Police Integrity Commission

Project Manta

Report 2

Managing Command Misconduct Risks



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Project Manta

Report 2
Managing Command Misconduct Risks

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Research & Prevention Publication

March 2011

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ABBREVIATIONS

Act	*Police Integrity Commission Act 1996*
AS/NZS 4360: 2004	Australian Standard/New Zealand Standard for Risk Management
AS/NZS ISO 31000:2009	Australian/New Zealand Standard Risk management – Principles and guidelines
C@ts.i	Customer Assistance Tracking System (NSW Police Force complaints management system)
CMF	Command Management Framework (NSW Police Force self-assessment audit tool)
CMT	Complaint Management Team (NSW Police Force)
Commission	Police Integrity Commission (NSW)
COPS	Computerised Operational Policing System (NSW Police Force data system)
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)
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)
PMS	Performance Management Scheme
PSC	Professional Standards Command (unit of NSW Police Force)
PSDO	Professional Standards Duty Officer (NSW Police Force)
PSM	Professional Standards Manager (NSW Police Force)
RFA	Reason for access (in relation to accessing NSW Police Force or related data base)
RTA	Roads and Traffic Authority (NSW public sector agency)
SAP	Human Resource, Finance and Payroll Computer System (NSW Police Force)
SMITs	Six-minute intensive training (NSW Police Force)
SMT	Senior Management Team (NSW Police Force)
SOPs	Standard Operating Procedures
TED	Travel Expense Diary (NSW Police Force)

SUMMARY

One of the Police Integrity Commission's (the Commission's) principal functions is to prevent police corruption and other forms of police misconduct. Unlike detecting and investigating misconduct, preventing police misconduct requires intervening *before* the misconduct occurs.

Consistent with this, in 2007 the Commission commenced a project, codenamed Project Manta. In Project Manta, the Commission sought to draw an analogy between Occupational Health and Safety and the task of minimising corruption and other forms of serious police misconduct. 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 independent of the particular individuals who occupy the positions, Project Manta seeks to inform strategies to minimise police misconduct by examining how NSW Police Force commands identify, communicate and manage those aspects of policing which may pose integrity hazards or vulnerabilities for misconduct, independent of the particular individuals who occupy the positions. Such integrity hazards or command vulnerabilities and their associated risks (referred to as 'misconduct risks' in this report) may arise from the types of work police undertake, staffing profiles and other aspects of the policing environment which may increase the likelihood of some officers engaging in misconduct.

This is the second of two reports arising from Project Manta. An earlier report, *Project Manta Report 1: Identification and Communication of Command Misconduct Risks* (Police Integrity Commission 2009b), examined the nature of the misconduct risks faced by individual commands and the identification and communication of these misconduct risks. Amongst other things, this first report considered how differences in policing environments and types of work undertaken might affect the misconduct risks to which commands may be susceptible. It examined strategies that may assist commands identify their most important misconduct risks and communicate these risks to assist their officers to recognise these risks and respond appropriately. A copy of Project Manta Report 1 can be found on the Commission's website: <www.pic.nsw.gov.au>

This second report concerns the ways that NSW Police Force commands manage or treat their corruption and other serious misconduct risks. In relation to treating corruption and other serious misconduct risks, Project Manta sought to contribute to the prevention of police misconduct by:

- examining the misconduct risk treatment, monitoring and review processes in place in a sample of commands to identify strengths, as well as areas for improvement, in current processes
- attempting to identify examples of good practice in misconduct risk management and misconduct prevention employed by individual commands that could be disseminated to other commands.

Project Manta concentrates on activities at the command level because the NSW Police Force assigns responsibility for misconduct risk management to the 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. All commands in the sample responded to the Commission's requests for information. 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. More than 290 documents were provided by the 25 commands, in addition to responses to the specific questions asked.

To examine how the NSW Police Force and its commands treat their misconduct risks, in this report the Commission examined strategies for treating 10 categories of misconduct risk (see Chapter 4). For each of these categories of misconduct risk, the Commission sought to identify:

- relevant treatment strategies described in corporate documentation available on the NSW Police Force intranet
- the number of the sampled commands that described treatment strategies for each category of misconduct risk
- strategies that commands advise that they use to manage these categories of misconduct risk.

The Commission also examined the processes used by NSW Police Force commands to (i) determine the ways to treat their misconduct risks (Chapter 2) and (ii) monitor and review their misconduct treatment strategies (Chapter 3).

PROVIDING A PICTURE OF COMMAND STRATEGIES TO MINIMISE CORRUPTION AND POLICE MISCONDUCT

Chapter 4 provides information on strategies articulated in NSW Police Force corporate policies and guidelines, command practices and issues relevant to minimising corruption and police misconduct in relation to, or associated with, each of the following areas:

- misuse of information
- theft of money/exhibits/property
- relationships with community members
- misuse of resources
- making false claims, rorting overtime, inappropriate travel
- isolation of officers
- dealing with licensed premises
- off-duty behaviour

- search warrants
- source management.

While many misconduct treatment strategies mentioned by commands reflect the strategies promoted in corporate documents, some commands went beyond the corporate guidance provided to tailor innovative practices to address their misconduct risks. The Commission has reported some such practices under the heading 'Beyond corporate strategies' in Chapter 4 as well as throughout Chapter 5 of this report. Within Chapter 4 the strategies are presented under the headings of the specific types of misconduct risks to be managed. In Chapter 5, discussion of prevention strategies is subdivided into the following four categories: (1) detection and deterrence of misconduct; (2) setting expectations for officers; (3) setting expectations for supervisors; and (4) staff and structural issues.

The Commission invites commands to consider the suitability of incorporating the strategies described in Chapters 4 and 5 of this report as part of their own corruption resistance or misconduct prevention practices.

KEY RESEARCH FINDINGS AND IMPLICATIONS

Key findings and, where appropriate, the implications of these findings for treating or managing police misconduct risks are summarised below.

IMPROVING COMMAND PRACTICES FOR MANAGING THEIR MISCONDUCT RISKS

The Commission observed that:

- some commands describe strategies to minimise one aspect of a misconduct risk (such as misuse of information) and appear to make the assumption that this one strategy will treat all aspects of the risk (such as assuming that audits of computer accesses will detect the unauthorised release of information to which an officer had legitimate access)
- the majority of misconduct risk treatment strategies mentioned by commands were those that involved conducting audits, compliance checks or other forms of inspections
- some commands provided very little detail when describing their misconduct risk treatment strategies.

In response, the Commission has recommended three steps to improve command practices for managing their significant misconduct risks:

1. understand significant command misconduct risks and tailor treatment strategies to address the risk
2. focus on prevention – look beyond audits and inspections
3. provide a clear statement of the intended treatment strategy.

To understand the significant misconduct risks and tailor strategies to treat the specific misconduct risk, the Commission has recommended that those developing misconduct risk treatment strategies should check that their strategies do address their significant risks by specifically checking that the proposed treatment strategy:

- *addresses the specific aspects that may put an officer at risk* (such as, the complexity of a policy that puts the officer at risk, the opportunity for theft or frustrations with a process.)
- *addresses the specific type of misconduct* (such as, short cuts, theft, showing bias in applying the law, unauthorised release of confidential information as opposed to unauthorised access to information.)
- *focuses on the types of officers or roles that might face the risk* (such as, all officers in the command or only those undertaking a particular type of police work (e.g. detectives) or only officers working in a particular location or only by those with a particular length of service.)

To focus on prevention, the Commission has recommended that those who are developing treatment strategies for significant misconduct risks should work through a series of prompts concerning different ways of preventing possible corruption or serious police misconduct, such as:

- What information is available to officers to clarify NSW Police Force expectations of their behaviour? Can this information be improved?
- Are there opportunities to improve officers' access to, familiarity with and relevance of such information?
- Is it possible to reduce opportunities for the specific form of misconduct to occur?
- Are there opportunities to detect such misconduct and hence deter such misconduct by increasing the risks of being caught for those who engage in such misconduct?
- Are there opportunities to better equip officers to respond appropriately if they are in a position where they are at risk of engaging in a particular form of misconduct?
- Are there opportunities for senior management to set a positive example in this area?
- Are there opportunities to identify and publicise the harms associated with the misconduct to increase the opposition to such conduct by colleagues?
- Are there opportunities to focus on the organisational culture so that such misconduct is seen as antithetical to the way things are done in the NSW Police Force and contrary to the types of behaviours that are rewarded?

