMUNICATING MISCONDUCT RISKS

Relevant NSW Police Force corporate guidance to individual commands is summarised in this section to provide a context in which to consider commanders' descriptions of the information that is given to their staff concerning misconduct risks. From the material described in Chapter 3 of this report, the most relevant corporate guidance to individual commands would appear to be that provided in the Corruption Resistance Portfolio of the Command Management Framework. This document identifies the following action in relation to 'staff awareness of identified corruption risks and strategies in place to minimise risk':

> Command Management Team regularly reinforces/promotes the [Corruption Resistance] Plan to ensure staff are aware of managerial focus and commitment.

The NSW Police Force Compliance Manual and the Duty Officer Deployment Model also offer guidance to individual commands on the communication of 'corruption resistance issues/activities' and 'professional standards training and awareness'. The 'Corruption Resistance' document within the NSW Police Force Compliance Manual states that:

> Commanders and managers will ensure:
>
> …
>
> - Training days/briefings conducted for staff to be familiar with Corruption Resistance issues/activities within CMF. (Training in ethics/corruption prevention/detection be included in all training programs).
>
> - Staff assessed as to their knowledge of corruption resistance issues and associated activities within the Command (p. 2).

While the relevant performance agreement within the Duty Officer Deployment Model states that the Duty Officer assigned the Professional Standards Portfolio is responsible for 'professional standards training and awareness', awareness of potential misconduct risks to be faced by officers and how to manage such risks are not explicitly addressed within these responsibilities. The Duty Officer's responsibilities are stated to comprise training in relation to:

- complaint management and access to c@ts.i
- current legislation and procedures
- customer service
- corruption reporting mechanisms
- regular promotion of the Code of Conduct and Ethics (p. 4).

9.4 TYPES OF INFORMATION COLLECTED

The Commission asked local area commanders as well as commanders of specialist commands and squads:

- What, if any, information has been given to staff of the command about the misconduct risks they are likely to face in their work and how best to manage these risks? Please provide copies of any relevant documentation and materials.
- Is there an induction program that is run for officers who transfer into the command? If so, what does this induction program consist of? Please provide copies of any relevant documentation and materials.
- Does the command have a Corruption Prevention Plan or Corruption Resistance Plan? If so, please provide a copy of this plan.

9.5 WHAT WE FOUND OUT ABOUT COMMUNICATION OF MISCONDUCT RISKS WITHIN COMMANDS

COMMANDERS' RESPONSES

When asked: *What, if any, information has been given to staff of the command about the misconduct risks they are likely to face in their work and how best to manage these risks,* some commanders described *what* was communicated, while others described *how* or *when* the information was conveyed but not *what* was conveyed, for example:

> Inductions (Metropolitan Command)
>
> This is all done verbally – at team meetings and morning briefings. (Metropolitan Command)

Still other commanders described both what information was conveyed as well as how it was conveyed. Table 9.1 summarises commanders' responses in terms of the nature of the information communicated and the means by which this information is communicated.

What information was communicated?

As can be seen from Table 9.1, in about one-third of their responses commanders did not specify the nature of the information communicated. Where the type of information communicated was described by commanders, most commonly it was about additional (referred to as 'ad hoc' in Table 9.1) issues as they arose (reported by 16 commanders) or corruption resistance plans (reported by 12 commanders). Commanders most frequently reported that ad hoc issues were communicated orally or using the 'Memo' system (by email). Corruption resistance plans were most commonly said to be communicated on a notice board or prominent display within the command, during induction or on the command intranet site.

Table 9.1: Number of commanders reporting types of information communicated using different strategies

Nature of information communicated	Method of communication										Total no. of commands
	Induction	Oral – parades, briefings	Memo/ email	Training days	Notice board/ prominent display in command	Intranet	Direct supervision	Written – hard copy	Other [193]	Not specified [194]	
Ad hoc issues	-	7	7	-	-	-	-	-	-	2	**16**
Corruption resistance plan	3	-	1	-	4	3	-	1	-	-	**12**
Code of Conduct and Ethics	1	-	-	4	3	-	-	-	-	1	**9**
Corporate material/policies	-	1	-	-	-	1	-	-	1	2	**5**
Misconduct risks and indicators	2	-	-	2	-	-	-	-	-	-	**4**
Complaint trends	-	1	-	-	-	-	-	-	-	-	**1**
Not specified [195]	7	5	3	4	1	-	1	-	2	-	**23**
Other [196]	2	-	-	-	-	-	1	-	1	-	**4**
Total no. of commands	**15**	**14**	**11**	**10**	**8**	**4**	**2**	**1**	**4**	**5**	

The following examples illustrate the types of responses that were categorised as 'ad hoc' issues in Table 9.1. They include both command-specific incidents as well as recently disseminated corporate material:

> Some information provided in response to incidents – e.g. had an officer charged with assault, another officer PCA [Prescribed Concentration of Alcohol] – this led to a reminder to all officers about appropriate off-duty behaviour. (Metropolitan Command)

> Policies regularly transmitted … Sending out of recent reports. Parades – if anything of relevance, it is discussed at parade. (Metropolitan Command)

[193] The 'other' methods of communication reported include: The Police Service Weekly (a corporate publication); presentations to new staff at the Police College; Team Development Reviews and Supervisor Forums; and PowerPoint Presentation.

[194] Response did not specify *how* the information was communicated, for example whether it was communicated orally or by email.

[195] Response did not specify *what types* of information or messages were communicated.

[196] The 'other' types of information communicated included material related to: Secrecy Undertaking and Statement of Responsibilities; collection and dissemination of information; domestic violence incidents; command Professional Standards presentation.

> Emails sent by Inspector or Supt. Regularly at face-to-face 8am meeting talk about corporate emails, recent events etc. (Rural Command)

> If any individual risks are identified they would be communicated at the Weekly Staff meetings and via email. (Specialist Command)

Nine commanders said that their staff were provided with information about the NSW Police Force Code of Conduct and Ethics, which consists of ten principles or broad statements which seek to cover all situations, such as 'act with care and diligence when on duty'. Other types of information that commanders described communicating included the corporate materials (such as the Police Weekly or policy documents), misconduct risks and indicators (such as lectures detailing command expectations of probationers), and one commander said that complaint trends are disseminated to his staff at briefings.

Are the specific misconduct risks described for officers?

Some commanders' responses suggested that they communicated the specific risks faced by officers and how best to manage these risks, while other commanders' responses suggested that they left it up to the officers to work out the risks for themselves. Examples of responses that suggest that some commanders identified specific risks to be faced by officers include:

> Probationers are provided with information on misconduct risks and corruption indicators at their induction day at the command. Lectures also detail the command expectations of the probationers. (Metropolitan Command)

> All new personnel enter into a Conditions of Duty document detailing various risks such as security of information and equipment. Personnel are also given a copy of the unit Corruption Resistance Plan and briefed on the identified risks. All staff are briefed during meetings and by memo with regard to changed procedures and policies. (Specialist Command)

In contrast, the following examples of responses suggest that some other commanders – while they might provide a copy of the command's corruption resistance plan to officers – may leave it up to the officers to recognise and understand the misconduct risks they may face in their work:

> I can't think of anything in writing that we have given to staff except induction document that describes make up of command and they can draw their own conclusions. (Rural Command)

> Corruption Resistance Plan is available to everyone – get a copy when start at the command. Copies can be found on notice boards, [and] in toilets. (Metropolitan Command)

> Corruption Prevention Plan is posted on the Internet under [the command] home page. The plan is predominantly displayed about the station and work areas. (Metropolitan Command)

How was information communicated?

Table 9.1 indicates that induction (reported by 15 commanders) and oral briefings (reported by 14 commanders) were the most common means reported as being used to communicate misconduct risks. Methods of communication differed with types of command. A greater proportion of metropolitan commands (ten out of 11) than rural commands (three out of nine) mentioned using oral briefings. In contrast, rural commands (seven out of nine) and specialist commands (four out of five) were more likely than metropolitan commands (four out of 11) to report using induction sessions or induction packages to communicate information concerning misconduct risks.

Other methods of communication that commanders reported using included the memo (or email) system, training days, the command intranet site, notice boards or other means of prominent display. Two commands referred to direct or supportive supervision as a method of communication, as illustrated by the following quotation:

> Supportive supervision – giving people who don't know what to do the guidance, let them know that they have not asked a stupid question, minimises a lot of what can be seen as misconduct issues. (Rural Command)

In addition to responding to the question, one specialist and one metropolitan commander provided their thoughts on the best ways of communicating misconduct risks to officers. Both commanders emphasised the importance of speaking to their officers rather than relying on emails or simply having officers sign that they have received some documentation.

Is the communication tailored to different types of officers?

While some misconduct risks may apply to all officers and others may be specific to officers undertaking particular duties, commanders' responses suggested that most often information is provided in such a way that it is available to all officers (such as, on the intranet or displayed on notice boards) or to all officers who are present at a muster or parade. Other than some commanders referring to their communication with probationary constables, there was no other reference to commanders specifically tailoring their communication about misconduct risks to different types of officers. However, as will be discussed later in this chapter, two commands provide tailored corruption resistance plans and some commands prepare different versions of their induction manuals.

CORRUPTION RESISTANCE PLANS

Corruption resistance plans are a potentially important channel for communicating information to officers about command misconduct risks and how to manage them. The importance of these plans is supported by the following three observations:

- the Corruption Resistance portfolio of the Command Management Framework specifically refers to the 'corruption resistance plan' as the document that should be reinforced and promoted in terms of action required in relation to 'staff awareness of identified corruption risks and strategies in place to minimise risk'

- corruption resistance plans were amongst the most frequent types of information that commanders reported providing to their officers to communicate misconduct risks (see Table 9.1)
- corruption resistance plans were reported to be the documents that most frequently provided a list of the command's misconduct risks (see Chapter 6).

Given their potential importance as a communication tool, the content of the corruption resistance plans provided by the commands was analysed to examine the nature of the information communicated in these documents.

Did all commands have corruption resistance plans?

One rural commander said that his command did not have a corruption resistance plan. From his response at interview it was clear that this commander had made a deliberate choice not to have such a plan:

> No – Have done them [in other commands]. Don't think we need them. I've seen a lot of plans that have been developed and lip service [only paid to them] … Can manage through CMT, CMF etc without having another thing to have to keep up to date … We can do it but it doesn't need to be presented within another plan. (Rural Command)

The remaining 24 commands each provided a copy of one or more documents that they considered to be their corruption resistance plan. These documents were given a range of titles including: 'Corruption Resistance Plan' (9 commands), 'Corruption Prevention Plan' (8 commands), 'Professional Standards & Corruption Resistance Plan' (or 'Corruption Resistance and Professional Standards Plan') (2 commands), 'Professional Standards & Behaviours/Corruption Resistance Plan' (1 command), 'Professional Standards Plan' (1 command), 'Corruption Prevention Policy' (1 command) or simply 'Corruption Resistance' (1 command).

As described in 'Tips from commanders No. 4' later in this chapter, one metropolitan command had two plans: one called 'Professional Standards Plan' (available to supervisors); the other called 'Corruption Resistance Plan' (more focussed toward junior staff). Another metropolitan command had a separate corruption resistance plan for a high risk area within the command (see Tips from commanders No. 3) and a specialist command had a supplementary corruption resistance plan which nominates two areas of conduct to be targeted for a six-month period.

Despite the different local names used for these plans, in the discussion that follows all such plans shall be referred to as a 'corruption resistance plan'.

Differences in structure and content of corruption resistance plans

There was a lot of variation in the structure and content of the corruption resistance plans supplied by different commands. While more than half of the plans (13) were one page long, the plans that were provided to the Commission varied in length from one page to 16 pages.

There were several distinct formats that were used across the commands. Five of these different formats are briefly described below. In some cases extracts from the plan are included to illustrate the types of information that they communicate:

a. the plans for four commands (three metropolitan and one specialist command) present a subset of 12 to 16 of their Command Management Framework (CMF) portfolios as 'risks' and then describe the 'approach' or a list of strategies to manage each of these risks and 'performance indicators' for each risk (portfolio). Two of the metropolitan commands were identical in the CMF portfolios and strategies that they selected. An example of one such 'risk' and associated 'approach' is provided below.

Example of Format 'a'

Risk: Exhibits (General, Drug & DNA)

Approach:

- Security and Access to Property Room limited with key segregation
- Ensure compliance with correct exhibit handling and disposal requirements
- Undertake audit of 25% exhibits every 3 months to achieve 100% audit of exhibits annually
- Evidence of retention minimization (28 day turn-a-round of property)
- Maintain a separate register/storage of DNA exhibits and video tapes
- Audit DNA kits and exhibit/registers to ensure compliance. (Metropolitan Command)

b. the plans for four commands (two metropolitan and two rural) provided information on 'risk', 'risk rating', 'strategy', 'sponsor', 'support', and 'frequency'. Examples of the 'rating' and 'strategy' for two risks from one of these plans are provided below.

Example of Format 'b'

Risk	Rating	Strategy
Source Management	HIGH	• Adherence to Source Management policy • Staff education
Illicit drug use	HIGH	• Intrusive monitoring of staff • Random and targeted drug tests • SMITS re Drug and Alcohol Policy/MCPE [Mandatory Continuing Police Education] training (Metropolitan Command)

c. the plans of three commands (one metropolitan, one rural and one specialist) are structured as a one-page table with five columns displaying descriptions of:

- activities that are undertaken to minimise the risks of corrupt actions by members of police both internal and external to the command, such as 'random/targeted COPS access audits' and 'notebook inspections'.
- the role and composition of the Complaint Management Team
- assessment of risk related to the individual and, for one of the commands, assessment of risk related to the position that person occupies within the command, such as:

> The Key Principles of Risk Assessment as it related to the Corruption Resistance Plan are:
>
> - any assessment of staff must be based not just on work performance, but also on a wide range of variables that include service history, personal traits etc
> - Risk Management is an on-going process that requires the active involvement of Management.

- performance management and team reporting
- standardised employee management reporting.

d. the corruption resistance plans of two rural commands consist of a single-page statement of broad strategies.

Examples of strategies used in Format 'd':

> Ensuring our activities are in line with our designated job descriptions
>
> Providing leadership to our people
>
> Making equitable and fair decisions. (Rural Command)

e. the corruption resistance plans for two specialist squads commenced with an overview that provided: descriptions of the methods they use for identifying areas of risk; identified areas of risk; a statement to the effect that the plan was linked to the Command Management Framework and to individual officers' performance agreements; performance indicators; and a statement about the proposed review of plan. The subsequent pages of these corruption resistance plans tabulated the identified risks, strategies to remove or reduce the risk; and the corresponding CMF area of responsibility. An example illustrating how a risk is linked to strategies and to the Command Management Framework is given below.

Example of Format 'e'

Identified risks	Strategies to remove or reduce the risk	CMF area of responsibility
Use of assets and equipment	a. Assets officer to be appointed b. Assets register to be maintained c. Quarterly audits of Assets and Registers d. Random audits of assets e. Restrict access to equipment room f. Monthly mobile telephone audits	Assets Management – CMF

(Specialist Command)

While the specific formats differed, the majority of the other nine plans provided an area of risk (sometimes accompanied by an 'objective') and a series of 'strategies'.

In their responses to the Commission, some commanders offered suggestions for the types of information to be included and the length of corruption resistance plans. These suggestions are described in Tips from Commanders No. 1 and 2.

Tips from commanders No. 1: Focus on practical actions

When describing his corruption resistance plan, one metropolitan commander said his command supplemented their own efforts with extracts from other commands' plans. He said that his command focused on incorporating within the plan practical things that the command could do.

Some examples of the activities included in this command's plan are:

- random/targeted briefs of evidence (including comparisons of notebooks and statements)
- inspection of search warrant videos and system
- after hours visits to LAC stations
- brief checks for quality, integrity, content and timelines
- customer surveys.

Tips from commanders No. 2: Keep corruption resistance plans short

One metropolitan commander said that he has totally reconfigured the command's corruption prevention plan. When asked what he did not like about the previous plan, this commander said that he thought that it was a bit extensive and that he did not think that people would have read it.

Another rural commander said that he had divided his command's plan into 'a number of "1-pagers" … to place on notice boards'.

Do corruption resistance plans communicate the nature of the risks that officers will face in their work?

Not all of the 24 commands that provided corruption resistance plans used these plans to communicate the misconduct risks that officers will face in their work. Plans from five of the commands did not specify any types of risks. Of the 19 commands whose plans did document some risks, some of the identified risks:

- did not appear to pertain to corruption or other forms of misconduct
- were not clearly expressed, putting in question the nature of the risk to be faced
- were conveyed in terms of wide-ranging categories of risk rather than any specific risk.

For example, one of the commands nominated 'Annual Leave' as a risk and the approach to address it was specified as follows:

- Utilize the [Regional] Leave calculator
- Monitor leave liability monthly
- Risk assess the status of leave balance for staff transferring into and out of the [command]
- Rosters are cross referenced with SAP [human resources data base] and audited regularly (Metropolitan Command).

While the label 'Annual Leave', by itself, provides little guidance as to the nature of the risk to be managed, the 'approach' or strategies associated with this risk suggest that what is being managed is a financial liability associated with the accumulation of excess annual leave. From the information provided, there is nothing to suggest that the potential liability of 'Annual Leave' is associated with corrupt practices or police misconduct in any way. It is unclear why such a risk would be included in a command corruption resistance plan.

The nature of some of the risks nominated in a number of corruption resistance plans is not clearly expressed. For example, two of the 16 risks nominated by one metropolitan command are 'CMF' and 'Corruption Resistance'. 'Complaint Management' is one of seven risks nominated by a different metropolitan command. The approach or strategies presented in these corruption resistance plans for these three risks are as

listed below. (The different formats in these examples reflect the differences in formats used in the plans of the different commands.) Neither the brief description of these risks ('CMF', 'Corruption Resistance' and 'Complaint Management') nor the stated strategies clarify the type of corruption or other forms of police misconduct which the command is seeking to mitigate.

Risk:	CMF
Approach:	• Display of chart identifying current Portfolio Holders • Regular checking and follow-up of Portfolios by Sgts • Regular test sampling and follow up by Duty Officers.
Risk:	Corruption Resistance
Approach:	• Command Corruption risks identified by surveys and risk assessments using audit tools. • Identify, implement and support corruption resistance strategies to reduce risks • Encourage and support reporting of suspected corruption • Corruption Diary/Professional Standards Council (Metropolitan Command)

Risk	Objectives	Strategies
Complaint management	• Promote professional conduct • Reduce police corruption and unethical behaviour • Improve the investigation & management of complaints	• Promote the Code of Conduct and Ethics within the Command • Provide support and confidentiality for complainants • Monitor and manage High Risk Officers • Maintain intrusive supervision • Allocate the Corruption Minimisation Diary each month to an Inspector or Supervisor • Duty Officers to maintain CMF Dip-Sample Calendar • Educate Police about the complaints process • Provide complaint investigation training • Maintain an effective CMT (Metropolitan Command)

Some other risks are described in very broad terms, as illustrated by the following example, where one of six risks nominated by a rural command is 'Criminal behaviour & gross misconduct'.

Risk type	Combat strategy /Tool
Criminal behaviour & gross misconduct	• Criminal law/statutes • Code of Conduct & Ethics • Commissioners Statement of Professional Conduct • Command Management Framework (CMF) • Ethical Decision Making Framework • Modelling of ethical behaviour by role models/product champions • Education & training • Internal investigations (Rural Command)

As previously observed in relation to the descriptions of misconduct risks provided by commanders (refer to Chapter 6), while it is possible that the nature of the misconduct risks may have been clear to the person or persons who developed the corruption resistance plan, such brief or broad descriptions are unlikely to assist officers to recognise the specific risks that they may face in their work.

This is not to suggest that none of the risks nominated in any of the corruption resistance plans assists in communicating the risks that may be faced by officers working in that command. For example, one specialist command's corruption resistance plan took the form of a 12-page command-specific code of conduct. It included sections which identified some specific misconduct risks such as the risk of inappropriately disclosing confidential information. In addition to defining what is considered to be confidential information, this plan included the following advice to employees:

> Employees of [command] deal with sensitive and personal information on a daily basis and must ensure that they are aware of the requirement to preserve the confidentiality of this information and respect the privacy of the people involved at all times. (Specialist Command)

Further information about the types of risks identified within the different corruption resistance plans can be found in Table 7.1 of Chapter 7.

Are the corruption resistance plans tailored to different types of officers?

On the whole, commands had one corruption resistance plan that was made available to all staff in the same way, such as on the command intranet site or on a notice board. However, there were some exceptions to this. For example, as described in 'Tips from commanders No. 3', one command had a separate corruption resistance plan for what it considers to be a high risk area of work, its Drug Team and Proactive Team.

