



NSW Police Force

11 March 2025

D/2025/258635

The Hon Peter Johnson SC
Chief Commissioner
Law Enforcement Conduct Commission
Level 3, 111 Elizabeth Street
Sydney NSW 2000

Operation Harrisdale – s146 response

Dear Chief Commissioner

I refer to the Law Enforcement Conduct Commission (**the Commission**) report Operation Harrisdale, tabled under s132 of the *Law Enforcement Conduct Commission Act 2016* (the LECC Act) before the NSW Parliament in July 2024.

In accordance with s146 of the LECC Act the NSW Police Force (**the NSWPF**) is required to notify the Commission of the nature of the action taken, or to be taken by the NSWPF as a result of the report.

I advise the Commission as follows:

Recommendation 21.1

The Commission found that Officer AB engaged in serious misconduct by:

- a) leaving the scene of the accident on 13 May 2023 without contacting VKG or other officers to advise of the crash and without waiting to be breath tested
- b) completing a misleading SDS entry which was then relied on by the Safe Driver Panel and the insurer of the NSW Police Force.

The Commission was satisfied that the conduct of Officer AB should result in serious disciplinary action and that a finding of serious misconduct should be made.

NSW Police Force action taken or to be taken: On 6 March 2025 the Internal Review and Commissioners Advisory Panel adjudicated on the matter of AB considering his conviction for the mid range PCA offence and the two sustained departmental findings for unprofessional behaviour.

The panel has referred AB with respect of these matters to the Commissioner for her to consider the issuing of a show cause notice within s181D provisions.

Recommendation 20.1 (a)

The Commission recommends that the next iteration of the Safe Driving Policy and/or Safe Driver Panel Guidelines;

Professional Standards Command

Locked Bag 5102, Parramatta NSW 2124

T 02 9355 8370 W www.police.nsw.gov.au

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- i. identify who is responsible for ensuring the police driver completes the SDS entry within 24 hours
- ii. identify who is responsible for advising the panel convenor if an extraordinary panel is needed
- iii. specifically address the way in which material gathered as part of an ongoing criminal investigation should be considered by a Safe Driving Panel.

NSW Police Force action taken or to be taken: the Commander, Traffic & Highway Patrol as the corporate owner of the Safe Driving Response and Operations Guidelines and Safe Driver Panel Guidelines will advise the Commission directly (via Probity Information and LECC Coordination Unit (PILCU) for the progress of this recommendation.

Recommendation 20.1 (b)

The Commission recommends that the NSWPF amend the Safe Driver System entry form so that it positively asks if the driver had consumed alcohol, prescribed or unprescribed drugs in the 12 hours prior to the accident. If the answer is 'yes', the form should require the officer to disclose the quantity of these substances consumed. Alternatively, if the Safe Driver System entry form is not owned by the Commissioner of Police, the Commissioner should issue guidance that officers should disclose any consumption of alcohol, prescribed or unprescribed drugs in the 12 hours prior to the accident in the narrative portion of the entry.

NSW Police Force action taken or to be taken: this recommendation requires legal advice and is still under consideration.

Recommendation 20.1 (c)

The Commission recommends consideration be given to whether the practice of (automatically) deleting electronic messages is consistent with the provisions of the statutory regime dealing with record retention and issue guidance to officers on the use of encrypted applications and the deletion of messages from police issued phones.

NSW Police Force action taken or to be taken: a corporate policy is being developed for the consideration of the Commissioner's Executive Team. The Executive Director, Public Affairs Branch will be responsible for advising the Commission directly (via PILCU) of the progress of this recommendation.

Recommendation 20.2

NSW Police Force action taken or to be taken: no action will be taken. Existing procedures are considered appropriate and sufficient.

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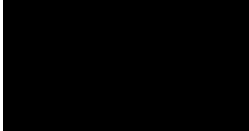
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Yours sincerely



Peter Cotter APM
Assistant Commissioner
Commander
Professional Standards Command

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