PROVIDING COMMANDS WITH RESOURCES TO MANAGE THEIR SIGNIFICANT MISCONDUCT RISKS

The Commission observed that:

- while NSW Police Force documents provide advice to the effect that commands should identify and develop corruption or misconduct risks treatment strategies, these documents do not provide any guidance on *how* to choose the most appropriate strategies to treat significant misconduct risks
- similarly, current NSW Police Force documentation does not provide guidance on *how* commands can review the effectiveness of their misconduct risk treatment strategies
- corporately endorsed treatment strategies, in the form of policies and guidelines, are not always easy to find on the NSW Police Force intranet
- there is currently no formal process for sharing corruption prevention strategies devised and used by individual commands
- some misconduct risks which may affect a number of commands do not appear to have any corporate treatment strategies.

In response, the Commission has provided advice concerning:

1. the types of guidance on *how* to determine appropriate misconduct risk treatment strategies that may assist commands
2. providing commands with a range of methods that they can consider using to assist them to improve their strategies to treat their significant misconduct risks
3. making corporate guidance easier to locate and access
4. outlining issues to be addressed in new corporate corruption resistance documents
5. providing resources to help commands manage specific misconduct risks
6. developing a process to promote good strategies that are created by individual commands.

MOVING FORWARD

The Commission considers that the implementation of the recommendations made in this report concerning managing or treating significant command misconduct risks will be facilitated by ongoing consultation and cooperation between the Commission and the NSW Police Force.

For additional information on the Commission's recommended way forward refer to Chapter 6.

Part 1:
BACKGROUND

1. INTRODUCTION

1.1 OVERVIEW

Project Manta examined the way New South Wales (NSW) Police Force commands identify, communicate and manage the risks for an employee to engage in corruption or some other form of misconduct that arise from the integrity hazards, opportunities or workplace vulnerabilities associated with the nature of their work and their working environment. Such risks are referred to as 'misconduct risks' throughout this report. Rather than focussing on the conduct of specific police officers, Project Manta focuses more broadly on the prevention of future misconduct in individual commands of the NSW Police Force[1], independent of the particular persons employed.

Given the large amount of material that was collected and analysed for this project, results are presented in two separate but related reports. This second report on the findings of Project Manta focuses on how commands manage their misconduct risks. An earlier report (*Project Manta Report 1*) described the nature of the significant misconduct risks faced by individual commands together with the identification and communication of these misconduct risks (Police Integrity Commission 2009b). The list of the recommendations made in *Project Manta Report* 1 is provided in Appendix 1 for ease of reference.

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

[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.

> 14 (d) to advise police and other authorities on ways in which police misconduct may be eliminated.

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 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.[2] As at the end of June 2009, the NSW Police Force employed 15 720 police officers and 3960 administrative, ministerial and other employees (NSW Police Force 2009b, p. 41).

The NSW Police Force is subdivided into 80 local area commands on the basis of their geographical location. These local area commands are organised into six regions: Central Metropolitan Region, South West Metropolitan Region, North West Metropolitan Region, Southern Region, Northern Region and Western Region.

In addition to the 80 local area commands, the NSW Police Force is composed of a number of other centrally managed commands that perform a specialist, technical or administrative role (such as operational communications, forensic services, counter-terrorism, public order management, education and training, fleet management) supporting police in the field. In this report such centrally managed commands are referred to as 'specialist commands'.

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

1.5 FOCUSSING ON MISCONDUCT RISKS RATHER THAN INDIVIDUALS TO PREVENT POLICE MISCONDUCT

The Commission's interest in the identification, communication and the treatment (or management) of misconduct risks by individual commands results primarily from its broad statutory role in preventing police misconduct. In basic terms, preventing police misconduct requires intervening before the misconduct occurs.

Traditionally, police departments have focussed on the individual officer when dealing with corruption or other forms of police 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.

As discussed in *Project Manta Report 1*: *Identification and Communication of Command Misconduct Risks*, 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, communicating these risks and determining how best to modify work processes to effectively eliminate or control the risks (WorkCover NSW 2001, p. 2). In a similar manner, Project Manta seeks to examine how NSW Police Force commands identify, communicate and treat workplace hazards or the aspects of policing which may put their officers' integrity at risk such as the opportunities for misconduct that put officers in the position of accepting a bribe or showing favour to friends or prominent community members.

Project Manta uses the command as its unit of analysis because the responsibility for misconduct risk treatment and misconduct prevention within the NSW Police Force lies with the individual commands.

DIFFERENCES IN POLICING ENVIRONMENTS THAT ENABLE DIFFERENT MISCONDUCT RISKS

From the outset it is important to be aware that NSW Police Force commands differ in more than their location. For example, as described in *Project Manta Report 1*, individual commands 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. For example:

- 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.

Commands also differ in how often they undertake some policing activities (such as execute search warrants). Such differences in the frequency with which various types of work are performed can affect the misconduct risks faced by commands. (For additional information on similarities and differences in command policing environments and how often different types of work are performed see Chapters 4 and 5 of the Commission's *Project Manta Report 1* (Police Integrity Commission 2009b).)

1.6 WHY DID THE COMMISSION UNDERTAKE PROJECT MANTA?

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 of how commands identify, communicate and manage (or treat) their significant misconduct risks.

In relation to managing or treating significant command misconduct risks, more specific aims of Project Manta include contributing to the prevention of police misconduct by:

- auditing the misconduct risk treatment, monitoring and review 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.

Project Manta was undertaken to promote further discussion of the treatment 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 prevent serious police misconduct by providing:

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

1.7 HOW DID THE COMMISSION UNDERTAKE PROJECT MANTA?

In May 2007 the Commission wrote to commanders from a randomly selected sample of 25 commands (20 local area commands and five specialist 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 (such as the Command Management Framework, Complaint Management Team Meeting minutes, corruption resistance plan and induction materials), 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, see Chapter 2 of the Commission's *Project Manta Report 1: Identification and Communication of Command Misconduct Risks* (Police Integrity Commission 2009b).)

ANALYSIS AND REVIEW

All commands in the sample responded to the Commission's requests for information by early August 2007. More than 290 documents were provided by the 25 commands, in addition to responses to the specific questions asked.

Where clarification was needed, additional information was requested from commands. This review of documentation, clarification of responses and receipt of additional information continued until January 2008. Information concerning the nature of misconduct risks faced by individual commands and how commands identify and communicate their misconduct risks was analysed first. The analysis pertaining to how commands manage or treat their misconduct risks was undertaken after the first Project Manta Report had been finalised.

In the chapters that follow, the 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.

CONSULTATION

Consultation with the NSW Police Force has been a feature throughout the course of Project Manta. The Commission consulted with a representative sample of commanders and commands to understand what they considered to be their significant misconduct risks and how they identified and communicated these risks. Then, prior to finalising each report, the Commission consulted with the NSW Police Force about the accuracy of the information described in the report and on the results and recommendations of Project Manta. Specific components of the consultation process were:

March 2009	Following the finalisation of a draft of the *Project Manta Report 1* in December 2008, the Commission briefed the Commissioner of Police and other members of the Police Commissioner's Executive Team to provide senior police with key messages from that report.
May 2009	The Commission held a workshop with a small number of commanders and representatives of the Professional Standards Command to explore draft recommendations with key stakeholders prior to finalising recommendations of *Project Manta Report 1*. The Commission also requested NSW Police Force's written comments on the accuracy of the Commission's descriptions of NSW Police Force policies and practices and its views of the Commission's stated implications.
December 2009	Following the public release of *Project Manta Report 1* in November 2009, the Commission formally sought views of the NSW Police Force on *Project Manta Report 1* and in particular on the recommendations made in that Report.
January 2010	The NSW Police Force provided its views on *Project Manta Report 1*, in particular, on the recommendations made in that report.
February 2010	The Commission wrote to the NSW Police Force outlining areas of concern in the NSW Police Force response to the *Project Manta Report 1* recommendations. In that letter, amongst other things, the Commission sought that: 1. the NSW Police Force bring forward its review of its new *Corruption Resistance Policy* and *Guidelines for Local Corruption Resistance Planning* to mid-2010 2. this review should involve detailed engagement with the Commission 3. the Professional Standards Command nominate a contact person for officer-level liaison regarding the *Project Manta Report 1* recommendations.
June 2010	The NSW Police Force responded saying that it was willing to bring forward its review of its new *Corruption Resistance Policy* and *Guidelines for Local Corruption Resistance Planning* to mid-2010 and to involve the Commission in that review.
July 2010	Discussions between the Commission and PSC representatives occurred concerning the review and amendment of the *Guidelines for Local Corruption Resistance Planning.*