Tips from commanders No. 3: Have a separate corruption resistance plan for a high risk area

A metropolitan commander said that he has a separate corruption prevention plan in place for the command's Drug Team and Proactive Team. This one-page plan identifies risks and strategies as the following examples illustrate.

Risks	Strategies
Inappropriate relationships	• Staff rotations • Adherence to Informant Management Plan • Checks of phone and vehicle usage • Targeted integrity testing • Targeted drug testing
Exhibits (money drugs property) mishandled	• Ensure compliance with SOPs • Independent officers attend search warrants • Independent officer supervise exhibit handling • Video recording of search warrants
Fail to create an ethical culture	• Reinforce corruption prevention policy • Issue the code of conduct • Monitor high risk groups • Recognise ethical conduct • Encourage reporting of corrupt activity

Another command (see 'Tips from commanders No. 4') had separate documents: one directed to supervisors and the other focussed on more junior staff.

Do corruption resistance plans communicate how officers should manage the risks that they face?

As can be seen from the examples provided earlier in this chapter[197], most commonly where strategies were linked to risks in corruption resistance plans, they referred to command-wide activities for checking compliance with policy rather than actions to be adopted by individual officers in response to the misconduct risks they might face.

In contrast, one metropolitan command's corruption resistance plan provided lists of actions that officers could take as a 'means to avoid complaints'. Examples from this command's corruption resistance plan are provided in 'Tips from commanders No. 4'.

[197] For an example, refer to the strategies listed in Tips from commanders No. 3.

Tips from commanders No. 4: Have two separate plans directed at different levels and include information on 'means to avoid complaints'

One metropolitan command has separated its plan into two different documents. One document is available to supervisors and above for reference, while the second document is more focused on junior staff. Both documents list identified command risks such as 'off duty deviant behaviour', 'source management', 'Illicit drug use', 'failed prosecutions and brief preparation' as well as risk ratings of 'high' or 'medium' for each risk and specific checks and strategies to be implemented to manage the risks. The document that is directed to supervisors also nominates positions that are responsible for implementing different strategies as well as the frequencies for undertaking the various checks. The document that is directed to more junior staff provides lists of strategies under the heading of 'Means to avoid complaints'. Examples of these strategies include:

Risk	Means to avoid complaints
Off duty deviant behaviour	• Don't flash your police badge whilst off duty • Don't drink to excess in licensed premises • Follow the instructions of security and bar staff • Maintain the values and good reputation of the NSW police
Failed Prosecutions and Brief Preparation	• Submit briefs to supervisors for review prior to submission to Brief Handling Manager • Consult supervisors or experienced investigators for advice • Adhere to due dates and submission dates • Subpoena witness early

INDUCTION PACKAGES

Since induction was nominated by commanders as one of the most frequently used methods of communicating information about misconduct risks and the way officers should respond to these risks, the copies of induction materials provided by the individual commands were examined for the information that they provide in relation to recognising and responding to misconduct risks.

Structure of induction packages

Induction is a time to equip officers with the information that they need to efficiently and effectively perform their duties in a new command as well to communicate the behaviour and standards expected of them. As such it is not surprising that induction packages convey a wide range of information encompassing, amongst other things:

- information about practicalities such as lockers, change rooms and toilet facilities, social club and tea fund, address cards, leave entitlements and appropriate dress code
- specific procedures in relation to arms and appointments, arrest and charging procedures, exhibit handling procedures.

In some regions, commands also have a separate Occupational Health and Safety Induction package.

The induction packages provided to the Commission varied from 12 to 92 pages.

Are induction packages tailored to different types of officers?

Nine of the 25 commands have prepared different induction packages for different groups of staff. For example some have separate induction packages for:

- probationary constables
- officers transferring into the command
- administration officers.

One region also has a separate induction package for 'Lock Up Keepers' which provides information specific to Lock Up Keepers in addition to the material supplied in other induction packages. In particular, the Lock Up Keepers' induction package provides a section on 'Professionalism' which recognises some of the misconduct risks that may be faced by officers working in isolated environments. These risks are discussed under the heading 'Professional Distance':

> **Professional Distance:**
>
> Can be described as the manner in which you conduct your duties and your private life with regard to relationships with members of the local community.
>
> As a professional police officer your conduct with members of the local community both on and off duty must be maintained in a fashion that will not bring disrepute to yourself and the service.
>
> Your professional distance needs to be balanced to ensure that the relationship that you maintain with members of the community, local organisation and individuals remains open, transparent, without bias or prejudice and of a nature that will not interfere with the efficient policing of that sector. (Rural Command)

The induction package for one rural command included, amongst other material, specific information for officers working in different stations within that command. Such issues include specific procedures for receiving money at one of the stations and specific procedures for admission of vehicles to the Holding Yard for another station as well as different security procedures at the stations.

Induction checklists

It is common for commands to have a checklist associated with their induction process. Such checklists typically provide reminders and space to acknowledge that action has been taken in relation to a series of practical steps such as:

- Ensure induction package is up to date and accurate
- Ensure that there is a spare locker with key
- Issue locker key
- Issue gun safe key
- Conduct tour of township.

One specialist command has several checklists: an induction checklist prior to starting, another checklist for the officer's first day(s), as well as a 'Competency Log' which records whether or not the officer is considered 'competent' in demonstrating his or her understanding in relation to 12 defined competencies.

Another specialist command's checklist stood out from others in that it appears to focus not only on allocating keys but also on *explaining* responsibilities. Examples from this checklist are provided in Tips from commanders No. 5.

In relation to minimising police misconduct, checklists from some commands include steps such as: 'Ensure Code of Conduct Statement is signed'.

Tips from commanders No. 5: Focus on explaining responsibilities

In addition to items pertaining to a description of the command, introductions to various personnel and a tour of command, this checklist includes the following items:

Explain relevant organisational policies and procedures:

- Strategic Plan reviewed
- Corruption Prevention Plan – responsibilities explained and Code of Conduct signed
- Secondary Employment – explained

Explain:

- Grievance/complaint procedures
- Reporting responsibilities
- Job standards and expectations (level of service required)

This induction checklist requires the signatures of the employee being inducted, the person inducting the new employee and the date of the induction.

One specialist command provides new officers with a pocket-sized card which provides expected standards of professional behaviour on one side and a summary of the Code of Conduct and Ethics on the other. The expected standards of professional behaviour for officers in this command are outlined in Tips from commanders No. 6.

Tips from commanders No. 6: Use of a pocket–sized card outlining expected standards of behaviour

One commander of a specialist squad said that staff transferring into the command are given a written induction, including a pocket-size card on 'Standards of Professional Behaviour [within the command]' on one side and summary of the NSW Police Force Code of Conduct and Ethics on the other. These Standards of Professional Behaviour include:

1. Comply with the Code of Conduct and Ethics and the [command] Professional Standards Plan.
2. Feel comfortable reporting incidents knowing that confidential affirmative action will follow.
3. Having pride in the [command] knowing that all staff will not tolerate dishonest or unethical behaviour.
4. Behaving in a manner both on and off-duty, which displays a positive example to all.
5. Supervisors leading by example by outwardly displaying a high ethical and professional standard.
6. Strive to target and place before the courts those who are involved in drug activity and other serious crime and ensuring those who commit these crimes are afforded ethical and professional treatment.
7. Always being open to intrusive supervision, with recognition of good police work of paramount importance.
8. Respecting the various levels of experience and responsibility of all police and most importantly treating all customers fairly, from the many cultures and social structures and dependencies, especially those in custody.
9. Staff being valued by Management when displaying behaviour worthy of trust and showing commitment to fellow officers and the profession of Policing.
10. Being able to express opinions, initiatives and varying points of view in any situation without prejudice. (Specialist Command)

9.6 SUMMARY AND IMPLICATIONS

SUMMARY

In about one-third of their responses commanders did not specify the nature of the information communicated to their officers about misconduct risks. Where the type of information communicated was described by commanders, most commonly it was about additional or ad hoc issues (such as command-specific incidents and recently disseminated corporate material) as they arose or about corruption resistance plans.

Induction and oral briefings were the most common means reported as being used to communicate misconduct risks. Methods of communication differed with the types of command. Metropolitan commands more frequently mentioned using oral briefings while rural and specialist commands more frequently reported making use of induction sessions or induction packages.

Some commanders' responses suggested that they communicated the risks faced by officers and how best to manage these risks, while other commanders' responses suggested that they left it up to the officers to work out the misconduct risks for themselves.

Other than some commanders referring to their communication with probationary constables, there was no other reference to commanders specifically tailoring their communication about misconduct risks to different types of officers.

Corruption Resistance Plans

All except one of the sampled commands had a corruption resistance plan. There was a lot of variation in the structure and content of the corruption resistance plans supplied by the sampled commands.

While approximately three-quarters of commands specified some form of 'risks' within their corruption resistance plans, some of these risks could not be considered to pertain to corruption or other forms of misconduct. The brief unembellished descriptions of risks within many of the corruption resistance plans, as well as the breadth of the some descriptions, often left the nature of the risk to be managed unclear.

While most commands had one corruption resistance plan that was made available to all staff, one command had a separate corruption resistance plan for a high risk area of work and another command had separate plans for supervisors and more junior officers. Most commonly where strategies were linked to risks within corruption resistance plans, they were command-wide activities for checking compliance with policy rather than strategies to be adopted by individual officers when faced with specific risks. In contrast, one command provided lists of actions that officers could take as a 'means to avoid complaints' within its corruption resistance plan.

Induction Packages

Induction packages also varied among commands. Of particular interest were the communication strategies used by individual commands such as:

- an induction checklist which focussed attention on explaining officer responsibilities
- competency log to assess and record demonstrated understanding of the information conveyed
- provision of a pocket-sized card outlining the standards of professional behaviour expected within the command
- the identification and incorporation of issues particular to specific police stations or specific positions (such as lock up keepers) within the induction package.

IMPLICATIONS FOR MINIMISING POLICE MISCONDUCT

1. Diversity in communication strategies is to be expected across diverse commands

Commanders appear to differ in the ways that they communicate misconduct-related information to their officers. For example, a greater proportion of metropolitan commands than rural commands mentioned using oral briefings; while rural commands and specialist commands were more likely than metropolitan commands to report using induction sessions or induction packages. Given the different physical sizes of the commands and different geographical dispersions of their officers, it is to be expected that the most appropriate communication methods will not be the same for all commands.

2. Commanders' responses are broadly consistent with corporate guidance

The NSW Police Force corporate guidance suggests that individual commands should regularly reinforce and promote its corruption resistance plan, conduct training days and briefings to familiarise staff with corruption resistance issues and activities within the Command Management Framework, and regularly promote the Code of Conduct and Ethics. Each of these were amongst the communication methods mentioned by individual commanders, with 14 commanders mentioning briefings, 12 commanders referring to promotion of the corruption resistance plan, ten commanders mentioning training days, and nine commanders mentioning promoting the Code of Conduct and Ethics.

3. Promotion of NSW Police Force Code of Conduct and Ethics is not sufficient to inform officers of the specific misconduct risks they face

As noted above, nine commanders mentioned promoting the NSW Police Force Code of Conduct and Ethics. This Code was designed to provide 'employees with clear guidelines on the conduct required to support the values of NSW Police' (NSW Police 2006a, p. 3). It consists of 10 principles or broad, general statements (such as 'act with care and diligence when on duty' and 'comply with the law whether on or off duty') which seek to cover all situations rather than focus on specific circumstances.

While adherence to these principles provides an important foundation for minimising police misconduct, these principles are not sufficient to assist officers to recognise the specific misconduct risks that they may face in their work. For example, an officer conducting breath tests may not recognise the misconduct vulnerabilities associated with stopping and testing a prominent member of the community. While the appropriate behaviour is addressed in Principle 3 ('know and comply with all policies, procedures and guidelines that relate to their duties') and Principle 4 ('treat everyone with respect, courtesy and fairness') the officer may not recognise it as a situation to which these behaviours apply.

4. More could be done to inform officers of the specific misconduct risks they face and how to respond when they actually encounter such risks

Some commanders emphasised the importance of talking to officers about the misconduct risks that they may face. From the information collected it is not possible to assess the quality or effectiveness of such verbal briefings. However, based on the documentation that has been collected, there would appear to be little that is done to communicate and leave a written record of the specific misconduct risks that officers are likely to face.

Officers undertaking different types of police work are likely to face different misconduct vulnerabilities and opportunities. With a few exceptions, the communication strategies reported by commanders tended not to be tailored to communicating different messages to officers undertaking different types of police work.

Officers should receive guidance and support on how to recognise and manage risks that may be specific, for instance, to a particular policing role such as conducting investigations, to working in a particular area such as a remote geographical area and to work where there is little supervision. Drawing the analogy with the Occupational Health and Safety literature, it is important that officers are made aware of the specific risks in their jobs and the specific steps that should be followed to guard against engaging in misconduct.

5. Clarifying the misconduct risks

Police work, by its nature, is subject to various types of risks: operational risks, financial risks, safety risks and misconduct risks. One might expect that the risks that are included in corruption resistance plans to be related to corruption or other forms of police misconduct. However, while many of the corruption resistance plans nominated 'risks', not all of these risks could be considered to pertain to corruption or other forms of police misconduct.

The use of brief unembellished labels for some risks (such as 'CMF', 'Corruption Resistance', 'Complaints') as well as the broad scope of some other labels (such as 'Criminal behaviour & gross misconduct', 'Staff accountability' and 'Communications') used in corruption resistance plans do not assist officers to understand the nature of the risk which may be encountered. The nature of each risk needs to be expressed clearly to assist in the communication, recognition and management of misconduct risks.

6. What is of the purpose of corruption resistance plans?

Several NSW Police Force Corporate documents (specifically the Corruption Resistance portfolio of the Command Management Framework, the Compliance Manual and the Duty Officer Deployment Model Performance Agreements) refer to corruption resistance plans. However, in its review of corporate documentation (that were in existence at the time that information was collected for this project)[198], the Commission did not locate any guidance on the nature of the information to be included in a command corruption resistance plan or who was intended to be the audience of such a plan.

While the majority of commands surveyed appeared to accept the need for a command-specific corruption resistance plan, the differences in the information contained within corruption resistance plans as well as differences in the ways that the plans were used across commands suggests a lack of shared understanding of the purpose of the plan.

The Commission examined the copies of the corruption resistance plans provided by the sampled commands in terms of their content, specifically focussing on whether the plans communicated the nature of the risks that officers will face in their work and how officers should manage the misconduct risks that they face. While, overall, the corruption resistance plans did not appear to communicate such information, this may be because commanders do not consider this to be the purpose of these plans.

7. Developing strategies to ensure that the information is not only distributed but is understood by officers

While some induction checklists referred to explaining officer responsibilities and some commanders said that they emphasised the expectations and appropriate actions on training days and during briefings, often there appeared to be little attention given to ensuring that the information provided is understood. An example of this is where commanders said that the command's corruption resistance plan was made available to all officers either by being placed on a notice board or on the command's intranet site, with no discussion of the content or of how the content is relevant to the work of individual officers. For officers to be able to act on information about misconduct risks it is important that it is communicated in such a way that officers understand what it is about, and when and how it is relevant to them and their work.

[198] Some of these issues have subsequently been addressed by the NSW Police Force *Corruption Resistance Planning Guidelines* which were released in early 2008.

Part 3:
ASSESSMENT AND RECOMMENDATIONS

10. WHERE TO FROM HERE?

10.1 OVERVIEW

This chapter provides an assessment of the processes that NSW Police Force commands use to identify and communicate misconduct risks, including suggested areas for improvement. Recommendations are made throughout the chapter to improve processes to assist commands prevent police misconduct. While information from commanders and their commands form the basis of the findings in this report, many of the recommendations are directed more broadly to the NSW Police Force so that it can provide clear messages and develop further tools to assist commands and commanders in their role of minimising misconduct.

A consolidated list of recommendations is provided at the end of this chapter.

10.2 BRIEF REVIEW OF PURPOSE OF PROJECT MANTA

As described earlier in this report, Project Manta focuses on the prevention of future misconduct in individual commands of the NSW Police Force. Unlike detecting and investigating misconduct, preventing police misconduct requires intervening *before* the misconduct occurs.

The Commission is of the view that the Occupational Health and Safety approach to minimising employee accidents provides a useful model for thinking about minimising police misconduct. Occupational Health and Safety strategies seek to minimise employee accidents and maximise employee safety by identifying and managing workplace safety hazards and associated risks. Similarly, Project Manta seeks to inform strategies to minimise police misconduct by examining how NSW Police Force commands identify and manage those aspects of policing which may pose integrity hazards or vulnerabilities for misconduct, independent of the particular individuals who occupy the positions. Project Manta examines how NSW Police Force commands identify and communicate the risks that arise from integrity hazards, opportunities or workplace vulnerabilities for an employee to engage in corruption or some other form of misconduct. It does not seek to identify the individual officers most prone to engaging in misconduct, in the same way as Occupational, Health and Safety strategies do not seek to identify individuals predisposed to clumsiness or accidents. This approach is different from the traditional police approach to reducing misconduct which focuses on the individual officer.

Project Manta is based on the reasoning that:

- there are misconduct risks that arise from integrity hazards or command vulnerabilities associated with the types of work police undertake, staffing profiles and other aspects of the policing environment which may increase the likelihood of officers engaging in some form of misconduct
- misconduct risks can be identified prior to the misconduct occurring
- identifying and managing command integrity vulnerabilities and their associated misconduct risks, and assisting officers to recognise and respond appropriately when they encounter such misconduct risks are significant and practical steps

that NSW Police Force commands can take to minimise future police misconduct.

This first report from Project Manta has described what commands reported about the nature of their misconduct risks and how these risks are identified and communicated, as well as the Commission's observations from its analysis of the documentation provided by the commands. The assessment of the NSW Police Force misconduct risk identification and communication processes are discussed separately below.

10.3 IDENTIFICATION OF COMMAND-BASED MISCONDUCT RISKS

The identification of command integrity vulnerabilities together with the corruption and serious police misconduct risks associated with these vulnerabilities is important because these risks represent opportunities to intervene to minimise future corruption and other forms of serious police misconduct. Identification is the first step toward managing these risks as well as helping officers recognise the risks and know how to respond appropriately to them.

ELEMENTS OF A SOUND MISCONDUCT RISK IDENTIFICATION STRATEGY

Based on its review of the relevant literature, consideration of well-established Occupational Health and Safety strategies and analyses of the information provided by individual commands, the Commission considers that sound command-based misconduct risk identification strategies should:

- look beyond the risks associated with individual officers to explicitly attempt to identify foreseeable integrity hazards
- approach the task from several different perspectives to minimise the likelihood of significant misconduct risks being overlooked and consequently not being recognised or managed
- result in a clear and specific description of the nature of each misconduct risk
- match each misconduct risk to the group of officers to which it applies (for example all officers in the command, highway patrol officers, officers working in a particular station or stations, probationary constables) so that misconduct risks can be classified into those that are:
    - shared by all officers working in the command
    - specific to officers working in particular locations within the command
    - specific to officers undertaking particular types of duties within the command
    - specific to officers with particular levels of experience.

OPPORTUNITIES FOR IMPROVEMENT

1. Look beyond the risks posed by individual officers to identify command integrity vulnerabilities as a strategy to minimise corruption and serious police misconduct

What does the NSW Police Force currently do?

The NSW Police Force encourages commands to develop command-specific corruption resistance plans. In early 2008, the NSW Police Force produced its Corruption Resistance Planning Guidelines and provided training in these Guidelines to assist commands develop their corruption resistance plans.

At the time of finalising this report, the NSW Police Force advised that it had suspended use of these Guidelines while it reviews them.[199]

Strengths of current NSW Police Force practices

The Corruption Resistance Planning Guidelines are designed to 'ensure quality and consistency in corruption resistance planning across the state' by explaining 'the NSW Police Force standard for corruption resistance planning … and the obligations each command has in developing and implementing a plan' (NSW Police Force 2008a, p. 1). The Commission considers that these Guidelines provide a useful resource to assist commands with their corruption resistance planning. In particular, the Commission regards the following aspects of the Guidelines to be helpful:

- the focus on identifying command-based misconduct risks which exist irrespective of the risks associated with the particular officers who perform the work
- the examination of features particular to the commands in identifying misconduct risks
- the requirement that associated documentation is sufficiently detailed to allow for handover in the case of staff changes
- the provision of a central area (Professional Standards Command) to assist commands produce their corruption resistance plans.

Even before the release of these guidelines, all of the commanders whom the Commission approached as part of Project Manta were able to provide examples of misconduct risks which went beyond the risks associated with individual officers (refer to Chapter 6).

