

The Law Enforcement Conduct Commission has been responsible for monitoring the police investigation of critical incidents since July 2017.

How do we monitor critical incident investigations?

The Commission monitors all critical incident investigations.

When we monitor a critical incident investigation, Commission investigators can:

- attend the place where the critical incident occurred, including a crime scene;
- access transcripts or recordings of interviews;
- observe interviews of involved police officers, but only with consent of the involved officer and the interviewing officer; and
- access documents obtained or prepared for the purposes of the investigation

We consider:

- whether the investigation is fully and properly conducted;
- the lawfulness and reasonableness of police actions both at the time of and, leading up to, the incident;
- any evidence of officer misconduct;
- any systemic safety or procedural issues and the need for changes to NSWPF policies and procedures.

What did LECC recommend?

We made 7 recommendations to the NSW Police Force to strengthen its processes for dealing with critical incidents.

Some of our recommendations included:

- that police processes are strengthened to ensure timely provision of information and that reporting is finished more promptly
- that risks identified during a critical incident investigation are made known to senior police to be acted upon promptly

WHAT IS A CRITICAL INCIDENT?

A death or serious injury involving a police officer, which generally arises from:

- a police officer's discharge of a firearm;
- a police officer's use of force or use of defensive equipment;
- a police officer's use of a police vehicle;
- an incident arising while a person is in police custody or while escaping or attempting to escape police custody; or
- any police operation.

The Commissioner of Police can declare any such event to be a critical incident. In practice, the Assistant Commissioner responsible for the Region in which the incident occurred makes the declaration.

- that police streamline processes for telling the Commission when critical incident investigations have finished
- that Region Commands are required to respond to all recommendations made in critical incident reports.

As well as these recommendations, we are working with the NSW Police Force to ensure it:

- improves and strengthens training for police officers so they can respond effectively to people in mental health crisis
- clarifies the Safe Driving Policy and improves how it is used by police.

The Commission also supports expanding the Police Ambulance Clinician Early Response Program.

Our report contains 17 case studies. These case studies show how the NSW Police Force investigates critical incidents and how we monitor those investigations.