August 2010	Following the finalisation of a draft of the *Project Manta Report 2* in August 2010*,* the Commission requested NSW Police Force's written comments on any areas in which it considered the Commission's descriptions of NSW Police Force policies and guidelines to be inaccurate, its views of the Commission's stated implications and any variations that it considered may strengthen or in any other ways improve the draft *Project Manta Report 2* recommendations.
Sept 2010	Meeting between Commission representatives and Professional Standards Command representatives to address any questions that Professional Standards Command representatives had concerning the draft *Project Manta Report 2.*
October 2010	The NSW Police Force provided its written comments on the draft *Project Manta Report 2.*
October 2010	The Commission visited a small number of commands and consulted with the commanders, professional standards duty officers and executive officers of these commands to obtain their feedback concerning the clarity and feasibility of the draft recommendations and their views on whether there were better ways of addressing the identified issues prior to finalising the recommendations of *Project Manta Report 2.*

1.8 KEY EVENTS SINCE COMMENCEMENT OF PROJECT MANTA

In order to consider the results of Project Manta in context it is important to consider the key changes that have occurred since information was collected from NSW Police Force commands for this project. The chronology below provides a summary of these events. Further information about these events is described, as appropriate, in subsequent sections of this report.

January 2008	The NSW Police Force released *Corruption Resistance Planning Guidelines* (now superseded)*.*
February & March 2008	The NSW Police Force conducted training sessions for commands on the use of the, now superseded, *Corruption Resistance Planning Guidelines.*
May 2008	The NSW Police Force released *Complaint Handling Guidelines* – which sought to streamline the process of complaint management and appeared to narrow the focus and role of the Complaint Management Team (CMT) to handling individual matters requiring 'evidence based investigations'.
2009	January 2008 *Corruption Resistance Planning Guidelines* suspended.[3]
20 November 2009	New Australian/New Zealand Risk *Management - Principles and guidelines – AS/NZS ISO 31000:2009* published, superseding AS/NZS 4360:2004.

[3] The date in 2009 that Guidelines were suspended is not known to the Commission.

1 January 2010	Following the release of the Commission's *Project Manta Report 1,* the NSW Police Force released its new *Corruption Resistance Policy* and *Guidelines for Local Corruption Resistance Planning* the latter replacing the January 2008 *Guidelines.*

1.9 LIMITATIONS

The project did not examine 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. Also it was neither intended nor designed to be an audit of how well individual commands complied with NSW Police Force corporate guidelines.

Project Manta primarily relied on the material provided by 25 NSW Police Force commands. Where possible, supplementary sources (such as the review of the relevant documentation and literature and examination of minutes of meetings) were used to check and provide context for the information supplied by the commanders. Hence, this research was based largely on an examination of stated practices. It was beyond the scope of Project Manta to attempt to verify how these practices are applied in the field.

1.10 STRUCTURE OF THIS REPORT

This second report describing Project Manta consists of six chapters and associated appendices.

The processes used by NSW Police Force commands to identify and assess (or analyse and evaluate) their misconduct risks were discussed in *Project Manta Report 1*. Following this introductory chapter, the next two chapters of the current report describe the processes used by NSW Police Force commands for the remaining steps of the risk management process:

- Chapter 2 examines the processes that commands report using to determine the ways to *treat* their misconduct risks
- Chapter 3 examines the processes that commands report using to *monitor and review* their misconduct risk treatment strategies.

The next two chapters describe some of the strategies that NSW Police Force commands use to treat their misconduct risks or more generally minimise police misconduct. Chapter 4 describes strategies commands report using to treat 10 selected categories of misconduct risk. This includes the five most commonly mentioned types of misconduct risk and five other types of misconduct risk included to broaden the types of misconduct risk discussed. To provide a context in which to understand the treatment strategies reported as being used by individual commands, the Commission summarises the treatment strategies described in NSW Police Force corporate documents for treating each misconduct risk, prior to listing the strategies described by commands.

Chapter 5 highlights examples of some innovative misconduct prevention strategies suggested by small numbers of commands that can be disseminated more broadly to enable other commands to consider the suitability of these strategies for treating their significant misconduct risks.

The final chapter (Chapter 6) 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 treating or managing its significant misconduct risks at the command level.

Part 2:
RESULTS AND ANALYSIS - PROCESSES

2. DETERMINING MISCONDUCT RISK TREATMENT STRATEGIES

Risk treatment design should be based on a comprehensive understanding of how risks arise (Standards Australia & Standards New Zealand 2004b, p. 73).

2.1 OVERVIEW

Various guidelines have been published that outline the steps in a risk management process. Of particular relevance are guidelines regarding risk management (in general) and corruption or misconduct risk management (in particular). While different guidelines divide the risk management process into slightly different steps, the nature of the steps and processes described are similar. 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.

The processes used by NSW Police Force commands to identify and assess (or analyse and evaluate) their misconduct risks were discussed in Chapter 8 of *Project Manta Report 1* (Police Integrity Commission 2009b). The current chapter, which considers how commands determine strategies to treat their misconduct risks, is the first of two chapters to examine command processes for the remaining steps of the misconduct risk management process.

2.2 WHAT THE LITERATURE SAYS

The Australian/New Zealand *Risk management – Principles and guidelines* Standard (AS/NZS ISO 31000:2009) describes 'risk treatment' simply as:

> selecting one or more options for modifying risks, and implementing those options. Once implemented, treatments provide or modify the controls.
>
> Risk treatment involves a cyclical process of:
>
> - assessing a risk treatment
> - deciding whether residual risk levels are tolerable
> - if not tolerable, generating a new risk treatment, and

- assessing the effectiveness of that treatment (Standards Australia and Standards New Zealand, pp. 18-19).

Similarly the *Fraud and Corruption Control* Australian Standard describes this as the step in the process where 'decisions are made on the most appropriate treatment options to be pursued for each fraud or corruption risk' (Standards Australia 2008, p. 36).

MISCONDUCT RISK TREATMENT OPTIONS

There are a range of possible responses for any identified risk. The Australian/New Zealand *Risk management – Principles and guidelines* Standard (AS/NZS ISO 31000:2009) lists the following risk treatment options, which are described as 'not necessarily mutually exclusive or appropriate in all circumstances':

a) avoiding the risk by deciding not to start or continue with the activity that gives rise to the risk;

b) taking or increasing the risk in order to pursue an opportunity;

c) removing the risk source;

d) changing the likelihood;

e) changing the consequences;

f) sharing the risk with another party or parties (including contracts and risk financing); and

g) retaining the risk by informed decision (Standards Australia and Standards New Zealand 2009, p. 19).

The *Fraud and Corruption Control* Australian Standard outlines a subset of five of these options on how to treat risks, similarly ranging from discontinuing activities that may give rise to the risk through to retaining the risk:

> In 'treating the risks' decisions are made on the most appropriate treatment options to be pursued for each fraud or corruption risk … The range of options that should be considered include –
>
> avoid the risk by not commencing or discontinuing activities that may give rise to the risk
>
> change the likelihood (reduce) of the event or of its negative consequences occurring, for example by improving defensive security measures
>
> change the consequences (reduce negative, enhance positive) of the event, for example by having robust detection and investigation procedures in place
>
> share the risk, for example through fidelity guarantee insurance and or business disruption insurance, and
>
> retain the risk, for example through accepting residual risk remaining following on from other treatment activities (Standards Australia 2008, pp. 36-37).