Areas for attention

Despite commanders naming broad command-based misconduct risks, many of the processes and sources of information (such as officer performance, leave data and staff risk assessments) that commands reported using to identify their broad

[199] Communication from Manager, Corporate Advice Policy and Projects, Professional Standards Command, NSW Police Force, 13 July 2009.

misconduct risks are methods that would more usually be associated with identifying individual officers who may be at risk of engaging in misconduct.

The suspension of the Corruption Resistance Planning Guidelines may lead to confusion among commands about their responsibilities for identifying, documenting and managing misconduct risks at a command level.

The Commission considers that the NSW Police Force should reinforce the importance of commands looking beyond the risks associated with individual officers when identifying and documenting command integrity vulnerabilities and their associated corruption and serious misconduct risks.

Recommendation 1:

To minimise police corruption and other forms of serious police misconduct at the command level it is recommended that:

Commands use a corporately endorsed, structured process to look beyond the misconduct risks posed by individual officers to identify and document all significant command integrity vulnerabilities and the associated corruption and serious police misconduct risks.

2. Provide clear and easily accessible messages to commands about how to use information from complaints to identify command integrity vulnerabilities and associated corruption and serious misconduct risks

The NSW Police Force is a large, decentralised organisation. Its policy and guidelines are, for the most part, developed centrally and implemented locally. Although corporate policies, manuals and guidelines, by themselves, do not minimise misconduct, their importance lies in providing a guide to shared practices across the organisation and a necessary aid to corporate memory. To achieve this, it is important that the messages provided are useful, clear, consistent and easily accessible.

Why are complaints useful?

Complaint management provides an opportunity for commands to identify and address emerging misconduct risks. Complaints can provide commands with information not only about individual officer conduct but also about broader misconduct risks facing officers who work at NSW Police Force commands. Even where allegations are not sustained, complaints can provide an insight into misconduct risks in a similar way to the way that 'near misses' can help organisations understand safety hazards before accidents and injuries occur in the workplace. As illustrated by the methodology applied in the Commission's analysis of complaints for each of the sampled commands (described in Chapter 7), this can be done by focussing on the nature of the complaint issues (or allegations) rather than on the individuals who are the subject of the complaints.

What does the NSW Police Force currently do?

There are many NSW Police Force documents available on the NSW Police Force intranet that provide guidance or direction to commands in relation to identifying and communicating command misconduct risks. The Commission identified and reviewed 16 such key documents or sets of documents.[200] Prior to the release of the Complaint Handling Guidelines in May 2008, several NSW Police Force documents made reference to using trends and systems issues based on complaints as tools for identifying misconduct risks. However, the new guidelines seem to narrow the focus and role of Complaint Management Teams to handling individual matters requiring 'evidence based investigations' (pp. 23, 44) and do not explicitly provide information on the use of complaints in regard to identifying complaint trends or identifying and remedying command-wide misconduct risks.

The Commission has been advised that commanders now address 'general and specific corruption resistance issues through proper management and interaction with their Professional Standards Duty Officer' who 'is responsible for monitoring patterns and advising the Commander regarding specific corruption resistance risk issues with current complaints and participates in CMTs when they are held'.[201]

Strengths of current NSW Police Force practices

The Commission is aware that some commands already analyse trends in complaint issues, either across the whole command or within different units (such as different stations or different duty types), as a source of information about their misconduct risks. As illustrated in Case Study A in Chapter 8, some commands have devised their own methods for analysing trends in complaint issues as a way to identify their misconduct risks.

Areas for attention

Although there are many NSW Police Force documents that provide guidance or direction to commands in relation to identifying command misconduct risks, determining which documents are the most relevant is not always easy.

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[200] Fourteen of these documents or sets of documents were available on the NSW Police Force intranet at the time data were collected from commands for Project Manta: Command Management Framework; Compliance Manual; Duty Officer Deployment Model and associated performance agreements; Business Planning Corporate Policy and Guidelines; position descriptions and other employment documents (principally relating to the role of local area commanders and duty officers); Complaint Management Team Policy; Complaint Management Manual; Complaint Management Standard Operating Procedures; Complaint Allocation Risk Appraisal (CARA) Guidelines; Complaint Management Team (CMT) Hints and Guidelines pages on the NSW Police Force intranet; Complaints Management Pack (User Guide); Police Handbook; Police Notices and Circulars; Complaint Practice Notes. Two further sets of guidelines were issued after commands supplied information for Project Manta: Corruption Resistance Planning Guidelines; and Complaint Handling Guidelines.

[201] Correspondence from the Director, Corporate Advice and Response, Professional Standards Command, NSW Police Force, 10 July 2009.

Also, command responsibilities for using complaints to identify broader command integrity vulnerabilities and associated misconduct risks are not clearly identified in the available corporate documents, for example:

- while some documents suggest that commands are required to identify complaint trends, others suggest it is optional and still others appeared to suggest that commands were not responsible for this
- different documents suggest that different positions or teams (such as Complaint Management Team, the Corruption Resistance Planning Team, duty officers, the commander in consultation with the regional professional standards manager) are responsible for identifying complaint trends without specifying how the responsibilities of different positions and teams are intended to be coordinated
- little guidance is provided concerning what is meant by 'identifying complaint trends' – that is, whether such trends relate to patterns in complaints exhibited by individuals or by the command as a whole and whether these trends relate to complaint issues, adverse findings or other matters such as timeliness of complaint investigations
- little direction is provided on *how* commands should look beyond the individual officer in their use of complaints to identify broad command integrity vulnerabilities and associated misconduct risks. (Refer to Chapter 3 and Appendix 1 for additional discussion about the inconsistencies and absence of clarification in the information provided in different NSW Police Force corporate documents.)

The Commission obtained and analysed two calendar years of complaints data to identify recurring themes and extraordinary issues as indicators of potential misconduct risks faced by officers working at the sampled commands. Although complaints were the source of information that commanders most frequently reported using to identify misconduct risks, a comparison of commanders' responses with the Commission's analysis indicated that commanders rarely mentioned any of the risks identified in the Commission's analysis of complaints. Few commanders nominated recurring or extraordinary issues from their complaint analyses or included contextual material about complaints. The reason for this is not known.

The Commission is of the view that commands should use complaints about their officers as one source for identifying their misconduct risks by examining:

- individual incidents (such as the loss of a significant drug exhibit, or the loss of a firearm) for the insight that such incidents provide on command misconduct vulnerabilities
- patterns, trends or recurrent complaint issues
- whether some locations tend to be associated with certain complaint issues
- whether particular positions or duty types tend to be associated with certain complaint issues.

Furthermore, the Commission considers that the NSW Police Force should provide clear and consistent guidance across relevant corporate documents (such as the Complaint Handling Guidelines, the Compliance Manual, the Duty Officer Deployment

Model and the Corruption Resistance Planning Guidelines) as to what is expected from commands in how they should look beyond the individual officer in their use of complaints as one source of information to identify their misconduct risks. Where possible corporate documents should be consolidated rather than further proliferated.

Recommendation 2:

To assist commands look beyond the individual officer in their use of complaints to identify their significant integrity vulnerabilities and the associated corruption and serious police misconduct risks, it is recommended that the NSW Police Force provides commands with clear messages about:

2.1 their responsibilities regarding identifying trends in complaint issues and using complaints to identify command misconduct risks by examining:

- individual incidents (such as the loss of a significant drug exhibit or the loss of a firearm) for the insight that such incidents provide on command integrity vulnerabilities
- patterns, trends or recurrent complaint issues
- whether some locations tend to be associated with certain complaint issues
- whether particular positions or duty types tend to be associated with certain complaint issues

2.2 the role of complaint management and the Complaint Management Team, if any, in identifying and minimising command corruption and serious police misconduct risks

2.3 the responsibilities of different position holders and teams in relation to using complaints to identify and minimise command corruption and serious police misconduct risks, and where more than one position or team has such responsibilities, clarifying any overlap and differences in these responsibilities.

In order to clarify messages provided to commands in these areas, all relevant NSW Police Force documents that provide corporate guidance in relation to complaint management, corruption resistance planning, the role of duty officers and the role and processes of Complaint Management Teams should be reviewed, and where appropriate, amended to ensure that the advice available to commands is clear, consistent and easily accessible. Wherever possible, documents should be consolidated and simplified.

3. The NSW Police Force develops resources centrally to assist commands identify their significant integrity vulnerabilities and associated corruption and serious misconduct risks

To minimise unnecessary duplication of effort by individual commands, it is more efficient and effective to develop resources centrally within the NSW Police Force.

What does the NSW Police Force currently do?

Prior to the introduction of the complaint streamlining processes in mid-2008, the NSW Police Force Professional Standards Command prepared a command-based 'Complaints Management Pack' as a resource for use by individual Complaint Management Teams. The Complaints Management Pack contained a variety of reports and graphs to assist individual commands including, amongst other things, a quarterly comparison of complaint data over an 18-month period and monthly statistics over a two-year period. These data relate to the number of complaints received, origin of complainant, legislative category, investigation level, issues and actions.

At the time of drafting this report, the Commission was advised that the Professional Standards Command was not issuing command-based Complaint Management Packs since it was 'reviewing potential to capture information in the light of the Streamlined Complaint Handling project'.[202]

Strengths of current NSW Police Force practices

The NSW Police Force has begun the process of developing resources centrally to assist commands analyse their complaints. This is supplemented by efforts made by individual commands.

In identifying their misconduct risks, some commanders said that they found it useful to subdivide their command to consider separately the misconduct issues associated with different units within the command. Amongst other strategies, some commands developed command-based methodologies for reviewing complaint trends for different sectors, stations or work teams.

Areas for attention

At the time of drafting this report it was unclear when the NSW Police Force will recommence the issue of command-specific information in the form of Complaints Management Packs.

To make it easier to examine trends in complaint issues for different units within commands, the Commission considers that a centralised area within the NSW Police Force (such as the Professional Standards Command) should continue to provide commands with command-specific information such as that provided in the Complaints Management Pack and that the NSW Police Force should extend the information provided in these Packs to include trends in the number of complaints and types of issues raised by station (or other useful subunits of the command) as well as an

[202] Communication from Director, Corporate Advice and Response, Professional Standards Command, 23 June 2009.

analysis of the available contextual information (discussed further in relation to Recommendation 4).

Recommendation 3:

To make it easier to examine trends in complaint issues for different units within commands, it is recommended that:

3.1 a centralised area within the NSW Police Force (such as the Professional Standards Command) continues to provide commands with command-specific information such as that provided in the Complaints Management Pack and

3.2 the NSW Police Force extends the information provided in these Complaint Management Packs to include trends in the number of complaints and types of issues raised by station (or other useful subunits of the command) and other relevant contextual factors (as detailed below in Recommendation 4.2).

Apart from identifying recurring complaint issues, the Commission's analysis of complaints suggests that complaint data could be made more effective by, where it is available, recording and analysing available contextual material including officer duty type (such as licensing, highway patrol), location of the alleged incident (such as in front of a shopping complex, at a railway station, outside a hotel) and officer's activity at the time (such as arresting an offender, interviewing a domestic violence suspect) in relation to the types of alleged misconduct. This would enable commands to develop a better understanding of their misconduct risks. For example, reviewing such information would enable commands to determine whether complaints relating to unreasonable use of force are disproportionately attracted by officers working in particular sectors, in particular policing roles, or while undertaking particular duties. The Commission understands that the NSW Police Force complaint management database (c@ts.i) currently incorporates a number of fields which could be used for recording such information.

Recommendation 4:

It is recommended that the NSW Police Force assists commands to use contextual information available from complaints to better understand their misconduct risks by:

4.1 encouraging commands to complete contextual fields in the complaint management data base (currently c@ts.i), wherever such information is available regarding:

- officer duty type at the time of the alleged misconduct (for example: licensing, investigation, highway patrol, crowd control)
- location of alleged incident (for example: in front of shopping complex, at a railway station, outside a hotel, at the front desk of the police station)
- the officer's activity at the time of the alleged misconduct (for example: arresting an offender, interviewing a domestic violence suspect)

4.2 extending the information provided to commands in Complaints Management Packs to include an analysis of the available contextual information (such as duty type, location and officer's activity at the time of the alleged misconduct) recorded about complaints so that commands can consider any associations between complaint issues and the context in which complaints occur.

4. Use a corporately endorsed, structured approach to minimise overlooking significant corruption and other misconduct risks

Complaints are not the only source of information from which to identify misconduct risks. In some ways complaints provide a limited view of command corruption and serious misconduct risks in so much as someone must already have identified the misconduct and decided that it was worth reporting. That is to say, misconduct which has not been identified as such and reported will not come to light as a complaint.

There are many other ways of identifying misconduct risks before any misconduct has actually occurred. One method, for example, is to consider areas of officer discretion in the types of work undertaken and where members of the community are likely to seek to influence an officer's decision.

What do NSW Police Force commands currently do?

When asked what processes and sources of information they use to identify misconduct risks, most of the sampled commands reported that they combined a variety of processes and sources. Some sources and processes were fairly commonly used amongst commands (for example, analyses of complaints, systems audits (involving compliance checks), sick leave, and performance data). Other processes and sources of information were reportedly being used by small numbers of sampled commands (e.g. performance scorecards, community surveys, Professional Standards Councils, the media).

Some commands incorporate some of their Command Management Framework (CMF) systems portfolios[203] as risk areas within their corruption resistance plan. More specifically, the corruption resistance plans provided to the Commission by four of the sampled commands focussed on systems areas (such as 'Arms and Appointments' or 'Brief Management') that would be found in their CMF. Each of these commands presented a subset of 12 to 16 of their CMF portfolios as their 'risks'.

While commands reported using between two and 15 different information sources and processes to identify their misconduct risks, prior to the introduction of the Corruption Resistance Planning Guidelines, there was no consistent corporate approach to how commands should prepare their corruption resistance plan.

In relation to how commands should approach the task of identifying their misconduct risks from early 2008 onwards, the introductory material in the Corruption Resistance Planning Guidelines state:

> The NSW Police Force acknowledges that each command will face unique risks depending on:
>
> - the **people** it employs
> - the **environment** it is in
> - the **operations** that comprise its business (NSW Police Force 2008a, p. 3).

Before identifying their misconduct risks, command-based Corruption Resistance Planning Teams are required to 'establish the context' by developing a profile of the command in terms of its people, environment and operations (NSW Police Force 2008a, p. 8). To identify misconduct risks, the Corruption Resistance Planning Guidelines state that the Corruption Resistance Planning Team should:

> Use the profile you have developed of your command to create a list of corruption risks. To do this, consider the profile in terms of which attributes (alone or in combination) might provide the opportunity or motivation for corruption. Put simply, what, when, and where are the risks? How and why do they exist? (NSW Police Force 2008a, p. 9).

Other than providing guidance on the resources commands should use, no additional detail as to how to identify corruption risks is provided in the Corruption Resistance Planning Guidelines.

The Commission located two NSW Police Force corporate documents which contain advice to commands concerning the resources that they should use when identifying their misconduct risks. These are the Compliance Manual and the Corruption Resistance Planning Guidelines. The NSW Police Force Compliance Manual states that commands should take into consideration the following methods of identifying and addressing risks:

[203] 'Systems portfolios' became known as 'performance areas' in the internet-based version of the CMF which was introduced in February 2009.

- Staff surveyed to capture their perceptions on corrupt/unethical behaviour and their attitude to reporting.
- …
- Complaint Management Team evaluation of recent complaints.
- Complaint Management Team review corruption resistance activities in light of complaints (issues arising).
- Human Resource Committee consultation.
- Regular consultation with professional standards manager to identify trends, complaint types, etc.
- Review of corruption resistance activities within CMF annually or when a breach or issue arises to minimise reoccurrence and evaluate effectiveness. [204]

In contrast, the Corruption Resistance Planning Guidelines suggest that the command Corruption Resistance Planning Team will need to have access to and knowledge of existing command resources and documentation including:

- the CMF
- trends and issues identified by the Complaint Management Team
- trends and issues identified by the Command Management Team/Senior Management Team
- working documents and previous corruption resistance plans including past corruption resistance planning documentation
- any oversight or review agency reports referring to the command (p. 5).

While there is some overlap between the resources referred to in these documents, there are also differences. Both documents refer to the CMF and CMT. On the other hand, it is not clear why the more recent guidelines have omitted reference to staff surveys. Some commands advised the Commission that they found staff surveys provided a valuable perspective on the misconduct risks facing their officers. Three commands provided a copy of the survey to the Commission, while the corruption resistance plan of a fourth command included reference to the use of staff surveys to identify misconduct risks.

Some commands told the Commission that they used information provided by external commands to identify their misconduct risks. One command, for example, reported using the results of a command overview conducted by the Professional Standards Command and another command reported using the information provided by audit review teams in identifying their misconduct risks.

[204] NSW Police 2005, Compliance Manual, 'Corruption Resistance', downloaded from NSW Police Force intranet 1 April 2008.

Strengths of current NSW Police Force practices

Commands tend to combine a number of strategies to identify their corruption and serious misconduct risks.

Amongst them, the sampled commanders were aware of several factors which could affect the misconduct risks faced by their command. These commanders nominated factors such as recruitment and related staff experience levels, the building of a new police station, population growth in the region and changes in community demographics, developments in technology or changes in legislation as factors which could result in changes to command misconduct risks.

The Corruption Resistance Planning Guidelines suggest a common approach for commands to use to identify their corruption risks.

Areas for attention

Some commands may not identify all of their significant misconduct risks. This is evident when the misconduct risks nominated by individual commanders are compared with those derived from their command documentation and also when the misconduct risks nominated by commands are compared among commands undertaking similar work in similar communities and environments.

The Commission is of the view that commands need to look beyond compliance audits as a means of identifying their misconduct risks, since such audits do not prompt commands to consider a variety of misconduct risks pertaining to officer supervision, officer experience, community demographics or inappropriate relationships with community members, off-duty misconduct risks or the risks particular to specific policing roles such as highway patrol or those limited to particular sectors within their command.

Few commands reported using the sources of information advocated in the Fraud and Corruption Control Australian Standard and in resources produced by the NSW Independent Commission Against Corruption – such as a review of business processes or work undertaken, asking those who undertake the work what they consider the risks to be, the effects of current or new technology, and staff awareness of relevant policies and processes (see Chapter 8).

Given the diversity of NSW Police Force commands in terms of the environments in which they undertake their work and the nature of the work undertaken, as illustrated in Chapters 4 and 5 of this report, the Commission supports the focus on command characteristics and work when identifying misconduct risks, as outlined in the NSW Police Force Corruption Resistance Planning Guidelines. However, the Commission considers that a more structured approach might better assist commands to identify their misconduct risk areas rather than simply referring Corruption Resistance Planning Teams to the command profile that they have developed without further guidance. In particular, the Commission considers that commands should use a corporately endorsed structured approach which incorporates identifying their misconduct risks from several perspectives to minimise the likelihood of significant risks being overlooked and consequently not being recognised or managed. These perspectives should include:

- those advocated in guidelines produced to specifically assist organisations with the identification of their corruption and other misconduct risks such as the guidelines produced by Standards Australian and resources produced by the NSW Independent Commission Against Corruption
- those identified by the Commission from its examination of the factors that commands have referred to as affecting their current and future risks.

The Commission has developed a prototype of a 'Command Misconduct Risk Identification Guide' as a tool to assist commands to take a more systematic approach to identifying their misconduct risks. This prototype is based on the Commission's collation of the different types of information mentioned as being used by different commands into a single resource.

Recommendation 5:

To reduce the danger of commands overlooking significant misconduct risks, the Commission recommends that the NSW Police Force incorporates and promotes the use of a standardised structured process as part of the risk identification phase of the command corruption resistance planning process.

The Commission has provided a prototype 'Command Misconduct Risk Identification Guide', based on collating the types of information mentioned as being used by different commands into a single resource, for possible use by commands. The Commission is of the view that whether this prototype is used in its current form or developed further is a matter for the NSW Police Force.