Similarly the Independent Commission Against Corruption's advice on *Corruption Risk Assessment and Management* in its *Practical Guide to Corruption Prevention* provides three broad strategies for dealing with corruption risks and their consequences:

- *risk prevention and detection* tries to eliminate sources of risks or reduce the likelihood of loss (for example by introducing regular audits and checks)
- *impact mitigation* aims to minimise the consequences of risks (for example by transferring some of the risks or sharing liability with another organisation)
- *risk acceptance* is when the organisation has to accept the risk either because it cannot be avoided or because the costs of doing so would not be worthwhile (Independent Commission Against Corruption 1996, p. 6).

The Occupational Health and Safety literature discusses 'removing', 'fixing' and 'lessening' risks:

> Employers are required to remove or fix any hazards or, if this is not 'reasonably practical', they must lessen the risks of harm to the lowest possible level (WorkCover NSW 2001, p. 6).

Not all of these treatment options are applicable to managing police misconduct risks. Firstly, 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). Hence avoiding the risk by discontinuing activities associated with it most often will not be an option for managing a police misconduct risk. Secondly, sharing the risk through some form of insurance or by sharing the liability with some other organisation is also not likely to be a viable option. Hence, in broad terms, the most viable of the treatment options outlined in the Standards Australia or the Independent Commission Against Corruption guidelines for managing police misconduct risks will involve some combination of:

- activities to reduce the likelihood of the misconduct occurring
- activities to reduce the negative consequences, for example by having robust detection and investigation procedures in place
- acknowledging and accepting the risk of misconduct because it cannot be avoided or the costs of doing so would not be worthwhile.

Misconduct risk treatment or misconduct prevention strategies can take a variety of forms, including amongst others:

- reducing the opportunities for police misconduct
- increasing the risks of being caught for those who engage in police misconduct
- equipping employees with the skills both to recognise the misconduct risks they might face and to respond appropriately when they find themselves in such circumstances

- increasing social controls by increasing condemnation of such conduct by colleagues, and
- focussing more broadly on the organisational culture, that is, focussing on the organisation's values, the behaviour that gets rewarded, leadership and communication (Gorta 2008).

DEVELOPING THE MOST APPROPRIATE MISCONDUCT RISK TREATMENT STRATEGIES

Understanding the cause of the risk

The literature reviewed by the Commission describes the importance of understanding the cause of the risk to design effective misconduct risk treatment strategies. The better one understands the process of engaging in the misconduct, the better placed one is to identify how and where to intervene to optimise the likelihood of prevention (Gorta 1998, p. 67; Gorta 2001, pp. 15, 28; Ede, Homel & Prenzler 2002b, p. 224; Quinton & Miller 2003, p. 6; Standards Australia & Standards New Zealand 2004b, pp. 73, 74).

In their *Risk Management Guidelines Companion to AS/NZS 4360:2004,* Standards Australia and Standards New Zealand describe the importance of understanding not only the immediate causes of an event but also the underlying factors that influence whether the treatment will be effective:

> Risk treatment design should be based on a comprehensive understanding of how risks arise. This includes understanding not only the immediate causes of an event but also the underlying factors that influence whether the proposed treatment will be effective. These factors are sometimes called root causes and stem from underlying needs, beliefs or circumstances (Standards Australia & Standards New Zealand 2004b, p. 73).

Standards Australia and Standards New Zealand foreshadow that the causes of a risk may be broader than specific business processes and include aspects of the organisational culture:

> Root causes can include facets of organizational culture such as ingrained processes and practices or paradigms that need to change to successfully treat a risk from occurring (and reoccurring). Sources of risks that flow on from the attitudes within organizational culture, cannot be treated successfully unless changes are made to these facets.
>
> To influence the root causes, treatment measures should seek to establish appropriate beliefs and culture so that motivation is clear and positive in terms of the achievement of organizational objectives and is consistent with the organization's policy. Examples are policy statements, the actions of executives (in setting good examples) or key performance indicators (KPIs) that act to support and promote the correct beliefs and motivation (Standards Australia & Standards New Zealand 2004b, p. 74).

The literature on police misconduct suggests the analysis of complaints data can be used to identify underlying problems (Quinton & Miller 2003, p. 6).

Steps involved in designing misconduct risks treatment strategies

Standards Australia and Standards New Zealand (2009) state that selecting the most appropriate risk treatment option involves:

> balancing the costs and efforts of implementation against the benefits derived, with regard to legal, regulatory, and other requirements such as social responsibility and the protection of the natural environment. Decisions should also take into account risks which can warrant risk treatment that is not justifiable on economic grounds, e.g. severe (high negative consequence) but rare (low likelihood) risks.
>
> A number of treatment options can be considered and applied individually or in combination. The organization can normally benefit from the adoption of a combination of treatment options.
>
> … Where risk treatment options can impact on risk elsewhere in the organization or with stakeholders, these should be involved in the decision. Though equally effective, some risk treatments can be more acceptable to some stakeholders than to others (Standards Australia & Standards New Zealand 2009, p. 19).

In summary, the literature suggests the best treatment strategies are those that:

- are tailored to the specific misconduct risks being treated (Gorta 1998, pp. 72-73)
- involve staff who will be performing the activity or affected by the treatment strategies in their design so that the strategies are practical and are able to be maintained (Independent Commission Against Corruption 1996, p. 7; Standards Australia & Standards New Zealand 2004b, p. 80)
- are 'embedded' in normal business processes, activities and systems so that they do not impede the flow of work processes, activities and systems (Standards Australia & Standards New Zealand 2004b, p. 80)
- are easy to understand (Standards Australia & Standards New Zealand 2004b, p. 80)
- have a dual focus of reducing factors which increase the likelihood of misconduct as well as increasing factors which inhibit misconduct (Crime and Corruption Commission 2008, p. 11)
- balance the costs of implementing each option against the benefits derived from it (Independent Commission Against Corruption 1996, p. 7; Standards Australia 2008, pp. 36-37, Standards Australia & Standards New Zealand 2009, p. 19), taking into account 'all direct and indirect costs and benefits whether tangible or intangible, and measured in financial or other terms' (Standards Australia & Standards New Zealand 2004b, p. 21)
- incorporate documentation of the proposed actions, resource requirements, who is responsible for implementing and monitoring the treatment strategy, the timeframe to be followed and reporting requirements for each risk or class of risk (Independent Commission

Against Corruption 1996, p. 7; Standards Australia & Standards New Zealand 2004a, p. 22; Crime and Corruption Commission 2008, p. 11; Standards Australia & Standards New Zealand 2009, p. 20).

2.3 NSW POLICE FORCE CORPORATE GUIDANCE ON DEVELOPING MISCONDUCT RISK TREATMENT STRATEGIES

The NSW Police Force has provided guidance to commands on developing strategies to treat corruption or misconduct risks once the risks have been identified in five documents. Tables 2.1 and 2.2 provide extracts from these documents that most clearly outline the responsibilities and advice provided to commands.

Three of these documents were available at the time the Commission collected information from the commands for Project Manta:

- Business Preparation Guidelines
- Duty Officer (Local Area Command) position description
- Job Streaming Responsibilities JSR 3 – Commander/Manager.

Table 2.1 provides extracts from these three documents.

Table 2.1: Extracts from NSW Police Force documents concerning developing strategies to treat misconduct risks – current at the time information was collected from commands for Project Manta

Position	Nature of responsibility as described in corporate documentation	Document
Commander/ Business Planning Team	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)	Business Planning Preparation Guidelines[4]
Duty Officer (unspecified)	Analyse, develop, recommend, implement and manage comprehensive corruption prevention strategies for the local area command	Duty Officer (Local Area Command) (Position description)[5]
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[6]

[4] NSW Police Force intranet, *Business Planning Preparation Guidelines 2007/2008*, downloaded 1 April 2008. These Guidelines have subsequently been updated *with Business Planning Preparation Guidelines for Local Area Commands 2010-2011* and *Business Planning Preparation Guidelines Specialist Operations, Corporate Services and other non-LAC Commands 2010-2011*.

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

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

The fourth document which provided advice on this topic is the now superseded *Corruption Resistance Planning Guidelines,* produced in January 2008. These Guidelines were not available to commanders at the time that information was collected from the commands. These Guidelines were suspended in 2009 and subsequently replaced in January 2010 by the *Guidelines for Local Corruption Resistance Planning*. Table 2.2 provides extracts from these two documents that were issued after information was collected from commands for Project Manta.

Table 2.2: Extracts from NSW Police Force documents concerning developing strategies to treat misconduct risks – issued after information was collected from commands for Project Manta

Position	Nature of responsibility as described in corporate documentation	Document
Corruption Resistance Planning Team	Develop and implement specific cost-effective strategies and action plans for increasing potential benefits and reducing potential costs. *AS/NZS 4360:2004 p. 8* The corruption risks selected for treatment need to be documented in the Corruption Resistance Plan (Refer to the template at Appendix B). The Corruption Resistance Plan begins where the Corruption Risk Assessment Form ends. All Corruption Resistance Plans must include: • date of endorsement by commander • review date/s – at least annual for both the plan and the issues its addresses • description of review methods • names of people involved in development of the plan • a communication strategy to ensure awareness across the command • the TRIM reference linked to the command's corruption resistance file. The information must be detailed enough to allow for a handover.[7]	Corruption Resistance Planning Guidelines, 2008[8] (Superseded)
Professional Standards Duty Officer	Record treatment strategies directly into the Corruption Resistance Plan. Record who will be responsible for ensuring that the strategy is implemented, identifying a role rather than a person. This will ensure that if a person assigned to implement a strategy is not available or leaves the command the strategy can still be implemented, monitored and reported by the person fulfilling that role.	Guidelines for Local Corruption Resistance Planning, 2010[9] (Current at time of drafting report)

[7] This quotation is the extent of the advice provided within the 'Step by Step Guide' section of the NSW Police Force *Corruption Resistance Planning Guidelines* under the heading 'Treat risks'. That is to say, no specific guidance is provided to commands on *how* to decide on appropriate strategies to treat misconduct risks. NB These Guidelines were replaced by the *Guidelines for Local Corruption Resistance Planning* on 1 January 2010.

[8] NSW Police Force 2008a, p. 11. These Guidelines were suspended during 2009.

[9] NSW Police Force (2010), p. 4, downloaded 18 January 2010.

The extracts in both Tables 2.1 and 2.2 illustrate that the advice provided to commands:

- states *who* is to undertake the task (such as the Commander or the Duty Officer)
- states in broad terms *what* they are to do (such as 'develop corruption prevention strategies' or 'record treatment strategies')
- does not provide guidance on *how* to do it (such as 'seek to reduce the opportunities for misconduct by identifying what causes these opportunities' or 'involve relevant staff to ensure that the strategies are practical and are easy to understand' or 'balance the costs against the benefits of potential strategies').

2.4 HOW COMMANDS DESCRIBE DETERMINING THEIR RISK TREATMENT STRATEGIES

When asked *What processes does the command use to determine the best way of responding to each of [their] identified misconduct risks and who is responsible for determining the best way of responding?,* the majority (22) of the sampled commands described *who* is responsible for determining misconduct risk treatment strategies but most (20 commands) did not describe *how* they approach the task of determining the best strategies to treat these risks.

WHO DETERMINES MISCONDUCT RISK TREATMENT STRATEGIES?

Twenty of the 25 sampled commands said that they determine their risk treatment strategies using command structures such as their Complaint Management Team (CMT) or their Senior Management Team, for example:

> Weekly CMT meetings provide the means of identifying the risks and allocating the resources to respond to the risks. The CMT are in the best position to determine the response. (Rural Command)

> CMT is focal point for assessing risk and determining ways of managing risk. (Rural Command)

Four commands specifically mentioned the role of the Commander. Three commands specifically identified Duty Officers as having a role in the process.

Three commands described a staged process, where different teams or positions were responsible at different points, for example:

> Senior Management Group through the CMT. (Metropolitan Command)

> Professional Standards Inspector. CMT ratifies processes. (Metropolitan Command)

Only two commands referred to using resources from beyond the command to assist with the process. These commands referred to seeking advice from the Region Professional Standards Manager or seeking advice from the Audit Group, for example:

> We problem solve amongst the senior management team and occasionally when we get a fairly curly one, or we need specialist policy advice we call in the Region Professional Standards Manager. Ultimately, in my role as commander, I am responsible for those responses. (Metropolitan Command)

One command described using different processes for *ad hoc* risks from those processes used when preparing the command corruption resistance plan, for example:

> In terms of the original plan, it was the management team … In terms of ad hoc risks, [we] have fortnightly [Senior Management Team] meeting. (Metropolitan Command)

HOW COMMANDS APPROACH THE TASK

When the Commission asked *What processes does the command use to determine the best way of responding to each of [their] identified misconduct risks,* it envisaged that commanders could have referred to any number of processes such as:

- understanding the opportunities that may be associated with misconduct and develop strategies to reduce those opportunities
- deterring future misconduct by developing strategies that could detect the misconduct if it were to occur
- seeking suggestions from officers, who work in areas in which misconduct risks have been identified, for how systems and procedures could be made more resistant to corruption and other forms of police misconduct.

Twenty of the sampled commands did not describe any particular approach or factors that they considered when determining the best way of responding to identified misconduct risks.

The responses of two commands seemed to suggest that they used education and communication as a means of addressing each of their misconduct risks, independent of the nature of the risk:

> [This] LAC has found that Education regarding corrupt behaviour and what is expected by each officer is the best way of responding. This is done on Training Days, SMITs at morning briefings, Induction Packages, Corruption Resistance Plan and Surveys but most importantly through information discussions and building a positive culture in the workplace. (Metropolitan Command)

> Raise it in the training days, briefings before we go out into the field, debriefing after operations. (Specialist Command)

Responses from other commands which described activities did not clarify how they determined the strategies that they considered would be most effective to minimise their misconduct risks. For example:

> A standard qualitative risk management assessment form … a likelihood vs consequences rating is used to identify the level of risks. The level of risks determines the treatment option by the Command i.e. Low – General Systems, to High - Immediate Action. (Metropolitan Command)

> Analysis of complaint type and frequency. (Metropolitan Command)

> The action needs to be swift and tailored to the individual case. There is not always a need for secrecy. A lot of risks can be averted by what the SMT and supervisors do and say in their daily roles. I have toyed with implementing a Principles and Behaviours Framework but have not yet done that. (Rural Command)

Some commands focus on individual officers rather than command-based risks

The responses of three rural commands appeared to focus on the strategies used in relation to managing misconduct by individual officers:

> The Complaint Management Team determine the appropriate responses before referral to the Senior Management Team to determine the most appropriate method of intervention for identified at risk officers. (Rural Command)

> The process is through the Senior Management Team and CMT meetings. The action needs to be swift and tailored to the individual case. There is not always a need for secrecy. A lot of risks can be averted by what the SMT and supervisors do and say in their daily roles. (Rural Command)

> Upon review of complaint, if it related to an individual or team, don't have to wait until investigation is finalised – interim management. (Rural Command)

Also from responses such as 'the CMT are in the best position to determine the response' and 'the action needs to be swift and tailored to the individual case', it was often difficult to determine whether other commands were referring to strategies used to manage the risks associated with misconduct by individual officers or to strategies associated with broader command-based misconduct risks.

2.5 SUMMARY AND IMPLICATIONS

SUMMARY

There are a range of possible treatment responses to any misconduct risk. These responses range from strategies to reduce the likelihood of the misconduct occurring to strategies to reduce the consequences of the misconduct, to a decision not to take action because the misconduct risks cannot be avoided or the costs of doing so would not be worthwhile. Corruption or misconduct prevention strategies more commonly tend to focus on reducing the likelihood of the misconduct than reducing the consequences of the misconduct.

The Commission identified five NSW Police Force corporate documents that had provided some advice to commands concerning developing strategies to treat corruption or misconduct risks. While these documents provided advice as to *who* is to undertake the task (such as the Commander or the Duty Officer) and in broad terms *what* they are to do (such as 'develop corruption prevention strategies' or 'record treatment strategies'), none of these documents provided guidance on *how* to choose the most appropriate misconduct risk treatment strategies (such as 'seek to reduce the opportunities for misconduct by identifying what causes these opportunities' or 'involve relevant staff to ensure that the strategies are practical and are easy to understand' or 'balance the costs against the benefits of potential strategies').