Command Misconduct Risk Identification Guide

To identify the integrity vulnerabilities and associated misconduct risks within the command, supplement the use of information from complaints by using the items on this Guide as prompts to consider the specific impact of:

- types of work undertaken (either frequently or infrequently) that are similar to work undertaken by officers in other commands (such as accessing confidential information, carrying out criminal investigations, handling drug exhibits) on the opportunities, frustrations or other vulnerabilities which may lead to misconduct
- types of work undertaken (either frequently or infrequently) that result from specific features of the command such as prevalent crime types within the command or community infrastructure and other facilities (such as airports, dams, gaols, national parks, transport links, licensed premises, schools and hospitals) on the opportunities, frustrations or other vulnerabilities which may lead to misconduct
- the physical size of the command and the number of police premises and how they might affect the supervision of, communication with and support available for officers within the command
- any proposed building of or relocation into new police premises and how this may affect duties performed and available supervision
- the staffing profile on the nature and amount of supervision and support required
- the relationships of officers working in the command with the community which they police, with a view to identifying areas of potential conflict between community ties and policing duties
- resources, any performance targets and types of work in which officers might be tempted to take some form of short cuts
- expectations held by different groups of residents on the way that residents interact with officers (including the circumstances under which they may seek to influence decisions made by officers) as well as the types of complaints they make
- population growth in the community and changes in community demographics on crime types, resident expectations and demand on resources and the consequent effects of these on the opportunities, frustrations or other vulnerabilities which may lead to misconduct
- developments in technology on the opportunities, frustrations or other vulnerabilities which may lead to misconduct
- recent or foreshadowed changes in legislation, associated police powers and areas of discretion on the opportunities, frustrations or other vulnerabilities which may lead to misconduct
- off-duty behaviour on misconduct risks facing officers in this command.

Furthermore the Commission considers that the NSW Police Force should consolidate and clarify advice to commands concerning the resources (such as trends in complaint issues, information from external commands, staff surveys) that commands should use as part of their misconduct risk identification process. The Commission considers that staff surveys and information from external commands should be included amongst the resources that commands are encouraged to use in their corruption resistance planning process.

Recommendation 6:

The Commission recommends that the NSW Police Force consolidates, clarifies and provides consistent advice to commands concerning the sources of information that they should use when identifying their significant command integrity vulnerabilities and associated corruption and serious police misconduct risks. As some commands have found staff surveys and information from external commands (such as the Professional Standards Command and audit review teams) to be useful sources of information, these should be included on the consolidated list of resources.

5. Develop a clear and specific description of the nature of each corruption and serious misconduct risk

The Commission considers that a good misconduct risk identification process should provide a clear understanding of the nature of command integrity vulnerabilities and their associated corruption and other serious misconduct risks.

What do NSW Police Force commands currently do?

While the Corruption Resistance Planning Guidelines provide a standardised format for all corruption resistance plans, these guidelines provide little advice on what constitutes a corruption (or misconduct) risk and how it should be described. Appendix A of the Corruption Resistance Planning Guidelines, which provides a template for the 'Corruption Risk Assessment Form', provides the following information in relation to 'corruption risk':

The template for the corruption resistance plan, provided in Appendix B of the guidelines, outlines that the plan should be in the form of a table with the following seven column headings (advice provided in the template as to what should be included in these columns is provided in parentheses after each column heading):

- Issue – ('describe issue')
- Treatment strategies
- Resources – ('List any resources required')
- Responsibility – ('Name the member(s) responsible for implementing the strategy')
- Target & Timeframe (if applicable) – ('if performance measures for the strategy exist they should be documented')
- Notes – ('Any qualification or additional information in regard to the treatments. For example, where they apply to only one area of a command')

- Monitoring & Review – ('If the strategy is to be reviewed between annual reviews of the plan it should be documented here') (NSW Police Force 2008a, p. 17).

In relation to the 'Issue', which was replaced by the term 'corruption risk' in the February 2009 version of these Guidelines, the template states: '[describe issue]' without elaborating what should be included in the description.

Commanders' descriptions of the misconduct risks that they consider faced officers in their command differed in their nature and in their level of detail. Their descriptions ranged from details of specific circumstances facing subgroups of officers (such as 'highway patrol – always a risk because they are out in the middle of nowhere and have little day-to-day supervision – could take a bribe or let a friend off') to brief unembellished labels of common officer activities such as 'telephone usage' or 'use of motor vehicles'.

Strengths of current NSW Police Force practices

Several commands provide detailed descriptions of some of their misconduct risks.

Areas for attention

At the time this report was drafted, the NSW Police Force documentation available to commands did not describe what constitutes a corruption or misconduct risk and how it should be expressed. As a result there was inconsistency in the attributes included and in the level of detail in the descriptions used by different commands.

The Commission's examination of the corruption resistance plans from the sampled commands revealed not all plans included a description of the command's misconduct risks. However, in most cases where they were provided, they were described by unelaborated risk labels, such as 'telephone usage', 'arms and appointments', 'COPS access', 'customer service' and 'search warrants'. While the nature of the misconduct risks may be clear to commanders who use summary terms to describe them, such brief descriptions do not clarify for others the nature of the specific misconduct risk to be managed, for example, what is it about 'telephone usage', 'arms and appointments' or 'customer service' that poses a misconduct risk for officers in these commands?

The Commission considers that, as part of their misconduct risk identification process, commands should identify for each misconduct risk what it is that puts an officer's integrity at risk (such as the likelihood of a member of the community attempting to influence an officer's decision, frustrations with a process, opportunity for theft, lack of understanding of a complex process).

Just as occupational health and safety risks can differ with the type of work an employee undertakes and the location in which they undertake the work, so can officer misconduct risks. The Commission considers that commands should identify the types of officers to which a misconduct risk applies, so that misconduct risks can be classified into those that are:

- shared by all officers working in the command

- specific to officers working in particular locations
- specific to officers undertaking particular types of duties
- specific to officers with particular levels of experience.

This would enable commands, as part of their misconduct risks identification process, to better understand and then communicate and tailor appropriate strategies to manage their risks.

The Commission is of the view that the clearer the description of the misconduct risk, the better it can be understood, communicated, and managed. To assist commands clearly describe and communicate the nature and the scope of their risks, the Commission recommends that the NSW Police Force should develop a standardised method to be used by all commands to describe their corruption and serious misconduct risks.

Recommendation 7:

To assist in understanding and more clearly specifying the nature of each of its misconduct risks, the Commission recommends that:

7.1 as part of the risk identification stage of the corruption resistance planning process, commands answer a standard set of four questions to specify the nature of the risk, namely:

- ***What is the broad risk area?*** **(For example: 'unauthorised release of confidential information', 'improper associations', 'lack of supervision' or 'conflict of interests'.)**
- ***What is it that may put an officer at risk?*** **(For example, it may be the complexity of a policy that puts the officer at risk, the opportunity for theft or frustrations with a process.)**
- ***At risk of what? What type of misconduct might officers engage in?*** **(Some examples include taking short cuts, theft, showing bias in applying the law, unauthorised release of confidential information.)**
- ***What types of officers or roles might face the risk?*** **(For example, is it a risk that may be encountered by all officers in the command or only those undertaking a particular type of police work (e.g. detectives) or officers working in a particular location or only those with a particular length of service?)**

7.2 the NSW Police Force develops and promotes a standardised method for commands to use when describing their misconduct risks, which incorporates the responses to the four questions listed in Recommendation 7.1.

10.4 COMMUNICATION OF MISCONDUCT RISKS

The identification of command vulnerabilities and associated corruption and serious misconduct risks is a practical first step in minimising police misconduct in so much as it provides a better understanding of the nature of potential police misconduct within the command and draws attention to specific areas to target prevention strategies. However, to be of value, the identified misconduct risks need to be communicated effectively so that they can be recognised and managed.

ELEMENTS OF A SOUND MISCONDUCT RISK COMMUNICATION STRATEGY

Based on its review of the relevant literature, consideration of Occupational Health and Safety strategies and analyses of the information provided by individual NSW Police Force commands, the Commission considers that sound command-based misconduct risk communication strategies would require that:

- the nature of the misconduct risks are clearly expressed (as proposed in Recommendation 7.2)
- the most important command misconduct risks, command-level strategies and officer-level strategies for managing each are documented
- tailored guidance and support is provided for officers on how to recognise the particular misconduct risks they are likely to face and how to respond to these risks.

OPPORTUNITIES FOR IMPROVEMENT

1. Document command misconduct risks as well as command-level strategies and officer-level strategies for managing each misconduct risk

What do NSW Police Force commands currently do?

Commanders stated that corruption resistance plans are the most common form of documentation that lists some of the command misconduct risks. In its review of corporate documents that were available at the time that information was collected for this project, the Commission did not locate any guidance on the nature of the information to be included in a command corruption resistance plan or who was intended to be the audience of such a plan. In contrast, the Corruption Resistance Planning Guidelines, released in early 2008, provide a standardised format for commands to use when preparing their corruption resistance plans.

Strengths of current NSW Police Force practices

From its review of the corruption resistance plans provided by the sampled commands, the Commission found that the plans for 19 of the 25 sampled commands specified some form of 'risks'. Many of the corruption resistance plans linked information on risks to strategies. Most commonly, these strategies were command-wide strategies for checking compliance with policy (such as 'quarterly audits of assets and registers').

One of the sampled commands provided a list of strategies for officers to use to minimise misconduct under the heading 'Means to avoid complaints' as part of its corruption resistance plan.

Areas for attention

The Corruption Resistance Planning Guidelines leave the question open as to which risks should be included in the corruption resistance plan as they state that 'not all the risks recorded on Corruption Risk Assessment Forms will warrant inclusion in this document, only those agreed upon by the Corruption Resistance Planning Team' (p. 7). The guidelines provide the following advice in relation to deciding which risks should be included in the plan:

> It is likely that several risks will not warrant additional treatment and hence not require inclusion in your command's Corruption Resistance Plan. The overall risk rating alone should not be the sole criteria for deciding this. Commands have the discretion to treat low rated risks and include these in their Corruption Resistance Plans.
>
> Regardless, before making this decision you should consider:
>
> - Can the risk be adequately managed through existing corporate policies/procedures alone?
> - Is the risk still considered high or extreme despite existing treatment strategies?
> - Is the risk unique to your command?
> - Are the costs (financial and other) of implementing new strategies prohibitive?
> - Is monitoring alone an acceptable strategy? (p. 10).

While the factors to be considered are listed, the advice to commands concerning which corruption risks should be included in their plans may not be clear or sufficiently specific.

In July 2008, the Commission was provided with a copy of the first of the corruption resistance plans produced using these new guidelines. The Commission observed that many of the 'issues' listed in this command's plan (such as 'Misuse of Arms & Appointments', 'Source Management', 'Information Management' and 'Motor Vehicles') closely resembled CMF portfolios. Conversely, a number of the risks which appeared to be more specific to the command, that were documented on Corruption Risk Assessment Forms, were not included in this command's corruption resistance plan and as a result would not have been communicated or made available to command staff. While this corruption resistance plan, produced using the new guidelines, did not appear to communicate information about the nature of the misconduct risks and how officers should respond to them, once again this may be because this is not seen to be the purpose of these plans.

At a workshop conducted with a small number of commanders and representatives from the Professional Standards Command in May 2009 to explore draft recommendations from this research, participants suggested that they understood that the focus of the Corruption Resistance Planning Guidelines was to ensure that their

command corruption resistance plans describe only those corruption or serious misconduct risks that were specific to their commands rather than their command's corruption or misconduct risks that were also faced by other commands.

Closely related to the question of which risks should be included in the plan is the question of who is intended to be the audience for the plan. Given that plans are to be registered with the Corruption Resistance and Education Unit of the NSW Police Force Professional Standards Command, it is clear that this Unit is now one audience for these plans. However, the role of the plan in communicating corruption risks to command staff is less clear. The reason for having a plan is stated to be to ensure that 'a command has examined its unique risks in order to minimise the likelihood of corruption occurring, or going unnoticed or unreported' (NSW Police Force 2008a, p. 2). While communicating the nature of the misconduct risks to officers and how they should respond if they confront such risks is not explicitly stated to be a purpose of the plan, each plan is required to include a communication strategy 'to ensure awareness across the command' (p. 11). The guidelines do not clarify the nature of the awareness that the communication strategy seeks to communicate across the command.

Having reviewed the corruption resistance plans produced by a number of commands as well as the Corruption Resistance Planning Guidelines released in early 2008, the Commission is of the view that commands may not have a shared understanding of the role of corruption resistance plans or of the intended audience for these plans. While the majority of commands surveyed appeared to accept the need for a command-specific corruption resistance plan, the differences in the information contained within corruption resistance plans, as well as differences in the ways that these plans were used across commands, suggest that there was a lack of shared understanding amongst commands concerning the purpose of the plan at the time that the Commission collected information for Project Manta.

Prior to the release of the Corruption Resistance Planning Guidelines, where command corruption resistance plans specified misconduct risks, they tended to document command-level strategies for managing misconduct risks (such as 'quarterly audits of assets and registers', undertake audit of 25% of exhibits every 3 months to achieve 100% audit of exhibits annually'). The Commission has found evidence of only one of the sampled commands using its corruption resistance plan to document officer-level strategies as a tool to assist officers know how to respond to the misconduct risks they may face. (Refer to 'Tips from Commanders No. 4' in Chapter 9 for additional information.)

It is the Commission's view that all serious misconduct risks that need to be managed by the command and how staff should respond to these risks should be documented as a resource for all command staff. Whether this is to be in the same document or a different document from where command-level strategies for managing misconduct risks are identified or some other document should be determined by the NSW Police Force.

Recommendation 8:

It is recommended that the NSW Police Force provides guidance to commands in relation to how and where to document:

- (all) identified serious command misconduct risks as a tool to assist officers recognise the misconduct risks that they may face
- command-level strategies for managing each misconduct risk as a tool for commands to use to detect and deter associated misconduct
- officer-level strategies for managing each misconduct risk as a tool to assist officers to know how to respond to the risks that they may face.

2. Provide tailored guidance and support for officers on how to recognise the particular misconduct risks they are likely to face and how to respond to these risks

One strategy for minimising police misconduct is to equip officers to recognise, and then manage, the potential misconduct risks they may face. Just as occupational health and safety guidelines highlight the need to tailor information to employees about the specific risks in their jobs and the specific steps that should be followed to guard against accident or injury, the Commission is of the view that it is important to tailor information to raise officers' awareness of the specific misconduct risks they may encounter in their work and the specific steps that should be followed to guard against misconduct.

What do NSW Police Force commands currently do?

The NSW Police Force corporate guidance suggests that individual commands should regularly reinforce and promote their corruption resistance plan, conduct training days and briefings to familiarise staff with corruption resistance issues and activities within the Command Management Framework, and regularly promote the Code of Conduct and Ethics.

Most commands had one corruption resistance plan that was made available to all staff. Very few commands stated that they provided different information for officers undertaking different types of police work or for officers working in different stations. Other than some commanders referring to their communication with probationary constables, the communication strategies reported by commanders tended not to tailor messages to officers undertaking different types of duties or working in different locations.

Strengths of current NSW Police Force practices

A small number of the sampled commands tailor their corruption resistance plans, that is to say, they provide different plans for groups of officers undertaking particular duty types. For example. one command has a separate plan for a high risk area of its work (its Drug Team and Proactive Team), while another has separate plans for supervisors and for junior officers. The Commission also observed that one command describes

issues that are specific to particular stations as part of the induction material it provides to new officers.

Areas for attention

Officers undertaking different types of police work (such as detective work or highway patrol work) or working in different locations (such as large versus small stations within the one command) are likely to face different integrity hazards and associated misconduct risks.

The NSW Police Force approach to 'corruption resistance training', as described in corporate documentation, does not specifically include assisting officers to recognise the specific misconduct risks that they may face because of:

- the work they undertake
- where they work or
- their level of experience.

Very few commands stated that they provided different information for officers undertaking different types of police work or for officers working in different stations. Overall, the communication strategies reported by commanders tended not to be tailored to communicating different messages to officers who face different misconduct risks.

While adherence to the 10 principles contained in the Code of Conduct and Ethics provides an important foundation for minimising police misconduct, these principles are not sufficient to assist officers to recognise the specific misconduct risks that they may face in their work.

Currently there is no corporate resource available that provides guidance to commands on how they should inform and support officers to identify and manage the different misconduct risks they may face as a result of undertaking a new role or transferring to a new station.

The Commission is of the view that officers should receive guidance and support on how to recognise and manage risks that may be specific, for instance, to a particular policing role such as conducting investigations, to working in a particular area such as a remote geographical area and to work where there is little supervision. For this reason, as noted earlier, the Commission considers that it is important to tailor information to officers about the specific misconduct risks they may encounter in their work and the specific steps that should be followed to guard against misconduct.

Recommendation 9:

It is recommended that in addition to informing officers about organisation-wide misconduct risk areas (such as misuse of confidential information), commands provide tailored information, guidance and support to officers concerning the nature of misconduct risks and how to manage the risks that may be specific to:

- their particular command
- their particular policing role such as licensing work
- a particular sector within a command.

Such information should be provided to officers in their current roles. When officers transfer to a new command or change to a different type of police work or a different location within the same command, the new misconduct risks that they may face and how to appropriately respond to these risks should be documented for them, explained and discussed with them.

Furthermore the NSW Police Force should develop a corporate strategy and materials to assist commands provide this information, guidance and support.

10.5 FURTHER COMMISSION WORK IN THIS AREA

The Commission considers that identifying and managing misconduct risks, and assisting officers to recognise and respond appropriately when they encounter such risks, are significant and practical steps that NSW Police Force commands can take to minimise future police misconduct. Consistent with its statutory function to prevent police misconduct, the Commission will undertake further work in this area.

Firstly, the Commission is continuing to analyse information collected as part of this project. The identification of misconduct risks is only the initial part of a process for managing misconduct risks and hence minimising police misconduct at the command level. How NSW Police Force commands review and manage their misconduct risks will be the subject of a subsequent Commission report.

Secondly, the Commission will monitor the implementation of the recommendations made in this report. The Commission considers monitoring the implementation of its recommendations to be an important part of its efforts to prevent police misconduct. This monitoring process enables dialogue between the NSW Police Force and the Commission to assist in resolving any issues that may act as impediments to commands effectively identifying and communicating their misconduct risks. Following the release of this report, the Commission will seek a written response from the NSW Police Force to each of the recommendations made in this report. The Commission will provide an evaluation of the final NSW Police Force response to these recommendations in its Annual Report, as it is required to do under s. 99(2)(c) of the *Police Integrity Commission Act 1996*, and will report progress in the implementation of the recommendations.

Thirdly, the Commission will retain an ongoing interest in the ways that the NSW Police Force and individual commands identify, communicate and manage their corruption and serious misconduct risks. This may involve undertaking future research to monitor changes in the ways that commands identify, communicate and manage their misconduct risks.

RECOMMENDATIONS

For additional information about the rationale and context in which these recommendations are made, please refer to discussion in Chapter 10.

IDENTIFICATION OF MISCONDUCT RISKS

1. To minimise police corruption and other forms of serious police misconduct at the command level it is recommended that:

   Commands use a corporately endorsed, structured process to look beyond the misconduct risks posed by individual officers to identify and document all significant command integrity vulnerabilities and the associated corruption and serious police misconduct risks.

2. To assist commands look beyond the individual officer in their use of complaints to identify their significant integrity vulnerabilities and the associated corruption and serious police misconduct risks, it is recommended that the NSW Police Force provides commands with clear messages about:

   2.1 their responsibilities regarding identifying trends in complaint issues and using complaints to identify command misconduct risks by examining:

   - individual incidents (such as the loss of a significant drug exhibit or the loss of a firearm) for the insight that such incidents provide on command integrity vulnerabilities
   - patterns, trends or recurrent complaint issues
   - whether some locations tend to be associated with certain complaint issues
   - whether particular positions or duty types tend to be associated with certain complaint issues

   2.2 the role of complaint management and the Complaint Management Team, if any, in identifying and minimising command corruption and serious police misconduct risks

   2.3 the responsibilities of different position holders and teams in relation to using complaints to identify and minimise command corruption and serious police misconduct risks, and where more than one position or team has such responsibilities, clarifying any overlap and differences in these responsibilities.

   In order to clarify messages provided to commands in these areas, all relevant NSW Police Force documents that provide corporate guidance in relation to complaint management, corruption resistance planning, the role of duty officers and the role and processes of Complaint Management Teams should be reviewed, and where appropriate, amended to ensure that the advice available to commands is clear, consistent and easily accessible. Wherever possible, documents should be consolidated and simplified.

3. To make it easier to examine trends in complaint issues for different units within commands, it is recommended that:

   3.1 a centralised area within the NSW Police Force (such as the Professional Standards Command) continues to provide commands with command-specific information such as that provided in the Complaints Management Pack and

   3.2 the NSW Police Force extends the information provided in these Complaint Management Packs to include trends in the number of complaints and types of issues raised by station (or other useful subunits of the command) and other relevant contextual factors (as detailed below in Recommendation 4.2).

4. It is recommended that the NSW Police Force assists commands to use contextual information available from complaints to better understand their misconduct risks by:

   4.1 encouraging commands to complete contextual fields in the complaint management data base (currently c@ts.i), wherever such information is available regarding:

   - officer's duty type at the time of the alleged misconduct (for example: licensing, investigation, highway patrol, crowd control)
   - location of alleged incident (for example: in front of shopping complex, at a railway station, outside a hotel, at the front desk of the police station)
   - officer's activity at the time of the alleged misconduct (for example: arresting an offender, interviewing a domestic violence suspect).

   4.2 extending the information provided to commands in Complaints Management Packs to include an analysis of the available contextual information (such as duty type, location and officer's activity at the time of the alleged misconduct) recorded about complaints so that commands can consider any associations between complaint issues and the context in which complaints occur.

5. To reduce the danger of commands overlooking significant misconduct risks, the Commission recommends that the NSW Police Force incorporates and promotes the use of a standardised structured process as part of the risk identification phase of the command corruption resistance planning process.

   The Commission has provided a prototype 'Command Misconduct Risk Identification Guide'[205], based on collating the types of information mentioned as being used by different commands into a single resource, for possible use by commands. The Commission is of the view that whether this prototype is used in its current form or developed further is a matter for the NSW Police Force.

6. The Commission recommends that the NSW Police Force consolidates, clarifies and provides consistent advice to commands concerning the sources of information they should use when identifying their significant command integrity vulnerabilities and associated corruption and serious police misconduct risks. As some commands have found staff surveys and information from external commands (such as the Professional Standards Command and audit review

[205] Copy included at the end of this list of Recommendations.

teams) to be useful sources of information, these should be included on the consolidated list of resources.

7. To assist in understanding and more clearly specifying the nature of misconduct risks, the Commission recommends that:

   7.1 as part of the risk identification stage of the corruption resistance planning process, commands answer a standard set of four questions to specify the nature of the risk, namely:

   - *What is the broad risk area?* (For example: 'unauthorised release of confidential information', 'improper associations', 'lack of supervision' or 'conflict of interests'.)
   - *What is it that may put an officer at risk?* (For example, it may be the complexity of a policy that puts the officer at risk, the opportunity for theft or frustrations with a process.)
   - *At risk of what? What type of misconduct might officers engage in?* (Some examples include taking short cuts, theft, showing bias in applying the law, unauthorised release of confidential information.)
   - *What types of officers or roles might face the risk?* (For example, is it a risk that may be encountered by all officers in the command or only those undertaking a particular type of police work (e.g. detectives) or officers working in a particular location or only those with a particular length of service?)

   7.2 the NSW Police Force develops and promotes a standardised method for commands to use when describing their misconduct risks, which incorporates the responses to the four questions listed in Recommendation 7.1.

COMMUNICATION OF MISCONDUCT RISKS

8. It is recommended that the NSW Police Force provides guidance to commands in relation to how and where to document:

   - (all) identified serious command misconduct risks as a tool to assist officers recognise the misconduct risks that they may face
   - command-level strategies for managing each misconduct risk as a tool for commands to use to detect and deter associated misconduct
   - officer-level strategies for managing each misconduct risk as a tool to assist officers to know how to respond to the risks that they may face.

9. It is recommended that, in addition to informing officers about appropriate responses to organisation-wide misconduct risk areas (such as misuse of confidential information), commands provide tailored information, guidance and support to officers concerning the nature of misconduct risks and how to manage the risks that may be specific to:

   - their particular command
   - their particular policing role such as licensing work
   - a particular sector within a command.

Such information should be provided to officers in their current roles. When officers transfer to a new command or change to a different type of police work or a different location within the same command, the new misconduct risks that they may face and how to appropriately respond to these risks should be documented for them, explained and discussed with them.

Furthermore, it is recommended that the NSW Police Force should develop a corporate strategy and materials to assist commands provide this information, guidance and support.

Command Misconduct Risk Identification Guide

To identify the integrity vulnerabilities and associated misconduct risks within the command, supplement the use of information from complaints by using the items on this Guide as prompts to consider the specific impact of:

- types of work undertaken (either frequently or infrequently) that are similar to work undertaken by officers in other commands (such as accessing confidential information, carrying out criminal investigations, handling drug exhibits) on the opportunities, frustrations or other vulnerabilities which may lead to misconduct
- types of work undertaken (either frequently or infrequently) that result from specific features of the command such as prevalent crime types within the command or community infrastructure and other facilities (such as airports, dams, gaols, national parks, transport links, licensed premises, schools and hospitals) on the opportunities, frustrations or other vulnerabilities which may lead to misconduct
- the physical size of the command and the number of police premises and how they might affect the supervision of, communication with and support available for officers within the command
- any proposed building of or relocation into new police premises and how this may affect duties performed and available supervision
- the staffing profile on the nature and amount of supervision and support required
- the relationships of officers working in the command with the community which they police, with a view to identifying areas of potential conflict between community ties and policing duties
- resources, any performance targets and types of work in which officers might be tempted to take some form of short cuts
- expectations held by different groups of residents on the way that residents interact with officers (including the circumstances under which they may seek to influence decisions made by officers) as well as the types of complaints they make
- population growth in the community and changes in community demographics on crime types, resident expectations and demand on resources and the consequent effects of these on the opportunities, frustrations or other vulnerabilities which may lead to misconduct
- developments in technology on the opportunities, frustrations or other vulnerabilities which may lead to misconduct
- recent or foreshadowed changes in legislation, associated police powers and areas of discretion on the opportunities, frustrations or other vulnerabilities which may lead to misconduct
- off-duty behaviour on misconduct risks facing officers in this command.

GLOSSARY

Command Management Framework	NSW Police Force risk based, self-assessment process, focussing on the audit function. As a monitoring tool, it identifies 55 generic risk areas initially known as 'portfolios' and subsequently known as 'performance areas' in the internet-based version of the CMF which was introduced in February 2009
Complaint issues	Term used by NSW Police Force to describe the allegations of misconduct contained within a complaint. Individual complaints may contain more than one allegation (complaint issue).
Concentration of Complaints	The number of complaints divided by the number of subject officers (Ede, Homel & Prenzler 2002a).
Corruption	See 'Police Misconduct'.
Corruption Resistance	Term used by NSW Police Force to describe activities undertaken to minimise police corruption and other forms of police misconduct.
Corruption Resistance Planning	'A risk management exercise designed to identify corruption risks and appropriate resources and responses to employ to ensure that they are well managed' (NSW Police Force 2008a, p. 2).
Corruption Resistance Planning Team	Referred to in the Corruption Resistance Planning Guidelines as a team, responsible for developing the command Corruption Resistance Plan, comprising senior command staff and supervisors with consideration being given to members who have experience or knowledge of the command, lower ranked staff who can provide 'grassroots' insights and an independent person (NSW Police Force 2008a, p. 4).
Corruption Risk	See 'Misconduct Risk'.
Local Area Command	One of 80 subdivisions or units of the NSW Police Force. The NSW Police Force is subdivided into 80 local area commands on the basis of their geographical location. Local area commands include both metropolitan and rural commands.

Metropolitan Command	Used in this report to refer to a command from one of the three NSW Police Force metropolitan regions: Central Metropolitan Region, South West Metropolitan Region or North West Metropolitan Region.
Misconduct	See 'Police Misconduct'.
Misconduct risk	Used in this report to refer to a risk that arises from an opportunity or workplace vulnerability for an employee to engage in corruption or some other form of misconduct.
Misconduct risk assessment	The application of risk management principles and techniques in the assessment of the risk of misconduct (cf. Standards Australia 2008, p. 15).
Police Misconduct	The term 'police misconduct', as it is used in the *Police Integrity Commission Act 1996*, includes but is not restricted to police corruption. Section 5 (2) of the Act provides the following examples of police misconduct: Police misconduct can involve (but is not limited to) any of the following: (a) police corruption (b) the commission of a criminal offence by a police officer (b1) misconduct in respect of which the Commissioner of Police may take action under Part 9 of the *Police Act 1990* (c) corrupt conduct within the meaning of the *Independent Commission Against Corruption Act 1988* involving a police officer (d) any other matters about which a complaint can be made under the *Police Act 1990*.
Prevalence of Complaints	The number of officers subject to complaint divided by the command establishment (Ede, Homel & Prenzler 2002a).
Recurrent complaint issues	Used in this report to refer to patterns in allegations occurring within 15 per cent or more of the complaints made about officers within a command as well as in a total or five or more complaints over a two-year period.

Risk	The chance of something happening that will have an impact on objectives. A risk is often specified in terms of an event or circumstance and the consequences that may flow from it. Risk is measured in terms of a combination of the consequences of an event and their likelihood. Risk may have a positive or negative impact (Standards Australia & Standards New Zealand 2004a, p. 4). In consideration of fraud and corruption risk, this will generally be a negative impact (Standards Australia 2008, p. 16). Risk is a function of the threat of an activity occurring and the harmful consequences of that activity. Risk is commonly given a probability rating that is expressed in qualitative terms from low to very high (Crime and Misconduct Commission 2007, p. 29).
Risk analysis	Systematic process to understand the nature of and to deduce the level of risk (Standards Australia & Standards New Zealand 2004a, p. 4).
Risk assessment	The overall process of risk identification, risk analysis and risk evaluation (Standards Australia & Standards New Zealand 2004a, p. 4).
Risk identification	The process of determining what, where, when, why and how something could happen (Standards Australia & Standards New Zealand 2004a, p. 4).
Risk management	The culture, processes and structures that are directed towards realizing potential opportunities whilst managing adverse effects (Standards Australia & Standards New Zealand 2004a, p. 4).
Risk management framework	Set of elements of an organization's management system concerned with managing risk (Standards Australia & Standards New Zealand 2004a, p. 5).
Risk management plan	A document containing the: strategic context and objectives for risk management; analysis, assessment and prioritising of identified risks; and approach to manage risks (Public Accounts Committee 2005, p. xii).
Risk management process	The systematic application of management policies, procedures and practices to the tasks of communicating, establishing the context identifying, analysing, evaluating, treating, monitoring and reviewing risk (Standards Australia & Standards New Zealand 2004a, p. 5).
Risk reduction	Actions taken to lessen the likelihood, negative consequences or both, associated with a risk (Standards Australia & Standards New Zealand 2004a, p. 5).

Risk treatment	Process of selection and implementation of measures to modify risk (Standards Australia & Standards New Zealand 2004a, p. 5).
Rural Command	Used in this report to refer to a command from one of the three NSW Police Force non-metropolitan regions: Southern Region, Northern Region or Western Region.
Source management	Registration and management of police informants.
Specialist Command	Used in this report to refer to a centrally managed command that provides technical or administrative support (such as operational communications, forensic services, counter-terrorism, public management, education and training, fleet management) to police in the field.

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APPENDIX 1: NSW POLICE FORCE DOCUMENTS ON COMMAND RESPONSIBILITIES FOR MINIMISING POLICE MISCONDUCT

OVERVIEW

This appendix provides the relevant detail of documents discussed in Chapter 3. It describes the form and content of key NSW Police Force documents which provide corporate guidance on command responsibilities for minimising misconduct risks at the command level. The descriptions of content focus on three broad themes:

- the Command Management Framework, including compliance and its relation to corruption resistance planning
- Corruption resistance, including planning and training
- Complaint management, including the role of Complaint Management Teams.

LIST OF DOCUMENTS REVIEWED

Key documents, which were obtained from the NSW Police Force intranet and reviewed for content relating to command responsibilities for minimising police misconduct, include:

- Command Management Framework
- Compliance Manual
- Duty Officer Deployment Model and associated performance agreements
- Business Planning Corporate Policy and Guidelines
- Position descriptions and other employment documents (principally relating to the role of local area commanders and duty officers)
- Complaint Management Team policy[326]
- Complaint Management Manual[327]
- Complaint Management Standard Operating Procedures[328]
- Complaint Allocation Risk Appraisal (CARA) Guidelines
- Complaint Management Team (CMT) Hints and Guidelines pages on the NSW Police Force intranet
- Complaints Management Pack (User Guide)[329]

[326] On 23 June 2009, NSW Police Force advised that the Complaint Management Team Policy had been replaced by the Part 3 of the Complaint Handling Guidelines in May 2008.

[327] On 23 June 2009, NSW Police Force advised that the Complaint Management Manual had been replaced by the Complaint Handling Guidelines in May 2008.

[328] On 23 June 2009, NSW Police Force advised that the Complaint Management Standard Operating Procedures had been replaced by the Complaint Handling Guidelines in May 2008.

- Police Handbook
- Police Notices and Circulars
- Complaint Practice Notes.

Each of these documents was available on the NSW Police Force intranet at the time that the Commission was collecting information from the sampled commands for Project Manta. A précis of each of the above sources follows.

Two additional sets of guidelines relevant to command responsibilities for minimising police misconduct were finalised and distributed after the Commission had completed its information collection for this project. These two documents – the NSW Police Force Corruption Resistance Planning Guidelines and the NSW Police Force Complaint Handling Guidelines – are described at the end of this Appendix.

COMMAND MANAGEMENT FRAMEWORK (CMF)

The Command Management Framework (CMF) is described by the NSW Police Force as a 'risk based, self-assessment process, focussing on the audit function'.[330] As a monitoring tool, it identifies 55 generic risk areas known as 'portfolios'.[331] These portfolios are individually headed, and relate to topics such as:

- 'Arms and Appointments'
- 'Education and Training'
- 'Source Management'
- 'Corruption Resistance'
- 'Brief Management'
- 'Drug Exhibits'
- 'Search Warrants'
- 'Portable Equipment'.

The portfolios are grouped into three superordinate categories headed 'People', 'Crime' and 'Systems'.

The CMF itself comes in the form of an Excel template[332] with individual worksheets on each of the 55 portfolios. Figures A1.1 and A1.2 provide examples of the layout and content of two worksheets.

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329 On 23 June 2009, NSW Police Force advised that the Complaint Management Pack User Guide is not in use while the Professional Standards Command has been 'reviewing potential to capture information in the light of the Streamlined Complaints Handling project, in c@ts.i'.

330 NSW Police Force, 'Command Management Framework', NSW Police Force intranet, downloaded 1 April 2008.

331 'Systems portfolios' became known as 'performance areas' in the internet-based version of the CMF which was introduced in February 2009.

332 Replaced by an internet-based version in February 2009.

All CMF worksheets share a common format made up of two tables. The first table in each template, as can be seen from Figures A1.1 and A1.2, is comprised of four columns, headed:

- 'Action: What Action is Required'
- 'Implementation: Local Procedures'
- 'Results: Comment on Local Performance'
- 'Recommendations: Comments & How can you improve (if required)'.

The templates for each portfolio contain standard entries under the first two headings. The first set of entries, under 'Action: What Action is required', lists relevant NSW Police Force policies and guidelines relating to the portfolio. The second set of entries, under 'Implementation: Local Procedures', provides a list of strategies on how the policies and guidelines may be implemented.

The second table is comprised of five sections for reporting. The first section, which has no heading, includes space for entering the name of the portfolio (or 'system', as it is called in this context), the 'month of return' and name of the 'portfolio holder'. The second, third and fourth sections provide space for 'first' and 'second level supervisors', and the 'Commander/Manager', to 'comment'; and indicate whether or not they 'agree with the results' and 'comments' provided by their subordinates. The fifth section is headed 'Comments by the Management Team'.

The template for the CMF's corruption resistance portfolio, that was current at the time information was collected for Project Manta, is provided in Figure A1.2. The information indicates, amongst other things, that a command's corruption resistance plan was to be reviewed at least annually by the Command Management Team. In implementing this policy requirement, the CMF portfolio template stated that:

> Command Management Team schedules reviews of the Corruption Resistance Plan …
>
> Command Management Team reviews; [*sic*]
>
> CMT minutes
>
> CMF returns
>
> Staff Ethical Culture Surveys
>
> 'at risk' officers
>
> trends in complaints/LMIs etc
>
> to ensure risks within plan are appropriate

The portfolio also listed the requirement of 'staff awareness of identified corruption risks and strategies to minimise risk'. In implementing this requirement, the CMF portfolio template stated:

> Command Management Team regularly reinforces/promotes the [corruption resistance] plan to ensure staff are aware of managerial focus and commitment.

Finally, the portfolio listed the requirement that 'CMF Corruption Resistance Activity monitoring is effective'. In implementing this requirement, the CMF portfolio template stated, amongst other things, that:

> Command Management Team conducts quarterly reviews of the Corruption Resistance Plan activities within the CMF to identify areas that should be receiving attention but are not.

The February 2009 internet-based version of the Corruption Resistance Performance Area includes the following 'tests':

- The Command's Corruption Resistance Plan has been registered with PSC and reviewed in the past 12 months (Date of registration with PSC; Date of last review)
- Strategies within the Corruption Resistance Plan are being implemented (Number of strategies; Number of strategies outstanding)
- Potential or actual corruption risks have been identified and referred to the Corruption Resistance Planning Team for assessment (Issues identified this reporting period and date referred)
- The Command Management Team and/or Corruption Resistance Planning Team has reinforced and/or promoted the corruption resistance plan this reporting period. (Date and method of communication).[333]

[333] Provided by NSW Police Force Professional Standards Command Project Officers, 3 June 2009.

Figure A1.1: Arms & Appointments portfolio, Command Management Framework, NSW Police Force intranet, downloaded 1 April 2008

Arms & Appointments		Reporting Period =		
		Portfolio Holder:		Compliance Manual
ACTION: WHAT IS REQUIRED		IMPLEMENTATION: LOCAL PROCEDURES	RESULTS: COMMENT ON LOCAL PERFORMANCE:	RECOMMENDATIONS: COMMENTS & HOW CAN YOU IMPROVE (IF REQUIRED):
1	**Outstanding actions and recommendations addressed**	Follow up actions from previous reporting period/s CMF return/s addressed and actioned by Portfolio Holder.		
2	**All firearms accounted for.**	Weekly checks of Appointments of police on leave & unloading room/gun safe compliance conducted by supervisors and recorded on the General Station Pad.		
		Quarterly Appointments inspection cards (P359) completed for every officer.		
3	**All firearms and appointments stored in accordance with NSWP instructions.**	Daily checks of Gun safes conducted by supervisors (endorsed on supervisors checklists).		
		Weekly checks of all lockers to ensure that ammunition etc is stored securely.		

System:
Month of Return:
Portfolio Holder:
First Level Supervisor if applicable (ie.Sergeant or equivalent):
Sergeant or Equivalent name:
Do you as the supervisor agree with the results provided in this report?
Do you as the supervisor agree with the comments provided in this report?
Comment
Second Level Supervisor if applicable (ie.Inspector or equivalent)
Inspector or Equivalent Name:
Do you as the quality assurance officer agree with the results provided in this report?
Do you as the quality assurance officer agree with the comments provided in this report?
Comment
Commander/ Manager (To comment when sampling/inspections have occurred at this level)
Commander or Manager Name:
Do you as the Commander agree with the results provided in this report?
Do you as the Commander agree with the comments provided in this report?
Comment
Comments by the Management Team

Figure A1.2: Corruption Resistance portfolio, Command Management Framework, NSW Police Force intranet, downloaded 1 April 2008

Corruption Resistance		Reporting Period =		
		Portfolio Holder:		Compliance Manual
ACTION: WHAT IS REQUIRED		IMPLEMENTATION: LOCAL PROCEDURES	RESULTS: COMMENT ON LOCAL PERFORMANCE:	RECOMMENDATIONS: COMMENTS & HOW CAN YOU IMPROVE (IF REQUIRED):
1	**Outstanding actions and recommendations addressed**	Follow up actions from previous reporting period/s CMF return/s addressed and actioned by Portfolio Holder.		
2	**Corruption Resistance Plan reviewed (at least annually or when it is apparent that risk areas and/or strategies within plan are insufficient).**	Command Management Team schedules reviews of the Corruption Resistance Plan, and to assess relevance of Plan. Command Management Team reviews; CMT Minutes, CMF returns, Staff Ethical Culture Surveys, 'at risk' officers, Trends in complaints/LMIs, etc, to ensure risks within plan are appropriate.	Date of last Review: Date of last staff survey:	
3	**Staff awareness of identified Corruption risks and strategies in place to minimise risk.**	Command Management Team regularly reinforces / promotes the plan to ensure staff are aware of managerial focus and commitment	Date last communication with staff on Corruption Resistance issues documented (minutes, memo etc).	
4	**CMF Corruption Resistance Activity monitoring is effective.**	Command Management team conducts quarterly reviews of the Corruption Resistance Plan activities within the CMF to identify areas that should be receiving attention but are not. (Local Strategies and activities to address the risks identified with person nominated to audit/assess the activities. Update CMF to include new identified risks).	Date of last Review:	

System:
Month of Return:
Portfolio Holder:
First Level Supervisor if applicable (ie.Sergeant or equivalent):
Sergeant or Equivalent name:
Do you as the supervisor agree with the results provided in this report?
Do you as the supervisor agree with the comments provided in this report?
Comment
Second Level Supervisor if applicable (ie.Inspector or equivalent)
Inspector or Equivalent Name:
Do you as the quality assurance officer agree with the results provided in this report?
Do you as the quality assurance officer agree with the comments provided in this report?
Comment
Commander/ Manager (To comment when sampling/inspections have occurred at this level)
Commander or Manager Name:
Do you as the Commander agree with the results provided in this report?
Do you as the Commander agree with the comments provided in this report?
Comment
Comments by the Management Team

COMPLIANCE MANUAL

The Compliance Manual aligns with the Command Management Framework. The Commissioner of Police's original 'Foreword' dated March 2005 describes the Compliance Manual's origin and purpose:

> The Compliance Manual has been developed by the Audit Group to assist police personnel, with checking, and providing quality control and quality assurance of systems within their commands utilising the Command Management Framework. This manual will assist all staff perform these functions in an effective, uniform and consistent manner.
>
> …
>
> The Manual is to be utilised in conjunction with the Command Management Framework.
>
> …
>
> I have an expectation for all Commanders and their Command Management Teams to thoroughly lead the inspection process within their respective commands and sections. With the production of this manual it is timely to reiterate the 'inspection' instructions to Commanders in the Police Handbook, namely to –
>
> > Conduct your own regular test sampling to oversight the sampling conducted by team leaders, supervisors, duty officers and managers. Compile a list of high risk areas in your command to help you in this task' (NSW Police 2005b, p. 2).