Twenty of the 25 sampled commands said that they determine their risk treatment strategies using command structures such as their Complaint Management Team (CMT) or their Senior Management Team. A small number of commands specifically mentioned the role of Duty Officers in this process and two commands referred to using resources from outside the command. Twenty of the commands did not describe any particular approach or factors that they consider when determining the best way of responding to identified misconduct risks. From their responses it was often difficult to determine whether commands were describing strategies used to manage the risks associated with misconduct by individual officers or to those associated with broader command-based misconduct risks.

IMPLICATIONS FOR MINIMISING MISCONDUCT

1. The elements of a sound misconduct risk treatment strategy

To minimise police misconduct it is important to develop effective strategies to treat the misconduct risks. Without guidance on how to determine appropriate treatment strategies some commands may miss opportunities to develop effective misconduct treatment strategies. Based on its review of the literature, the Commission suggests that guidance to commands for strategies to determine how to treat their significant misconduct risks should:

- require that tailored treatment strategies be based on an understanding of the cause of the risk
- involve staff who will be engaged in the activity or affected by it to ensure that treatment strategies are practical, able to be maintained and are easy to understand

- be embedded in normal business processes, activities and systems so that they do not impede the flow of work
- seek to increase factors which inhibit misconduct as well as reduce factors which increase the likelihood of misconduct
- incorporate documentation of proposed actions, resource requirements, positions responsible for implementation and monitoring the treatment strategy, timeframes and reporting requirements[10].

[10] The NSW Police Force Guidelines for Local Corruption Resistance Planning, which took effect from 1 January 2010, include columns for the following information in its Local Corruption Resistance Plan template: 'Local strategy to be implemented', 'Responsibility(Position)', and 'Action/Report/Review Period.

3. MONITORING AND REVIEWING TREATMENT STRATEGIES

[We] use the number of internal complaints we receive … but then again, how do you know whether that is good or bad? (Rural Command)

3.1 OVERVIEW

The current chapter considers how commands monitor and review their misconduct risk treatment strategies. It is the second of two chapters to examine command processes for the remaining steps of the misconduct risk management process that were not discussed in the Commission's first Project Manta Report (Police Integrity Commission 2009b).

3.2 WHAT THE LITERATURE SAYS

'Monitor and review' is the seventh step in the Australian/New Zealand Risk Management Standard AS/NZS 4360:2004 seven-step process. Furthermore, the Australian/New Zealand *Risk management – Principles and guidelines* Standard (AS/NZS ISO 31000:2009) observes that monitoring is necessary since the selection of risk treatment options can itself introduce risks:

> Risk treatment itself can introduce risks. A significant risk can be the failure or ineffectiveness of the risk treatment measures. Monitoring needs to be an integral part of the risk treatment plan to give assurance that the measures remain effective (Standards Australia & Standards New Zealand 2009, p. 19).

Within the Occupational Health and Safety literature, evaluation and review is described as follows:

> Evaluating and reviewing means checking to see if the decisions that were made about the risks and the best way to control them are properly put in place and that they are working (WorkCover NSW 2001, p. 11).

WHY MONITOR AND REVIEW TREATMENT STRATEGIES

The importance of monitoring and reviewing misconduct risk treatment strategies is well recognised within the risk management literature. The reasons given for monitoring and reviewing risk treatment strategies include:

- to provide ongoing assurance that risk treatments and the risk management plan still are effective and relevant (Independent Commission Against Corruption 1996, p. 8; Standards Australia & Standards New Zealand 2004a, p. 22; Standards Australia & Standards

New Zealand 2004b, p. 90; Standards Australia & Standards New Zealand 2009, p. 20)

- to ensure that changing circumstances do not alter priorities (Standards Australia & Standards New Zealand 2004a, p. 8; Standards Australia & Standards New Zealand 2009, p. 20)
- to obtain further information to improve risk assessment (Standards Australia & Standards New Zealand 2009, p. 20)
- to identify emerging risks (Standards Australia & Standards New Zealand 2009, p. 20)
- to enable continuous improvement and to analyse and learn lessons from events (including near-misses), changes, trends, successes and failures (Standards Australia & Standards New Zealand 2009, p. 20) as well as to learn lessons from the risk management process more generally (WorkCover NSW 2001, p. 11; Standards Australia & Standards New Zealand 2004a, pp. 8, 22; Corruption and Crime Commission 2008, pp. 12, 20).

HOW TO MONITOR AND REVIEW TREATMENT STRATEGIES

The Australian *Fraud and Corruption Control Standard* suggests monitoring the progress of implementing agreed fraud and corruption risk treatments and their effectiveness at managing risks (Standards Australia 2008, p. 37).

Some methods for reviewing the effectiveness of risk treatment strategies that have been suggested within the literature include:

- using internal and external feedback such as customer surveys, information from misconduct complaints and investigations, compliance audits, etc (Corruption and Crime Commission 2008, pp. 11, 20)
- consideration of the relevance and likely impact of any treatments that have not been fully implemented (Standards Australia & Standards New Zealand 2004a, p. 22; Standards Australia 2008, p. 37)
- benchmarking performance against other entities operating in the same industry sector (Standards Australia 2008, p. 37).

3.3 NSW POLICE FORCE CORPORATE GUIDANCE

During this project, the Commission identified five NSW Police Force documents that provide, or have previously provided, advice to commands on monitoring and reviewing misconduct risks and treatment strategies. Three of these documents were current at the time the Commission collected information from the commands for Project Manta:

- Command Management Framework (CMF), Corruption Resistance Portfolio
- Compliance Manual, 'Corruption Resistance'[11]
- Duty Officer Deployment Manual, Performance Agreement for Duty Officer – Professional Standards.

The guidance available from these documents at that time is summarised in Table 3.1. As can be seen from the extracts included in this table, these documents provided advice on methods that commands could use to review their treatment strategies such as:

- reviewing Complaint Management Team (CMT) minutes
- reviewing Command Management Framework (CMF) returns
- surveying staff about their perceptions of corrupt/unethical behaviour and their attitude to reporting corruption
- reviewing corruption resistance activities in light of complaints.

More recent guidance to commands is summarised in Table 3.2. The information in Tables 3.1 and 3.2 illustrate that each of these NSW Police Force documents emphasise the need to review command corruption resistance plans.

Over time, different documents have assigned responsibility for this review to different positions or teams within the command (such as Command Management Team, Corruption Resistance Planning Team, Commanders, Professional Standards Duty Officer) and vary in the frequency with which they suggest the corruption resistance plan should be reviewed, ranging from 'quarterly', 'biannually' to 'at least annually'. At the time of drafting this report, the current *Guidelines for Local Corruption Resistance Planning* (2010) have assigned responsibility for the overall corruption resistance planning process to the command Professional Standards Duty Officer and require that commands review their corruption resistance plan annually.

[11] The Compliance Manual module pertaining to 'Corruption Resistance' was not available for downloading by commands from the NSWPF intranet during the period that this report was being drafted. Instead intranet advised that 'this module is currently under review by Professional Standards Command'.

Table 3.1: Summary of corporate guidance concerning monitoring and reviewing misconduct risks and treatment strategies – current at the time information was collected from commands for Project Manta

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 (CMF), 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]

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

[13] NSW Police 2005, Compliance Manual, 'Corruption Resistance', downloaded from NSW Police Force intranet 1 April 2008. This Manual was removed from the NSW Police Force intranet in early 2010 and restored to the intranet 18 January 2010. In July 2010 the 'Corruption Resistance' component was amended to state that 'All commands must undertake corruption resistance planning for risks specific to their environment'. The Compliance Manual was under review to ensure its consistency with other NSW Police Force organisational documents at the time of drafting this report.

[14] NSW Police 2005, Compliance Manual, 'Corruption Resistance', downloaded from NSW Police Force intranet 1 April 2008. In July 2010 the 'Corruption Resistance' component was amended to state that 'All commands must undertake corruption resistance planning for risks specific to their environment'. The Compliance Manual was under review to ensure its consistency with other NSW Police Force organisational documents at the time of drafting this report.