In its current guise, the Compliance Manual is in the form of an electronic intranet resource, which is comprised of links to 56 PDF documents. Fifty-three of these documents correspond to 53 Command Management Framework (CMF) portfolios and share common titles with these portfolios.[334]

Each of the PDF documents which make up the Compliance Manual shares a basic format. They each include information under four subheadings:

- 'Risk/s'
- 'Source Documents'
- 'Reference Material'
- 'Inspection Procedure/Review Process'.

Some documents include an additional subheading: 'Risk Factors'. The meaning of each of the subheadings is explained in a 'Glossary of Terms' appearing in a one-page

[334] The Compliance Manual does not include documents relating two CMF portfolios: 'Crime Management Unit Products' and 'Crime Prevention'. Three documents, which form part of the Compliance Manual but do not relate to any CMF portfolio, are entitled 'Bicycle Units', 'Fundamental Response to Crime (FR2C)' and 'Fundamental Response to Traffic (FR2T)'.There is no readily apparent explanation for this.

document, which is also linked to the Compliance Manual, entitled 'Instructions for this Manual'. As defined, the meanings attached to each of these terms are as follows:

> **Risk/s.** The probability that an event or action may adversely affect the organisation.
>
> **Source Documents.** Any book, register, document or form, paper or electronic, either corporately or locally developed completed in the course of an officer's duties (sworn or unsworn).
>
> **Reference Material**. Documents and other material, which may include policy or procedural guidelines, which assist in further explaining the portfolio or risk area. These will generally be hyperlinked.
>
> **Inspection Procedures**. The suggested procedure to identify errors, omissions and failure to comply with policy and accepted procedures.
>
> **Risk Factors.** A further explanation of events or actions, which pertain to the portfolio or risk area.[335]

Two examples follow of the types of information provided in Compliance Manual documents. The first relates to 'Arms and Appointments', the second to 'Corruption Resistance'.

The 'Arms and Appointments' Compliance Manual document relates to the CMF portfolio of the same name. The document lists two 'risks' in relation to the CMF portfolio: 'loss/theft of firearms and appointments' and 'officer survival'. It also lists five 'source documents' and four 'reference documents' that may be used to check the portfolio. Some of these documents include: the 'most recent CMF return', 'appointments register for police on extended period of absence', 'quarterly inspections of appointments', 'daily duty rosters', 'Miscellaneous Property Book', and 'Police Handbook' (chapters on 'Firearms' and 'Arms and Appointments').[336]

The 'Arms and Appointments' Compliance Manual document then provides advice to 'commanders and managers' on procedures relating to the portfolio. This advice appears in a list under the subheading 'Inspections'. Some examples, as stated, follow:

> ensure all firearms are to be stored in the command firearms storage safe at all times when not in use. Check[s] should be performed of all names on daily roster against firearms in safe(s)
>
> …
>
> ensure that a weekly check of appointments of police on leave (refer daily roster) is conducted and record the names of officers firearms sighted/not sighted have been recorded on the General Station Pad, daily roster or similar
>
> ensure that officers with any need to take their firearm home overnight or for an extended period have approval granted by the Duty Officer and the

[335] NSW Police Force intranet, Compliance Manual, 'Instructions for this Manual', downloaded 1 April 2008.

[336] NSW Police Force intranet, Compliance Manual, 'Arms and Appointments' downloaded 1 April 2008.

> movement of the firearm away from the Command is recorded on the General Station Pad
>
> ensure that quarterly inspections of all appointments (including firearms) on issue to police, are conducted and that the P359 'Quarterly Inspections' cards are completed
>
> …
>
> ensure that all lockers containing ammunition and police appointments are secured
>
> ensure that the Command Management Framework portfolio report is completed and submitted on the agreed frequency for the Command.[337]

The 'Corruption Resistance' Compliance Manual document also relates to the CMF portfolio of the same name. The document lists one 'risk' in relation to the CMF portfolio: 'corruption prevention planning inactivity'. It also lists five 'risk factors', which pertain to the portfolio; namely: 'officers engaging in corrupt behaviour', 'insufficient steps taken to identify and assess risk', 'insufficient internal control to minimise the opportunity for corruption (systems and supervision)', 'risk minimisation activities not allocated to individuals', and 'risk minimisation activities with no time frames for completion'. The listed 'source documents' suggested for use when assessing the portfolio include: 'most recent CMF return', 'Corruption Resistance Plan', 'CMT minutes', and 'Management Team Minutes'. The listed 'reference material' that may also be used includes: '[ICAC] Practical Guide to Corruption Prevention', 'NSWP Code of Conduct', 'ICAC Ethical Culture Staff survey', and 'Police Notice 97/41 (24/3/97 - Accountability in Criminal Investigations)'.[338]

Like the 'Arms and Appointments' document, the 'Corruption Resistance' document provides detailed advice to 'commanders and managers' on procedures relating to the portfolio. The following text appears in a list and is prefaced by the statement that 'commanders and managers will ensure':

> all staff rostered on are formally accounted for by supervisors, attendance (or not) is recorded and appropriate action taken
>
> supervisors conduct and document spot checks of staff to verify attendance at court/interviews/training days/conferences/duties away from the command etc.
>
> system in place to monitor staff associations with a view to reducing the opportunity for corrupt collusion (search warrant execution teams, working partnerships etc.)
>
> officers use official documents to record duties and activities e.g., duty books, notebooks, motor vehicle diaries etc.
>
> adequate numbers of shift supervisors are rostered on weekends and outside normal day shifts to ensure effective oversight of criminal investigation staff

[337] NSW Police Force intranet, Compliance Manual, 'Arms and Appointments', downloaded 1 April 2008.

[338] NSW Police Force intranet, Compliance Manual, 'Corruption Resistance', downloaded 1 April 2008.

the rostering of personnel to on call duties must be conducted correctly and must be in accordance with NSWP policy. On call duties must be authorised and fully documented with appropriate allowances paid

command/unit regularly (at least annually) reviews the Corruption Resistance Plan taking into consideration the following methods of identifying and addressing risks:

staff surveyed to capture their perceptions on corrupt/unethical behaviour and their attitude to reporting

staff involved consulted to ensure there is representative involvement in the corruption resistance planning process (i.e., ensuring the CMF is appropriate for the capture of corruption resistance activities)

Complaint Management Team evaluation of recent complaints

Complaint Management Team review corruption resistance activities in light of complaints (issues arising)

Human Resource Committee consultation

regular consultation with Professional Standards Manager to identify trends, complaint types, etc.

review of corruption resistance activities within CMF annually or when a breach or issue arises to minimize reoccurrence and evaluate effectiveness.

duty officers, crime manager, LAM [local area manager], managers and supervisors held accountable and responsible for compliance with CMF inspections and reporting e.g., performance agreements and command assignments

training days/briefings conducted for staff to be familiar with corruption resistance issues/activities within CMF. (Training in ethics/corruption prevention/detection be included in all training programs)

staff assessed as to their knowledge of corruption resistance issues and associated activities within the command

review of corruption resistance activities every 3 months to ensure that risk areas are being addressed and that any necessary improvements or amendments are made

cross-checking of high risk portfolio areas to ensure an independent check is made e.g., SAO to check the work of rosters etc. [339]

[339] NSW Police Force intranet, Compliance Manual, 'Corruption Resistance', downloaded 1 April 2008.

DUTY OFFICER DEPLOYMENT MODEL AND PERFORMANCE AGREEMENTS

The Duty Officer Deployment Model was rolled out to local area commands between June 2006 and March 2007 after a 14-month trial. The stated intent of the new model is to 'engage duty officers as members of local area command management teams'.[340]

The key feature of the Duty Officer Deployment Model is the creation of a 'Senior Management Team' comprising the following persons: local area commander; crime manager; local area manager; and duty officers who have rotational ownership of five management portfolios, headed: 'Operations (Crime & Safety)', 'Human Resources (People)', 'Customer Service (Community & Partners)', 'Systems and Processes (systems)', and 'Professional Standards (Community/Partners & People)'.[341]

Each management portfolio has a list of 'core responsibilities' for which the portfolio holder is responsible. One way that this is reflected is by the incorporation of these responsibilities into annual performance agreements. As indicated on the NSW Police Force intranet:

> The Duty Officer Deployment Model [DODM] contains performance agreements specifically relating to each portfolio, and at the same time includes corporate responsibilities imposed on a Duty Officer within the Duty Officer Statement.[342]

Two portfolios under the model have core responsibilities relevant to the object of minimising misconduct risks at the level of commands: 'Professional Standards' and 'Systems and Processes'.

The Professional Standards portfolio holder is responsible for maintaining ethical standards with a focus on: 'complaints management', 'corruption prevention', and professional standards 'training and development'. 'Expectations' and 'Actions' for each focus area are listed in a related performance agreement document for the portfolio holder.[343] The 'Expectations' and 'Actions relating to 'complaints management', 'corruption prevention' and 'training and development' are listed in Table A1.1.

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[340] NSW Police Force intranet, 'Duty Officer Deployment Project – Conceptual Summary', downloaded 1 April 2008

[341] NSW Police Force, Duty Officer Deployment Project, 'Duty Officer Model Summary', NSW Police Force intranet, downloaded 1 April 2008. Under the model, ownership and distribution of portfolios varies between metropolitan and country local area commands, depending of the actual number of duty officers deployed. The model provides four basic variations. The basic model applies to metropolitan commands with five duty officers, in which case portfolios are evenly distributed. Three variations apply to country local area commands depending on whether they have three, four or five duty officers. The same set of expectations and actions are reproduced in performance agreements for duty officers holding the Professional Standard portfolio in both metropolitan and country local area commands with four or five duty officers. In country local area commands with only three duty officers, however, professional standards responsibilities and corresponding actions and expectations are included within the Human Resource portfolio (NSW Police Force, Performance Agreement for Duty Officer—Professional Standards, Metropolitan LAC with 5 Duty officers, p. 4; NSW Police Force, Performance Agreement for Duty Officer—Professional Standards, Country LAC with 5 Duty officers, p. 4; NSW Police Force, Performance Agreement for Duty Officer—Professional Standards, Country LAC with 4 Duty officers, p. 4; NSW Police Force, Performance Agreement for Duty Officer—Human Resources, Country LAC with 3 Duty officers, p. 6, downloaded from NSW Police Force intranet 1 April 2008.

[342] NSW Police Force intranet, 'Duty Officer Deployment Model Project – Managing Performance', downloaded 1 April 2008.

[343] The same set of expectations and actions are reproduced in performance agreements for duty officers holding the Professional Standard portfolio in both metropolitan and country local area commands with four or five duty officers. In country local area commands with only three duty officers, however, professional standards responsibilities and corresponding actions and expectations are included within the Human Resource portfolio (NSW Police Force, Performance Agreement for Duty Officer—Professional Standards, Metropolitan LAC with 5 Duty officers, p. 4; NSW Police Force, Performance Agreement for Duty Officer—Professional Standards, Country LAC with 5 Duty officers, p. 4; NSW

Table A1.1: 'Expectations and Actions' relating to 'complaints management', 'corruption prevention' and 'training and development' under the Duty Officer Deployment Model

Responsibility	Expectations and Actions as described in Duty Officer Deployment Model
Complaints management	• Membership of Complaints Management Team (agreed frequency) • 100% application of risk assessments to new complaints (records retained). • Monitoring and verbal reporting to Senior Mgt [sic] Team on complaint trends within LAC & surrounding LACs. • 100% quality assurance of complaint assessments, investigations and management actions. • Oversight of the management of Cat 1 investigations. • Number of local grievances handled/informal resolution. • Evidence of ongoing risk assessments of command overall. • Documented improvements in processes after complaint investigation or risk assessment. • Coordinate on behalf of the commander targeted drug and/or alcohol testing.
Corruption prevention	• Ensure corruption resistance plan is revised biannually, and linked to Command Management Framework. • Ensure performance measures are included in the Corruption [Resistance] Plan.[344] • Written report to Senior Mgt Team on performance measures from Corruption [Resistance] Plan quarterly.[345] • Documented evidence of the review of high risk officers. • Evidence of regular COPS access audits and appropriate action taken • Coordination of computer access audits ensuring 100% of command completed annually. • 100% audit of staff entering and leaving command.
Training and Development	• Agreed % of senior officers with complaints management training & access to C@ts.i. • Attendance at workshops/training days to ensure awareness of current legislation and procedures. • Training and development of staff in customer service. • Training and development addressing corruption reporting mechanisms • Regular promotion of the Code of Conduct and Ethics.

Under the Duty Officer Deployment Model, the Systems and Processes portfolio holder has carriage of the CMF, COPS (computerised operational policing system) Management and systems training and development. Five responsibilities, in particular, are listed in relation to the CMF: 'coordination', 'risk identification', 'systems

Police Force, Performance Agreement for Duty Officer—Professional Standards, Country LAC with 4 Duty officers, p. 4; NSW Police Force, Performance Agreement for Duty Officer—Human Resources, Country LAC with 3 Duty officers, p. 6, downloaded from NSW Police Force intranet 1 April 2008.

344 The reference in the document is to 'Corruption Prevention Plan'. A representative of the NSW Police Force, Project Management Unit, advised the Commission on 13 March 2008 that the reference was not to a different document but to the same document as the 'Corruption Resistance Plan'.

345 The reference in the document is to 'Corruption Prevention Plan'. A representative of the NSW Police Force, Project Management Unit, advised the Commission on 13 March 2008 that the reference was not to a different document but to the same document as the 'Corruption Resistance Plan'.

inspections', 'reporting', and 'continuous improvement'. Once more, 'Expectations' and 'Actions' for each of these are listed in a related performance agreement document.[346] The 'Expectations' and 'Actions' relating to CMF responsibilities are listed in Table A1.2.

Table A1. 2: 'Expectations' and 'Actions' relating to the CMF under the Duty Officer Deployment Model

CMF Responsibility	Expectations and Actions as described in Duty Officer Deployment Model
Coordination	• Coordination of CMF portfolios including communicating target dates, monitoring progress & quality control. • Evidence of oversight and verification of test sampling practices. • No. of follow-ups of outstanding actions. • Maintaining electronic and hard copies of CMF portfolios. • Recording and distribution of ALL meeting minutes to staff, where appropriate. • Reviewing Officer for agreed CMF portfolios (subject to negotiation with Senior Mgt Team). • CMF portfolios completed within prescribed time frame with verification of updated report.
Risk identification	• Preparation of and maintenance of CMF reports relevant to command risks. • Evidence of risk analysis of all systems reports. • Recommend inspection frequency to address identified risk areas (Excluding legislative and procedural requirements, e.g.: Handbook/Compliance Manual).
Systems inspections	• Coordination of external and/or internal audits of the command. Submitted on time and records maintained.
Reporting	• Communicating all systems and process information to the Senior Management Team and within the command. Information disseminated as agreed by Senior Management Team. • Number and quality of reports to Senior Management Team. • Minimum quarterly reporting on improvement areas to the Senior Management Team.
Continuous improvement	• Evidence of results being analysed. • Evidence of identified improvement to processes actioned from last CMF report.

[346] The same set of expectations and actions are reproduced in performance agreements for duty officers holding the Systems and Processes portfolio in metropolitan and country local area commands with five duty officers. In country local area commands with only three or four duty officers, these responsibilities and corresponding actions and expectations are shared.

BUSINESS PLANNING CORPORATE POLICY AND GUIDELINES

It is a policy requirement of the NSW Police Force that all business units, including commands:

> develop, implement and monitor a business plan setting out how the unit contributes to the corporate goals, priorities and reform; ensures value for money; and provides responsive and effective service delivery (NSW Police 2004, p. 1).

According to the LAC Business Planning Preparation Guidelines 2007/08:

> The 2007-08 Local Area Command business planning process assists the local area command to assess local community issues and needs, set and communicate clear performance levels and strategies to achieve them.
>
> Business planning requires local area commanders to develop a business plan through a team-based approach, undertaking an environmental assessment, setting specific direction and priorities aligned to corporate focus and negotiating performance levels with their respective region commander.[347]

To enable this, the NSW Police Force provides a Business Plan template and a set of Preparation Guidelines, which are to be used by business planning teams.

The Business Plan template is in the form of an Excel document comprising a number of worksheets. One or more worksheets correspond to performance indicators, which are grouped into six main result areas headed: 'Leadership – Direction and sustainability'; 'Community (Partnerships) – A high level of public trust and confidence'; 'Crime – Reduced crime and violence'; 'Safety – Improved public safety'; 'People – Motivated workforce'; and 'Systems – Improved work practices'. While there were minor changes to these results areas in 2008/09, the headings were similar: 'Crime – Reduced rates of crime, particularly violence'; 'Public Safety – Reduced perception and fear of crime, reduced levels of antisocial behaviour, safer public transport and roads'; Community & Partnerships – Increased community confidence in police; 'People – Enhanced capabilities, a safe and supportive work environment; 'Systems – Improved organisational capability to deliver our services'; 'Leadership – Clear direction and support'

Each result area in turn contains a number of component areas that relate to the result area; some examples of these include:

- complaints management
- employee management/corruption resistance
- brief management
- complaints timeliness
- Command Management Framework.

[347] NSW Police Force intranet, 'LAC Business Planning Preparation Guidelines 2007/08', downloaded 1 April 2008.

Under each component area, the template provides commentary and a series of prompts for business planning teams to complete. The Business Planning Preparation Guidelines also provide a list of 'suggested sources' to consult when entering details for each component.

At least two aspects of business planning have a bearing on defining command responsibilities for minimising misconduct risks at the command level. The most relevant relates to the component area 'employee management/corruption resistance', which falls within the result area headed 'People – Motivated workforce'. The second relates to the allocation of responsibilities concerning the role of commanders in meeting business plan targets.

The relevant prompt in the Business Plan template for the 'employee management/corruption resistance' component states:

> Enter your employee management/corruption resistance issue and initiatives to solve it here, e.g., local management issues.[348]

In addressing this prompt, the Preparation Guidelines provide an extensive list of 'suggested sources' to consult; some of these include:

> CMF [Command Management Framework] – People Portfolio
>
> CMT [Complaint Management Team meeting] minutes
>
> NSWPF Compliance Manual
>
> …
>
> Corruption Resistance Plan
>
> …
>
> [ICAC] Practical Guide to Corruption Prevention
>
> NSWP Code of Conduct
>
> …
>
> Employee Management Policy
>
> Part 8A (Police Services Act), s 212 and s 122 (2) Class or Kind Agreement.[349]

[348] NSW Police Force intranet, LAC Business Plan 2007/08 Template, 'People – Motivated workforce – Pt 2', downloaded 1 April 2008.
[349] NSW Police Force intranet, 'LAC Business Planning Preparation Guidelines 2007/08, p. 33, downloaded 1 April 2008.

The Preparation Guidelines also provide commentary relating to the component area, significantly stating that:

> To achieve the best from our people we have to manage any grievance or complaint from staff and there needs to be internal controls to minimise the opportunity for corruption (systems and supervision). Refer to NSWPF Compliance Manual for more details.
>
> ***Confirm with management team any specific LAC direction that may be relevant to this part of the business plan.***
>
> Based on current system risks, comparison to 'like LACs' and LAC priorities, it may be appropriate not to develop improvement initiatives but to maintain current practices and processes. List these initiatives in point form in the section of the business plan as shown below.
>
> …
>
> Enter your employee management/corruption resistance issue and initiatives to solve it here, e.g., local management issues.[350]

Individual commanders are responsible for meeting business plan targets, including those relating to 'corruption resistance'. This responsibility is institutionalised in two ways:

- the position description of commanders aligns with the six business planning result areas
- business plan targets are incorporated into the performance agreements of commanders.