Table 3.1: Summary of corporate guidance concerning monitoring and reviewing misconduct risks and treatment strategies – current at the time information was collected from commands for Project Manta (cont'd)

Position	Nature of responsibility as described in corporate documentation	Document
Professional Standards Duty Officer	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]
Portfolio holder, CMF, Corruption Resistance[16]	Suggest improvements in management of the portfolio	CMF, Corruption Resistance Portfolio[17]

The information in Table 3.2 illustrates that the now superseded *Corruption Resistance Planning Guidelines,* released in 2008, identified issues that commands should consider as part of the review process, notably:

- incidents that suggest the existing planning is not effective
- corporate changes to policy or procedures that influence existing treatment strategies.

In contrast, the current *Guidelines for Local Corruption Resistance Planning* advise that 'the success of treatment strategies can be evaluated' but do not provide any suggestions concerning what types of information commands might find useful in helping them evaluate their treatment strategies.

Also of interest is that the level of detail in the guidance provided to commands and the requirements made of commands in the CMF has been reduced in recent years. For example, in 2008 the CMF required that commands undertake quarterly reviews and identified activities that commands could undertake as part of the review process such as reviewing:

> CMT Minutes, CMF returns, Staff Ethical Surveys, 'at risk' officers, trends in complaints/local management issues etc. to ensure risks within Plan are appropriate.[18]

[15] NSW Police Force intranet, 'Duty Officer Deployment Model, Performance Agreement for Duty Officer – Professional Standards', downloaded 1 April 2008.
[16] 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.
[17] NSW Police Force intranet, Command Management Framework, 'Corruption Resistance', downloaded 17 June 2008.
[18] NSW Police Force intranet, Command Management Framework, 'Corruption Resistance', downloaded 17 June 2008.

A year later, the focus of the CMF activities had moved to compliance activities such as ensuring that the command's corruption resistance plan had been registered with the Professional Standards Command and documenting the date the plan was registered and the date it was last reviewed as well as providing a count of the number of misconduct risk treatment strategies that had been implemented and the number of treatment strategies that were outstanding. Specific guidance was no longer provided in relation to the activities that commands were expected to undertake when reviewing their corruption resistance plan:

> 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:
>
> …
>
> 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.[19]

In May 2010, at the time of drafting this report, the CMF requirements of commands had become further simplified with commands being required simply to list the date they undertook their corruption resistance planning, with no further guidance given other than reference to 'Corruption Planning Guidelines 2009'[20]:

> P2.6 Date your command undertook its annual corruption resistance planning (per the Corruption Planning Guidelines 2009).[21]

[19] 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.

[20] This appears to be a typographical error since there is no NSW Police Force document with that title.

[21] Information provided by Performance Improvement and Planning Command, 17 May 2010.

Table 3.2: Summary of corporate guidance concerning monitoring and reviewing misconduct risks and treatment strategies – issued after information was collected from commands for Project Manta

Position	Nature of responsibility as described in corporate documentation	Document
Corruption Resistance Planning Team	It is necessary to monitor the effectiveness of all steps of the risk management process. This is important for continuous improvement. Risks and the effectiveness of treatment measures need to be monitored to ensure changing circumstances do not alter priorities. *AS/NZS 4360:2004 p. 8*. It is important to ensure that your Corruption Resistance Plan remains relevant by addressing issues such as: • new risks identified (eg. through complaints, external reviews of the CMF) • incidents that suggest the existing planning is not effective • corporate changes to policy or procedures that influence existing treatment strategies • significant changes occurring within the command's people, environment, or operations.	Corruption Resistance Planning Guidelines, 2008[22] (Superseded)
Commander	The responsibility of the commander includes ensuring that a formal review of Corruption Resistance Plans by the Corruption Resistance Planning Team occurs at least annually.	Corruption Resistance Planning Guidelines, 2008[23] (Superseded)
Professional Standards Duty Officer	Corruption resistance planning is an ongoing process. New risks that are identified should be raised, assessed and added to the plan as they arise. A full review of the plan should be conducted every 12 months. At this time the success of treatment strategies can be evaluated. Risks which have been successfully managed and do not required (*sic*) ongoing monitoring should not appear in subsequent plans. The CMF requires a Yes/No answer that corruption resistance planning has been conducted annually.	Guidelines for Local Corruption Resistance Planning, 2010[24] (Current at time of drafting report)

[22] NSW Police Force 2008a, p. 11. These Guidelines were suspended in 2009 and subsequently replaced in January 2010 by the *Guidelines for Local Corruption Resistance Planning*.
[23] NSW Police Force 2008a, p. 12. These Guidelines were suspended in 2009 and subsequently replaced in January 2010 by the *Guidelines for Local Corruption Resistance Planning*.
[24] NSW Police Force 2010, p. 5, downloaded 18 January 2010.

3.4 INDIVIDUAL COMMAND PRACTICES

DO COMMANDS REVIEW THEIR MISCONDUCT RISKS AND TREATMENT STRATEGIES?

When asked whether misconduct risks faced by officers working in the command or the controls or misconduct risk management strategies are reviewed from time to time, 24 of the 25 commands said that they *did* review their misconduct risks and associated treatment strategies (see Table 3.3). The one command that said that it did not review its misconduct risks or its treatment strategies, explained that this was because its Professional Standards Duty Officer position was vacant.

Table 3.3: Do commands review misconduct risks or associated strategies?

Command response	Metropolitan Commands	Rural Commands	Specialist Commands	All Commands Sampled
Yes				
- as part of a planned process	6	5	4	15
- in response to incidents, change in legislation	2	4	1	7
- only review risks or strategies associated with individual officers	2	-	-	2
No	1	-	-	1
Total	11	9	5	25

The responses of two of the metropolitan commands that said that they did review their risks and associated treatment strategies suggest that they were referring only to the risks and strategies associated with individual officers rather than broader command-based misconduct vulnerabilities:

> Yes. All officers are risk assessed annually. High Risk Officers are assessed more frequently. Any identified risks are assessed against the officer's current duties. (Metropolitan Command)

> A risk assessment is conducted of all officers every six months. This is conducted by the Professional Standards Manager and Executive Officer … submitted to the CMT … (Metropolitan Command)

What triggers a review?

Commands that said that they did review their risks and strategies were asked what had triggered such a review in the past. In response, some commands described such

reviews being part of a planned process with defined time frames, while others spoke of reviews being a more reactive response to specific incidents.

As illustrated in the following examples, the commands that said that they reviewed their risks and strategies as part of a planned process described the review as being aligned with different command activities (including review of corruption prevention plan, part of the CMT process, business planning, Command Management Team meetings, or Command Management Framework reviews):

> Generic risks such as excessive force, performance management, harassment & discrimination, systems issues and overall compliance are regularly reviewed (annually and at least monthly through the CMT and incorporated within the Command's Corruption Resistance which is a risk based contemporary document providing a platform for ethical behaviour. Generally speaking, if a type of risk is identified whether it is misconduct, mismanagement or a system failure, those causal factors are immediately identified and treatment action enacted. (Metropolitan Command)

> Part of business planning ... Look at every year. (Metropolitan Command)

> Reviewed weekly at CMT meetings and monthly at Command Management Meetings. (Rural Command)

> Reviewed on a fortnightly basis by the CMT. Other triggers include: annual secondary employment analysis, computer access audits, computer audit access, annual ethical culture survey, 'omni-present CMF'. (Rural Command)

> CMF reviewed every 3 months – in terms of frequency and risk rating level. If find any discrepancy through CMF, review is conducted continuously. (Rural Command)

Where these commands spoke of reviewing their corruption resistance plan, there were differences in the time frames in which they said that they undertook such reviews. One rural command reported reviewing its corruption resistance plan monthly while other commands said that they undertook such reviews either quarterly, six-monthly or annually.

Other commands described a more reactive process:

> Change of legislation, made aware of incident somewhere else, investigation of complaints, something has arisen. (Metropolitan Command)

> No formal process where, say quarterly, we say we are going to sit down and review risks … Discussed when an issue is identified or something has arisen in another command. (Rural Command)

> Failure of systems. Change of command positions. Commissioner's Inspectorate Audit and Operations and Crime Review (OCR). Investigations by the NSW Ombudsman. (Specialist Command)

HOW DO COMMANDS REVIEW THEIR TREATMENT STRATEGIES?