The following information about the significance of these linkages appears on the NSW Police Force intranet:

> *The performance of the Commander/Manager of the business unit is linked to the performance of the business unit* [emphasis added]. Therefore, the business plan and the agreement must be negotiated at the same time. The business plan provides detail of the negotiated performance targets to be included in the Commander/Manager's agreement. Other requirements of the agreement are contained in Performance Management Scheme documentation.
>
> The personal performance is reviewed regularly in conjunction with business unit performance.[351]

Practically, commanders are also held accountable for meeting business plan targets – and 'corruption resistance' targets, which are included in the plans – through reporting requirements.

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[350] NSW Police Force intranet, LAC Business Planning Preparation Guidelines 2007/08, p. 33, downloaded 1 April 2008.

[351] NSW Police Force intranet, 'Individual Performance Management', downloaded 1 April 2008.

POSITION DESCRIPTIONS AND OTHER EMPLOYMENT DOCUMENTS RELATING TO THE ROLE OF LOCAL AREA COMMANDERS AND DUTY OFFICERS

Position descriptions and other employment-related documents, principally relating to the role of commanders and duty officers, provide additional information on personnel within local area commands that have responsibility for 'corruption prevention', complaint management and the CMF, for example:

- a document headed 'Duty Officer Statement' provides that duty officers are responsible for the CMF and aspects of complaint management, stating that:

> The CMF and associated administrative functions are to be managed by the Duty Officer in conjunction with the Local Area Manager. These two people are to be the driving force for the CMF and administration functions within the LAC. Included in this is test sampling and auditing as required by the CMF for the entire Command, not just those associated with the general duties component.
>
> …
>
> Complaint Management involves monitoring complaint trends, pro-active response to these trends, early intervention of 'at risk' officers, coaching and mentoring investigations, and participation/coordination of Complaint Management Teams.[352]

- a document entitled 'Duty Officer (Local Area Command)' lists the following responsibility in a list headed 'Position Overview': 'analyse, develop, recommend, implement and manage comprehensive corruption prevention strategies for the LAC [local area command]'.[353]
- a document defining the shared job stream responsibilities of both duty officers and local area commanders states the following in a list headed 'Corporate Responsibilities':

> developing and implementing comprehensive corruption prevention approach for the command incorporating the Command Management Framework
>
> …
>
> ensuring prudent resource management and the conduct of regular audits and inspections utilising the Command Management Framework
>
> ensuring stringent compliance with procedures for the safety, well being and security of people in custody.[354]

[352] NSW Police Force intranet, 'Duty Officer Statement', 2 May 2006, downloaded 1 April 2008.

[353] NSW Police Force intranet, 'Duty Officer (Local Area Command)', 26 September, downloaded 1 April 2008.

[354] NSW Police Force intranet, 'Job Stream Responsibilities–Commander/Manager', downloaded 1 April 2008.

COMPLAINT MANAGEMENT TEAM POLICY[355]

The Complaint Management Team (CMT) Policy was prepared by the Special Crime and Internal Affairs Unit in June 2003 and appears to be the first document to set out the roles and responsibilities of CMTs. As stated in its opening text, the object of the policy is to 'promote uniformity in the implementation of CMTs and the adoption of core standards across the state' (NSW Police 2003, p. 1). The Complaint Management Team (CMT) Policy stated that CMTs are responsible for:

> assessing complaints and determining the level of investigation
>
> monitoring and reviewing complaints through to completion
>
> assigning appropriate actions in resolving complaints (NSW Police 2003, p. 4).

The document also listed the benefits of having CMTs and their main functions. Included among the latter, the policy states that in addition to assessing, investigating and taking actions:

> Complaint Management Teams should also identify opportunities to correct immediate problems and provide constructive ideas for:
>
> > improving service delivery
> >
> > changing policies and procedures
> >
> > identifying training requirements
> >
> > identifying system shortcomings
> >
> > modifying individual behaviours
> >
> > identifying officers at risk of attracting complaints (NSW Police 2003, p. 7).

The benefits of having CMTs, as listed in the document include, providing:

> an oversight of the broader management of complaints and an analysis of trends in complaints and local management issues
>
> opportunities for early management intervention
>
> …
>
> promotes uniformity in the development and implementation of planning and the adoption of core standards (NSW Police 2003, p. 4).

[355] While the Complaint Management Team Policy was in operation at the time that commands provided information to the Commission in relation to Project Manta, on 23 June 2009, the NSW Police Force advised the Commission that the Complaint Management Policy had been replaced by Part 3 of the Complaint Handling Guidelines in May 2008.

COMPLAINT MANAGEMENT MANUAL[356]

The Complaint Management Manual was a multi-volume document, which provided comprehensive guidance to commands on all facets of complaint management. It was comprised of an Introduction and seven 'Modules' headed, dated between 2005 and 2007:

- Receipting
- Registration
- Assessment
- Investigation
- Outcomes and Actions
- Closure
- Finalisation.

The Introduction stated that the:

> manual is a comprehensive resource on all aspects of complaint management. Its aim is to make sure that all complaints are managed to the high standard expected by the NSW Police Force and the oversight bodies. The manual explains what a complaint is under Part 8A of the Police Act 1990, how to handle complaints appropriately and how to investigate and resolve them in an accurate, timely and professional manner. It also identifies the pivotal role of Complaint Management Team (CMT) members in all stages of complaint management (NSW Police Force 2005-2007, p. 1).

In its essential points, the Complaint Management Manual restated the information that appeared in the Complaint Management Team Policy about the role and benefits of having CMTs. In addition, it provided the following types of information:

- In the Introduction, under the heading 'Meetings', the Manual stated that the Executive Officer was to prepare:

  > a standing meeting agenda that *may* [emphasis added] include topics such as: current complaints, new complaints, trends, local management concerns, [and] general business (NSW Police Force 2005-2007, p. 22).

- In the Module headed 'Assessment', the Manual made the point that complaints might serve as springboards for taking organisational action:

  > Once it has been confirmed that the complaint is a complaint under Part 8A, the next stage of the assessment process is to determine the risks involved and decide whether and what level of investigation is needed. This step is critical, as not all complaints

[356] While the Complaint Management Manual was in operation at the time that commands provided information to the Commission in relation to Project Manta, on 23 June 2009, the NSW Police Force advised the Commission that the Complaint Management Manual had been replaced by the Complaint Handling Guidelines in May 2008.

> will warrant an investigation or action. For example, if a complaint is declined for investigation under section 141(1) no investigative action will be required however it may be resolved by way of immediate organisational action such as reinforcement of a policy or procedure (NSW Police Force 2005-2007, p. 10).

- The assessment process mentioned in the preceding quotation is facilitated by a risk assessment tool. This tool was developed by the Commissioner's Inspectorate of the NSW Police Force and provides a list of things CMTs need to consider in making their assessment, including:

> the issues involved in the complaint
>
> the complainant's history – COPS, CAD etc
>
> the complaint history of the officers involved
>
> records of positive acknowledgement history, SAP, secondary employment, sick leave, local management issues etc. (NSW Police Force 2005-2007, p. 10).

- In an extract in the 'Assessment' Module relating to interim management action, the Manual envisaged occasions where action may be taken to rectify systemic or procedural practices to reduce the risk of similar problems happening again:

> Historically, the approach to complaints has been to launch into an immediate investigation of the complaint with any action taken dependent on the issue being sustained at the end of the investigation. The preferred approach is to examine the complaint in its totality - this involves examining the specific complaint issues and the environment in which they occurred. Management actions to reduce the risk of similar problems happening again should not be deferred until the end of the investigation unless there are good reasons.
>
> If interim management action is considered appropriate it may include:
>
> > taking temporary measures to manage individual officers such as a change of duties, additional supervision or rostering the officer with more experienced staff
> >
> > rectifying systemic or procedural practices to reduce the risk of similar problems happening again
> >
> > referring practical suggestions for organisational improvements to sections of the NSW Police Force with the authority or expertise to take corrective action (NSW Police Force 2005-2007, p. 24).

- Similarly, in the Module headed 'Investigations', the Manual envisaged instances where complaint investigations may be widened to examine larger problems.

> If a systemic problem is identified during the investigation that involves NSW Police generally or a particular area of the police, the investigation may be extended to examine that problem (NSW Police 2005-2007, p. 4).

- In the Module headed 'Actions and Outcomes', the Manual provided information on the types of actions that may be taken in response to a complaint. The Manual made it clear that such action may focus on the officer or on organisational policies and procedures:

> After assessment or investigation, the Complaints Management Team (CMT) must initiate the appropriate actions in response to a complaint. On c@ts.i this process is conducted within the 'Actions/Outcomes' step.
>
> The actions may focus on either the officer, the customer, or on organisational policies and procedures. They might vary from no action to criminal charges to modifying policies. The focus should not always be on the subject officer as their actions may have been due to an honest mistake, poor judgement or inexperience.
>
> The purpose of the action process is to record the actions taken to resolve each of the issues in a complaint. It may take place after assessment, if no investigation or informal resolution is required, or after the conduct of an investigation.
>
> When deciding on appropriate actions, you need to consider:
>
> customer requirements
>
> the appropriate and timely management of the situation
>
> effective management intervention
>
> addressing systemic issues
>
> the officer's performance history, complaint profile, risk factors and past responses to management intervention
>
> any mitigating circumstances (NSW Police 2005-2007, p. 2).

- The Module headed 'Actions and Outcomes' listed and explained three types of actions that may be taken in relation to the:

> officer – to modify the behaviour that gave rise to the issue in the complaint or improve their performance [including action under Part 9 of the Police Act]
>
> customer – to satisfy the customer or complainant
>
> organisation – to address organisational, procedural or systematic failure. You might for example modify a roster, alter a policy or procedure or update a computer system. These actions could relate to both corporate and local policies and procedures.

> …
>
> [Organisational] actions may relate to addressing organisational, procedural or systemic deficiencies. For example, an investigation may identify that policies or procedures need to be rewritten, modified or updated.
>
> Alternative actions could be to reinforce or remind staff of a policy or procedure through local training, mandatory lectures or emails (NSW Police 2005-2007, pp. 2, 10).

COMPLAINT MANAGEMENT STANDARD OPERATING PROCEDURES[357]

The Complaint Management Standard Operating Procedures (SOPs) was a companion document to the Complaint Management Manual and listed the steps that might be required in the management of a complaint. The document did not provide the level of detail found in the Complaint Management Manual and was silent, for instance, on matters such as the identification of complaint trends and taking organisational action to remedy system issues. Amongst other information, however, the SOPs provided a list of items that must be included on a CMT agenda and considered at CMT meetings. This list did not mention complaint trends (NSW Police 2005a, pp. 5-6).

CARA GUIDELINES

'CARA' stands for 'Complaint Allocation Risk Appraisal'. The CARA Guidelines, dated February 2007, state that:

> The CARA process assists Complaint Management Teams (CMT) to determine whether notifiable complaints, based on a risk appraisal process, should be managed locally, or transferred to another location for investigation or other action. This process also ensures CMT decision making processes in relation to risk identification and management are documented (NSW Police Force 2007b, p. 3).

The guidelines are a way to mitigate the risks that may arise when a command retains the investigation of complaints involving one of its own officers. If a matter is retained, the command must initiate the CARA process. As described in the CARA Guidelines:

> CARA involves two steps and applies to all matters assessed as notifiable complaints.
>
> 1. Identification of actual or perceived risks or any conflicts of interest which may impact upon their ability to conduct an investigation and implementation of appropriate risk treatment options.
>
> 2. Disclosure of known conflicts of interest or other risks by the selected investigator.
>
> These two steps are addressed within the CARA documents.

[357] While the Complaint Management Standard Operating Procedures was in operation at the time that commands provided information to the Commission in relation to Project Manta, on 23 June 2009, the NSW Police Force advised the Commission that these Standard Operating Procedures had been replaced by the Complaint Handling Guidelines in May 2008.

> PART A Selection of an appropriate investigating command, investigator, type of investigative response and identification of conflicts of interest and risks associated with the investigator.
>
> PART B Disclosure of conflicts by the investigator (NSW Police Force 2007b, p. 3).

CMT HINTS AND GUIDELINES PAGES ON THE NSW POLICE FORCE INTRANET

The CMT Hints and Guidelines pages on the NSW Police Force intranet provide a reference point for practical suggestions for officers who are responsible for managing complaints. The pages comprise an Introduction and pages on:

- Complaint administration
- Assessment of complaints
- Resolving the complaint
- Management of actions and outcomes
- Closure of complaints.

The Introduction provides a brief summary of the origin and purpose of these pages:

> The CMT hints and guidelines have been developed following consultation by the PSC with CMTs, PSMs, and the NSW Ombudsman. The hints and guidelines do not tell you everything about complaint management. These pages include discussion practices which may be used by your CMT to improve both the efficiency and effectiveness of complaint management.
>
> These hints and guidelines should be read in conjunction with the Complaint Management Manual, Complaint Practice Notes and the CMT Standard Operating Procedures.
>
> This material will be continually updated as examples of best practice are identified by CMSU and EM consultants and as a result of feedback from NSW Police commands and the oversight agencies.[358]

Among other pieces of advice, the CMT Hints and Guidelines pages provide specific information on complaint trends, stating that:

> To enable CMTs to identify system issues, recurring themes, emerging patterns in officer complaint histories and complaint turnaround times, they *should* [emphasis added] maintain 'Complaint Trends' as a standing agenda item.[359]

[358] NSW Police Force intranet, 'CMT Hints and Guidelines – Introduction', downloaded 22 May 2008.

[359] NSW Police Force intranet, 'CMT Hints & Guidelines – Management of Actions & Outcomes', downloaded 1 April 2008.

COMPLAINTS MANAGEMENT PACK (USER GUIDE)

The Complaints Management Pack (User Guide) provides information to commands on Complaint Management Packs (CMP). The CMP is a reporting tool that provides commands with statistical analysis of complaint data and is available through c@ts.i.

As indicated on the NSW Police Force intranet:

> Containing topical reports and graphs, the CMP provides a wealth of relevant complaints management data in the convenience of a single easy to read pack. The CMP is divided into 3 main sections:
>
> **Complaint Trends** – this section of the CMP reports on complaints received by a command over a specific period of time. The Complaint Trends section has two main focuses: a quarterly comparison of complaint data over an 18 month period and monthly statistics over a two year period.
>
> Data relating to the number of complaints received, origin of complainant, legislative category, investigation level, issues and actions is explored.
>
> **Current Complaints** – the status of current complaints is discussed in this section of the report. Areas relating to the status of Category 1 and 2[360] complaints, current Category 1 and 2 complaints in the receipt/assessment and investigation stages of the complaint process and the management of current s122(2) matters are examined.
>
> **Performance Indicators** – this section of the report analyses the performance indicators of timeliness and complainant satisfaction for a command and relevant region.[361]

The information relating to complaint trends provided in CMPs includes a number of reports relating to the following topics:

> **Complaints Received -** count of all complaints received by your Command since its inception on c@ts.i.
>
> **Origin of the Complaint -** displays the split of complaints received between internal and external complainants.
>
> **Legislative Category -** breakdown of complaints received into their relevant legislative category.
>
> **Investigation Levels Assigned -** breakdown of investigations for Category 1 and 2 Complaints received.
>
> **Issues Raised in Category 1 and 2 Complaints -** grouping of allegations/issues raised in Category 1 and 2 Complaints received
>
> **Issues Raised in Section 122(2) Matters -** grouping of allegations/issues raised in Section 122(2) Matters received.

[360] The Police Amendment (Miscellaneous) Act 2006 (NSW) abolished the distinction between Category 1 and 2 complaints.

[361] NSW Police Force intranet 'Complaints Management Packs', downloaded 22 May 2008.

> **Actions Assigned for Category 1 and 2 Complaints -** assignment of actions for completed Category 1 and 2 Complaints.
>
> **Actions Assigned for Section 122(2) Matters -** assignment of actions for completed Section 122(2) Matters.[362]

POLICE HANDBOOK

The Police Handbook is a consolidated policy and operational procedures document, which brings together corporate policy advice on 150 different topics.[363] These are organised alphabetically and each usually includes the date at which the advice was last updated. The Handbook provides advice on topics ranging from 'Aboriginal issues' to 'Young Offenders'. The types of advice provided typically relate to legislative or policy compliance; and sometimes reveal something about command responsibilities for minimising misconduct risks. Two examples follow.

The first example relates to a topic headed 'Inspections' and provides information about responsibilities relating to the Command Management Framework. The entry states the following:

> **Command Management Framework (CMF)**
>
> Conduct all inspections in compliance with the Command Management Framework (CMF).
>
> **Commander's inspections**
>
> Conduct your own regular test sampling to oversight the sampling conducted by team leaders, supervisors, duty officers and managers. Compile a list of high-risk areas in your command to help you in this task.
>
> **Region commander's or equivalent inspection**
>
> Conduct your own inspections of commands under your control. The timing and extent of inspections or checks is at your discretion. However, you should focus on high-risk areas within each command (e.g., money on hand, exhibits, miscellaneous property and drug [*sic*] for a LAC).[364]

The second example relates to advice on the topic headed 'Internal Witness Support'. Like some other Handbook entries, the entry specifically enumerates the responsibilities of commanders in relation to internal witnesses. The following excerpt is addressed to commanders:

> On becoming aware of an internal witness under your command you must:
>
> > acknowledge, support and positively reinforce the propriety of their actions

362 NSW Police Force intranet, Complaints Management Pack, User Guide, Version 2, December, downloaded 22 May 2008.
363 As at 19 March 2008.
364 NSW Police Force intranet, Police Handbook, 'Inspections', p. 313, downloaded 19 March 2008.

> protect them from being victimised or harassed
>
> take appropriate management action if an internal witness has been victimised or harassed
>
> prevent/eliminate actions against internal witnesses which might be contrary to the Police Act, the Protected Disclosures Act, the Police Integrity Commission Act, the Witness Protection Act or these practices
>
> maintain an environment where members of the NSW Police Force are confident they will be supported and protected in coming forward as an internal witness
>
> respond promptly, genuinely and sensitively to their needs.[365]

POLICE NOTICES AND CIRCULARS

Police Circulars and Notices are published in a section of the *Policy Weekly*, the NSW Police Force's weekly news bulletin. Notices and Circulars issued from 2000 onwards are also stored on the NSW Police Force intranet.

Police Notices provide information on topics 'related to work practice, human resource issues, BTS [Business and Technology Services] issue[s] or other work practices. Occasionally corporate spokesperson portfolio areas are [also] covered'. Police Notices reinforce 'current practices and procedures'; they are unlike Police Circulars, which 'often change procedures or practices'.[366]

Some Circulars or Notices appear to provide advice relevant to the role of commands in minimising misconduct risks. An example is Police Notice 05/24 – Effective Compliance Inspections, which originally appeared in a November 2005 edition of the *Police Weekly*. The Notice provides specific information regarding compliance checking under the Command Management Framework.

COMPLAINT PRACTICE NOTES

The Professional Standards Command produces Complaint Practice Notes (CPNs), which provide information to officers involved in complaint management and investigations. As at 13 March 2008, 42 CPNs were stored on the NSW Police Force intranet; four of these were noted as having been 'withdrawn' and two as being under 'review'.

Complaint Practice Notes (CPNs) do not appear to directly address the subject of minimising misconduct risks at the level of the command. However, some do provide advice on specific compliance, which may in effect offset at least some of these risks, for example:

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[365] NSW Police Force intranet, Police Handbook, 'Internal Witness Support', p. 317, downloaded 19 March 2008.

[366] NSW Police Force intranet, Police Notice 06/10 – Approvals for Publication of Police Notices, downloaded 1 April 2008.

- a CPN headed 'Disclosure of a complainant's identity' provides advice on 'legislation and Commissioner's guidelines for the appropriate disclosure of a complainant's identity'[367]
- a CPN headed 'Searching lockers or other receptacles within NSW Police premises' provides information on when an investigator may 'lawfully search personal property in a receptacle within NSW Police premises'.[368]

[367] NSW Police Force intranet, CPN 05/10 – Disclosure of a complainant's identity, p. 1, downloaded 1 April 2008.

[368] NSW Police Force intranet, CPN 05/02 – Searching lockers or other receptacles within NSW Police premises', p. 1, downloaded 1 April 2008.

APPENDIX 2: ADDITIONAL POLICE WORK TYPES

The Work Types Checklist focussed on types of police work that may present opportunities for corruption and other forms of police misconduct. There may well be other types of police work which present opportunities for corruption or other forms of police misconduct. Table A2.1 in this appendix lists the additional work types provided by commanders in response to the question:

> Are there any other types of work, in addition to the list above, that you consider to be frequently performed by officers in this command?

The purpose of providing these additional work types is so that they might be considered by NSW Police Force commands when they identify their areas of vulnerability to corruption and other forms of police misconduct, and by others doing additional research on this topic.

Responses are organised according to the type of command which provided the response – metropolitan, rural or specialist. Thirteen of the 25 commands in the sample provided additional responses – comprising four metropolitan commands, five rural commands and four specialist commands.

It should be noted that the additional work types were not included in any of the comparative analyses of police work types reported in Chapter 5 for two reasons:

- many of the additional work types were already stated in the checklist, or were encompassed in the meaning of items already included in the checklist

- most of the additional work types provided were not provided by other commands, and thus were not suitable for inclusion in any comparative analyses.

The information provided in Table A.2.1 shows that rural commands appeared to report many more additional work types than either metropolitan or specialist commands.

Table A2.1: Additional work types provided by commands[369]

Type of Command	Work Activity
Metropolitan	Investigation of complaints
Metropolitan	Child Protection Register interactions
Metropolitan	Proactive policing – issuing of move-ons, targeting of repeat offenders
Metropolitan	Planning – Public Order Management – demonstrations/rallies etc
Metropolitan	Interacting with local members of parliament
Metropolitan	Structured community consultation
Metropolitan	Drug dog detection activities
Metropolitan	Custody and management of prisoners for court appearances
Metropolitan	Rescue duties
Rural	Dealing with mental health patients
Rural	Conduct internal investigations
Rural	Audit/compliance of internal systems/processes
Rural	Deceased persons
Rural	Supervision/management of staff & resources
Rural	Traffic management
Rural	Mental health patients
Rural	Quality review briefs & investigations
Rural	Manage internal welfare issues
Rural	Compliance with OH&S legislation
Rural	Compliance with EEO legislation and policy
Rural	Rostering
Rural	Intelligence gathering/management/analysis
Rural	Training/development
Rural	Tasking & deployment
Rural	Fingerprint/photograph persons in custody
Rural	Searches (non custody or search warrant)
Rural	Planning
Rural	Telephone inquiries
Rural	Attendance at post mortem examinations
Rural	Fingerprint/crime scene examinations
Rural	Recording of crime incidents – data entry
Rural	Proactively engaging with Suspect Targeting Management Plan (STMP) targets
Rural	Community consultation
Rural	Prisoner escorts
Rural	Mental health patient escorts
Rural	Public order – Operations Support Group (OSG) personnel
Rural	Complaints management (internal, including CMT meetings, assessment etc of complaints)
Rural	Complaints investigation (internal)
Rural	Computer access audits of staff
Rural	Performance management (including negotiated performance agreements, reviews & reports to management)

[369] Note, where possible, the verbatim response of commands has been provided. However, in some cases responses have been amended so as to protect the identity of commands in the sample.

Table A2.1: Additional work types provided by commands (continued)

Type of Command	Work Activity
Rural	Injury management (including panel meetings, liaison with medical practitioners and insurance companies and injury management consultants, return to work negotiations and agreements, welfare checks)
Rural	OH&S committee (meetings & actions)
Rural	Police Association (local branch delegates, travel attendance at training/forums etc & meetings)
Rural	Education and development of 'mandatory' training of staff
Rural	Finance committee (panel a cross-section of staff – meetings & activities)
Rural	Staff deployed to other LACs and areas of NSW (public order management, sieges, searches etc)
Rural	Emergency management
Rural	Prisoner escorts
Rural	Mental health escorts
Specialist	Respond to high risk incidents (e.g., suicide intervention)
Specialist	Counter terrorism response
Specialist	Auditing of internal processes
Specialist	Telephone intercept duties
Specialist	Listening device monitoring
Specialist	Attend court
Specialist	Prepare correspondence
Specialist	Record activities – c@ts.i/COPS [computerised data systems]
Specialist	Support work of LACs and specialist commands
Specialist	Protection of individuals
Specialist	Conduct searches of venues, routes etc
Specialist	Conduct suspect search warrants
Specialist	Conduct technical examinations
Specialist	Manage conflicting requests for source resources

APPENDIX 3: COMPLAINT STATISTICS

The Commission examined the complaints made against officers working in each of the sampled commands over a two-calendar year period, 2005 and 2006. The primary reason for examining the complaints received was to provide an additional source of information on the types of misconduct risks faced by individual commands.

The number of complaints made against officers working in local area commands during this two-year period ranged from 11 to 151 complaints. In comparison, the number of complaints made about officers working in specialist commands or squads was much fewer, ranging from zero to seven over the two-year period. While there was a large amount of variation in the number of complaints received during the two-year period, there was no statistically significant difference between the average number of complaints made about officers in metropolitan commands (70.0) and the average number of complaints made about officers in rural commands (65.9).[370] Table A3.1 provides the means and standard deviations for different complaint-related indices, across all commands and separately for metropolitan, rural and specialist commands.

Table A3.1: Basic Complaints-Related Statistics for Commands

	All Commands in Sample (n=25)		Metropolitan Commands (n=11)		Rural Commands (n=9)		Specialist Commands (n=5)	
	Mean	Std. Deviation	Mean	Std. Deviation	Mean	Std. Deviation	Mean	Std. Deviation
No. of complaints	55.0	45.96	70.0	30.13	65.9	55.13	2.6	2.97
No. of complaints per 100 officer years	19.3	13.24	24.2	9.28	22.8	13.65	2.3	3.03
Prevalence: Percentage of officers subject to a complaint	39.2	25.18	50.9	19.28	42.9	23.44	6.9	8.36
Percentage of officers in command subject to more than one complaint	10.1	8.01	12.0	5.85	13.4	8.32	0	0
Concentration: Ratio of complaints to officers	0.86	0.34	0.95	0.12	1.04	0.25	0.37	0.38

NB: All complaints data relate to the 2005 and 2006 calendar year period.

Since the number of complaints may be affected by the number of officers in the command, the Commission calculated a measure referred to as 'Number of complaints

[370] This difference was not statistically significant, $t = 0.201$, df = 11.822, $p = .844$.

per 100 officer years'[371] which allows for comparison across commands of different sizes. The number of complaints per 100 officer years ranged from 3.5 complaints to 42.3 complaints per 100 officer years in the different local area commands. For specialist commands the number of complaints per 100 officer years ranged from zero (for the two commands against whose officers no complaints were made during the two-year period) to 7.1 complaints per 100 officer years. There was no statistically significant difference between the average number of complaints in metropolitan commands per 100 officer years (24.2) and the average number of complaints in rural commands per 100 officer years (22.8).[372]

The Commission also examined the 'concentration' and 'prevalence' of complaints. Concentration of complaints and prevalence of complaints are concepts referred to by Ede, Homel and Prenzler (2002a) in their analysis of complaints data. The concentration of complaints is calculated by dividing the number of complaints by the number of subject officers, while the prevalence of complaints is calculated by dividing the number of officers subject to complaint by the command establishment. As Ede et al observed:

> A high concentration of complaints was interpreted as indicative of a problem with small numbers of individuals attracting a large number of complaints. A high prevalence was considered indicative of a more diffuse problem that might be associated with negative aspects of the workplace culture of a unit (p. 27).[373]

For the commands sampled in Project Manta, the concentration of complaints ranged from 0.65 to 1.21 for local area commands and from 0 to 0.80 for specialist commands and squads. The prevalence varied from 0.11 to 0.85 for local area commands and from 0 to 0.20 for specialist commands and squads. There was no statistically significant difference in either average concentration (metropolitan commands 0.95; rural commands 1.04) or average prevalence (metropolitan commands 50.9; rural commands 42.9) between metropolitan commands and rural commands.[374]

When examining combinations of concentration and prevalence measures, Ede et al (2002a) also note that:

- units with a low concentration but a high prevalence are units with a spread of complaints that might indicate generalised problems in the workplace culture
- in units with a high concentration but a low prevalence, the large majority of officers could be considered to be unproblematic. However, attention would need to focus on the small number of officers who attract a large number of complaints
- the units with a medium concentration and a high prevalence may have a negative culture that contributes to a smaller number of officers developing a high complaints profile

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[371] Number of complaints per 100 officer years was calculated by halving the number of complaints made over the 2-year period to obtain an estimate of the number of complaints made per year; then dividing by the number of authorised officers as at June 2007; then multiplying by 100.

[372] This difference was not statistically significant, $t = 0.264$, df = 18, $p = .795$.

[373] Note that Ede, Homel and Prenzler (2002a) did not specify indicative values of what would be considered a 'high concentration' or 'high prevalence'.

[374] The difference in average concentration was not statistically significant, $t = 0.989$, df = 11.0088, $p = .344$. The difference in average prevalence was not statistically significant, $t = 0.836$, df = 18, $p = .414$.

- the units with both high concentrations and prevalence can be viewed as having serious problems with a large volume of complaints both across the units and concentrated on particular individuals (pp. 37-38).

When combinations of concentrations and prevalence measures were considered for the sampled commands, it was apparent that:

- two rural commands had relatively high concentration and low prevalence ratings suggesting that they have a small number of officers who attract a relatively large number of complaints
- six metropolitan commands and three rural commands had relatively high concentrations and medium prevalence ratings
- one metropolitan command had a medium concentration and a relatively high prevalence, while
- one rural command had a relatively high concentration and a relatively high prevalence.

While it is difficult to know why there are differences in the number and rate of complaints made about officers in different commands, possible answers might be found in the relevant literature on policing and complaints analyses. Such literature suggests, for example, that differences in complaints may indicate that the work of some commands brings officers into contact with the public more frequently than the work of other commands (e.g., Ede, Homel & Prenzler 2002a, p. 32). Differences in complaints may also reflect:

- other differences in the work undertaken between commands (e.g., Lewis 2007, p. 148), or
- differences in attitudes or the conduct of officers across commands (e.g., Miller 2003, p. 19).

Furthermore, such differences may reflect differences in the policing environments of commands, as outlined in the analysis of command characteristics in Chapter 4.

APPENDIX 4: COMMAND MISCONDUCT RISK IDENTIFICATION PROCESSES

This appendix provides details of the commanders' responses to the question: *What processes and sources of information are used for identifying misconduct risks within this command?* Responses are grouped into the summary categories used in Table 8.3 in Chapter 8.

Summary category	Verbatim responses
Complaints	'Ongoing monitoring of complaints and complaint trends' 'Verbal complaints' 'Written complaints' 'C@ts.i' 'Complaint monitoring' 'Internal/external complaints/concerns – have had issues raised internally when people think things may not have been done appropriately. Important to really assess that information in depth to make sure there are not things we have missed' 'Complaint patterns' 'complaints history' 'LMI data base' 'Complaint analysis' 'Complaints' 'OCA [Officer Complaint Analysis]' 'Complainants both internal and external' 'An officer's individual complaint record - with some caution' 'complaint records (connected with risk assessments)' 'Analysis of C@ts.i report - complaint management pack (monthly)' 'Complaint review – every fortnight have [Complaint Management Team Meeting] & complaint review' 'Internal reports and reporting mechanism that constitute Part 8A complaints' 'Number of [internal police complainants] – reflects confidence to report' '[Complaint Management Team] process of assessing complaints' 'Local Management Database' 'Trend analysis'
Auditing systems	'Use of [Command Management Framework] and Supervisory checks' 'Ongoing Computer access audits' 'Emails' 'Quality control of electronically recorded documentation such as COPS and [Complaints Information System]' '[Command Management Framework] dip samples/audits' 'COPS / [Roads and Traffic Authority] / MEMO audits' 'Command Management Framework' 'Inspections' 'COPS audits (helps identify trends or patterns e.g. over use of O.C. spray, or abuse of powers re knife searches or move on legislation)' 'Systems Audits' 'Compliance Review Unit' 'Risk identified through supervisor and staff participation in the [Command Management Framework] & Corruption Prevention Plan' 'Physical documents and systems that are checked include Duty Books, Notebooks, Diaries, Vehicle Diaries, Home garaging forms, rosters, overtime forms' 'Electronic systems including [region] Database, e@gle.i, Source

Summary category	Verbatim responses
	Management, Iask [*sic*], IBIS electronic rostering (for unsworn staff), COPS Case Management, COPS audits, Mobile telephone accounts, MEMO, TRIM, Search Warrants Register, remote location Telephone intercepts, Listening Device Operations & logs, [Standard Operating Procedures] for current police policies' 'Drug Audits'
Performance	'Performance Management System (PMS)' 'Performance Reviews' 'Knowing about your staff – performance management – to identify when there might be an issue arising. Review performance, talk about any problems' 'Assessments of officer's performance' 'Performance Management Data (i.e. PMS 1 and 2, [Local Management Issues])' 'Performance Management Scheme interviews quarterly, Performance Agreements reviewed 6 monthly at Supervisors level and 4 monthly at [Senior Management Team Meeting]' '[Performance Management System] reports' 'Team Leader Performance Reviews' 'The Command has also contextualised the corporate Performance Management System and incorporated within this system a number of indicators that assist in identifying risks pertaining to individual members, sworn and unsworn'.
Leave data	'Ongoing monitoring of annual leave, sick leave and FACS leave' 'statistical data (e.g. improper use of sick leave) – reviewed local sick given corporate interest in this area' 'Review of sick leave' 'Sick leave – look at closely – as an indicator of other problems, may be an indicator of other problems e.g. drug and alcohol – receive a report with a pattern analysis (such as leave taken on a particular day of the week, beginning of rostered days on, etc) – also compare to secondary employment (have found that those with secondary employment approvals generally don't have sick leave problems)'
Complaint Management Team	'Complaint Management Team' 'At [Complaint Management Team Meetings] everyone throws up their thoughts – open discussion and suggestions' '[Complaint Management Team] meetings' 'The Welfare and Injury Team also refers cases to the [Complaint Management Team] where substance abuse is evident' '[Complaint Management Team] Holdings/Discussions' '[Complaint Management Team] process of assessing complaints'
Informal information from staff	'anecdotal information – get things filtered back to you either through community or through the police station – whispers from staff that things might be occurring, from time to time' 'We also put a lot of time into getting to know staff and their personal situations/changes' 'Grapevine - got to be a bit astute' 'Informal information networks and station rumours' 'If there is anything officer is unhappy about or considers untoward – officers comfortable reporting here – got that environment where they will come forward' 'Internal grievances' 'Feedback from investigating and operational Police we support'.
Failed prosecutions	'Failed prosecutions' 'Information provided by Supervisors and Team leader's review of all failed prosecutions' 'Brief failure rates and reports from the Prosecutor'

Summary category	Verbatim responses
	'Failed Prosecutions Panel (to identify poor investigative or prosecution deficiencies or corruption issues)' 'Dismissed proceedings report'
Staff risk assessments	'Ongoing risk assessments on staff' 'Individual Officer Risk Assessment' 'risk assessments of all staff (this assists us to identify those at high risk, and allows our supervisors and managers to closely monitor and supervise those staff)' 'Officer risk assessment for incoming staff' 'Formal Risk assessments are carried out on staff annually. However if issues are raised, trends identified or information changes it is redone immediately with the Duty Officer responsible for that span of control with the [Complaint Management Team].' 'Officer risk profiles – maintain a register of all officers and anything out side Part 8A process – keep information … but would support those other processes in identifying risk' 'Review of officer profiles – [criminal] history & [Roads and Traffic Authority] records'
Secondary employment	'Sick leave – look at closely – as an indicator of other problems, may be an indicator of other problems e.g. drug and alcohol – receive a report with a pattern analysis (such as leave taken on a particular day of the week, beginning of rostered days on, etc) – also compare to secondary employment (have found that those with secondary employment approvals generally don't have sick leave problems)' 'Review of Secondary Employment' 'secondary employment monitoring' 'Secondary employment applications and annual reviews of same'.
Management meetings	'[Senior Management Team] meetings' 'Team Leaders meetings' 'Discussion at SMT' 'Weekly Management Team meetings' 'The four person Command Management Team leverages a fair degree of specialist operational experience to identify risks' 'Management Team meets fortnightly'
Surveys	'Ethical culture survey' 'Annual Staff Survey' 'Have had staff surveys in the past, corruption prevention surveys' 'Culture Survey of staff'
Supervision	'Intrusive supervision' 'Vigilance by supervisors at all levels – there has been nothing that has popped up through a politician, PIC or PSC that we [command] haven't picked up first' 'we talk about intrusive supervision – duty officers need to complete monthly portfolio report' 'Effective supervision' 'Supervision at all levels is in place to identify and managed risks to the Command and the Police Force in general'
Feedback from community	'Contacting members of the public – Supt and Inspectors each did 5 calls per month – identified customer service issues – sometimes positive feedback – every break and enter – 3 months doing 100%. Also looking at assaults, domestic violence call outs.' 'Information from the Community' 'Oral Customer Service Issues holdings' 'Community Feedback'
Operations and Crime Reviews	'Look at what [Operations and Crime Review] came up with as high risk that you may not have previously considered' 'Do mini [Operations and Crime Reviews] on individual teams – e.g. how

Summary category	Verbatim responses
	many in sector have used move ons and knife searches – mini-[Operations and Crime Review] on sergeant' '[Operations and Crime Review]-style sector meetings and performance data related to core crime categories'
Case management	'CMS [COPS Case Management System]' 'Case Management data' 'COPS Case Management'
Informants	'informants' 'source management'
Consultation with other commands	'Trends that are emerging in other commands' 'Consultation with other agencies re risk areas' 'links with psych unit'
Command committees	'had regional [Professional Standards Manager] come to last of meeting of [Professional Standards] Council – made up of reps from the command primarily run by duty officer – discuss all issues relating to corruption, police powers etc' '[Human resources] Committee (incorporating Professional Standards Committee) – i.e. Positive peer pressure' 'Safe Driver panel (all police motor vehicle collisions and pursuits are addressed with any serious matters referred to [Complaint Management Team])'
Drug and alcohol detection	'Drug and alcohol detection' 'The Welfare and Injury Team also refers cases to the [Complaint Management Team] where substance abuse is evident'
Workload analysis	'Workload statistical data' 'Workload analysis'
Changeover reports	'Duty Officers changeover reports (often staff will be deal with quickly during a shift for minor matters, lateness, poor customer service etc. and reports are submitted or where serious matters are identified, report to [Complaint Management Team].)' 'Electronic Shift changeover documents which record employee management, oral customer service issues and welfare information on staff working over any 12 hour period'
Use of force	'Trends in excessive use of force' 'Resist / assault police analysis'
Historical information	'Prior experience – things that have traditionally been a risk - Drugs, money, informants and prisoner handling traditionally seen as high risk – and will always be high risk' 'Historical information revealing the most susceptible areas of risk'
Regional Professional Standards Manager	'had regional [Professional Standards Manager] come to last of meeting of [Professional Standards] Council – made up of reps from the command primarily run by duty officer – discuss all issues relating to corruption, police powers etc' 'Assistance of the Professional Standards Manager'
Culture	'Engendering culture of openness, honesty so that officers will come forward when they see something or when they have a suggestion. Hold our own (relative to other commands) as far as having [internal police complainants] come forward' 'The Command creates an environment which encourages people to report misconduct and integrity issues'
Other	'Media' 'Operational Risk Assessment documentation pertaining to specific officers from Professional Standards Command' 'Proactivity measurement material' '[Human resources] personnel material' 'Tasking and Deployment material'

Summary category	Verbatim responses
	'Analysis of official Squad records' 'Consultation with [Region equivalent] Command' 'Command Risk Assessments' 'hurt on duty' 'type of duty' 'Tenure' 'Womens [*sic*] Advisory Panel (created as a result of the Ronald's report to deal with grievance issues)' 'The Welfare and Injury Team also refers cases to the [Complaint Management Team] where substance abuse is evident' '[Six Minute Intensive Training] done everyday – [Code of Conduct and Ethics], [Law Enforcement Powers and Responsibilities Act]' 'have a Professional Standards Duty Officer under portfolio system' 'Induction package – a couple of days of training – how we encourage and support people to come forward' '[Complaint Allocation Risk Appraisal] documents' 'Intelligence' 'As things occur we review strategies and risks' 'we do the annual review of the [corruption resistance plan] – has input from senior staff – based on areas identified by [operations and crime review]' 'Peer Support Officer interviews' 'Responses to [Group] operation evaluation questionnaires' 'Officer threat assessments'