When asked *How does the command evaluate the effectiveness of existing controls and risk management responses?*, almost three-quarters of the sampled commands (18 commands) said that they used complaints (see Table 3.4). Six commands said that they relied solely on complaints, for example:

> The number and nature of complaints received, and complaint trends are monitored by the Commander, CMT and Professional Standards Duty Officer. (Metropolitan Command)

> The effectiveness of the controls is assessed by the number of complaints initiated. (Rural Command)

Twelve commands said that they used complaints in conjunction with a range of other types of information, for example:

> The level and type of complaint received. The level of misconduct identified. More importantly the number of complimentary letters and comments from the community. (Metropolitan Command)

> Complaint statistics document is as good as any – clearly shows how tracking compared to last year, by sector and complaint type. We evaluate our failed prosecutions – it's an indicator. (Rural Command)

Four of the 18 commands that use complaints to evaluate the effectiveness of their existing controls and risk management acknowledged that complaints were an imperfect tool for such an evaluation, for example:

> Use the number of internal complaints we receive – however, this is a flawed methodology – but then again, how do you know whether that is good or bad? There are two ways of looking at it: if high number must have problems (also depends on the nature of the complaints), on the other hand if have a number of complaints that means people are coming forward. (Rural Command)

> The level of complaints is important, but this is difficult when [we] don't have many to begin with. (Specialist Command)

The second most common method of evaluating risk treatment strategies, referred to by eight commanders, was conducting compliance audits or physical checks, for example:

> For some risks, you can do physical checks – exhibits, property, money in the safe – is everything there? Check that consistently enough. Review the search warrants very well. (Metropolitan Command)

> The evaluation of existing controls and responses is conducted periodically (quarterly) within the context of the Command Management Framework. (Specialist Command)

Six commanders referred to basing their review on the conduct of individual officers, for example:

> As indicated, perhaps the measure of effectiveness is through the individual identification of high risk officers, the management process that follows and the outcome of management strategies. (Rural Command)

> Individual performance, performance reviews. (Rural Command).

Table 3.4: Information reported as being used by commands to evaluate their misconduct risk treatment strategies

Sources of information reported as being used to evaluate existing controls	Type of Command			
	Metropolitan (n=11)	Rural (n=9)	Specialist (n=5)	Total (n=25)
Complaints	10	7	2	18
Compliance audits/Physical checks/CMF checks	2	3	3	8
Results of individual officer risk assessment/Individual performance reviews	1	5	0	6
Complimentary letters and comments/Community satisfaction/Public feedback	2	1	1	4
Assessment by the CMT	2	0	1	3
Business Plan reviews	0	2	1	3
Feedback from supervisory staff	0	2	0	2
Other[25]	0	4	0	4

Some commands mentioned specific review strategies in relation to specific misconduct risks. For example, one rural command made the following observation in relation to source management:

> Superintendent has noted an increase in registration in one-off sources – both from detectives and general duties officers. He considers this to be evidence of the success of his strategy. (Rural Command)

[25] This category includes: 'evaluate our failed prosecutions', 'command climate surveys', 'morale' and 'historical knowledge'.

Some commanders have given more general assessments of their corruption prevention activities, for example:

> Many of these strategies are effective and in fact if you look at my complaint rate over the time I have been here, there has been a significant and sustained change. (Metropolitan Command)

> I believe that everything we have done has been successful. Overall the complaints have been dropping. I think this may also come from the fact that several officers have been charged or dealt with severely. (Metropolitan Command)

> Level of complaints hasn't indicated that we have a problem – if complaints rose, would look for a pattern: was it a problem within a particular team etc, try to analyse nature of problem. (Specialist Command)

3.5 SUMMARY AND IMPLICATIONS

SUMMARY

The importance of monitoring and reviewing risks and their treatment strategies is well recognised within the risk management literature. The importance of reviewing corruption resistance treatment strategies is also reflected in the guidance provided to commands in NSW Police Force corporate documents.

Earlier NSW Police Force documents have provided some suggestions on methods commands can use to review the effectiveness of their treatment strategies, such as: surveying staff, reviewing corruption resistance activities in light of complaints, considering changes to policy or procedures that influence existing treatment strategies. However, the current *Guidelines for Local Corruption Resistance Planning* advise commands that 'the success of treatment strategies can be evaluated' without suggesting types of information that commands might find useful in helping them evaluate their treatment strategies. The Commission considers that guidance on strategies they can use to review misconduct treatment strategies may assist commands to improve their treatment strategies based on their experience.

Established standards such as the *Australian Fraud and Corruption Control Standard*, suggest using a range of approaches to review the effectiveness of treatment strategies, including:

- use of internal and external feedback such as customer surveys
- information from misconduct complaints and investigations
- information from compliance audits
- considering the importance of any treatments that have not been fully implemented and their likely impact on the relevant risk
- benchmarking performance against other organisations in the same industry.

Some of these approaches have been recommended to commands in previous NSW Police Force corporate documents.

The majority (24 out of 25) of the sampled commands said that they did review their misconduct risks and associated treatment strategies. Fifteen of these commands said they conducted these reviews as part of a planned process, seven described a more reactive process and two commands described only reviewing the risks and strategies associated with individual officers. The majority of commands said that they used complaints, either as the sole source of information or in combination with other sources, to evaluate the effectiveness of their misconduct risk treatment strategies, with some commands acknowledging that complaints were an imperfect tool for such an evaluation.

IMPLICATIONS FOR MINIMISING MISCONDUCT

1. Guidance on *how* to review misconduct treatment strategies may assist commands effectively improve their treatment strategies

The Commission's review of the relevant literature has revealed additional approaches to evaluating the effectiveness of treatment strategies may merit consideration for use by NSW Police Force commands. These include:

- checking to see if strategies previously developed as the best way to control the risks were properly put in place and consider the impact on the risk of any treatments that have not been fully implemented
- use internal and external feedback such as customer surveys
- use information from misconduct complaints and investigations
- use information from compliance audits
- benchmarking performance.

Part 3:
RESULTS AND ANALYSIS – TREATMENT STRATEGIES

4. NSW POLICE FORCE STRATEGIES FOR TREATING SELECTED MISCONDUCT RISKS

> *It's not just the little things, it's the total package.* (Metropolitan Command)

4.1 OVERVIEW

This chapter describes the strategies used to treat or manage 10 categories of misconduct risk. Some of the misconduct risks discussed in this chapter were selected because they were the ones most frequently nominated by commanders. Others were included to broaden the range of types of misconduct risks discussed. It is not the Commission's intention to describe all of the misconduct risks and associated treatment strategies nominated by individual commands.

RANGE OF MISCONDUCT RISK TREATMENT STRATEGIES DISCUSSED

In its previous Project Manta report, the Commission grouped the misconduct risks into categories to summarise the nature of the misconduct risks identified by commanders (see Table 6.1 in Police Integrity Commission 2009a, pp. 88-91). The five categories of misconduct risk most frequently nominated by commanders were:

1. Misuse of information
2. Theft of money/exhibits/property
3. Relationships with community members
4. Misuse of resources
5. Making false claims, rorting overtime, inappropriate travel etc.

In addition, the current chapter considers separately the strategies that commands advise that they use to manage these five most commonly identified misconduct risks, as well as the strategies that commands have advised that they use to manage the misconduct risks associated with the following:

6. Isolation of officers
7. Dealing with licensed premises
8. Off-duty behaviour
9. Search warrants
10. Source management.

RELATIONSHIPS AMONG MISCONDUCT RISKS

Some of the misconduct risks associated with these different categories may be interrelated. For example, the misconduct risks associated with relationships with community members may be a particular problem for officers working in isolated areas. Misconduct risks for off-duty officers could include inappropriate disclosure of confidential information, misconduct risks associated with the relationships with community members and misconduct risks in relation to licensed premises.

CORPORATE AND COMMAND-SPECIFIC TREATMENT STRATEGIES

Some of the strategies described by commands were strategies promoted in NSW Police Force corporate documentation designed to be used by each command, others were command-specific. To provide a context in which to understand the treatment strategies described by individual commands, in the sections that follow the Commission summarises relevant strategies provided in NSW Police Force corporate documents for treating each misconduct risk prior to listing the strategies described by commands. These corporate strategies are those that the Commission has identified from the documentation available on the NSW Police Force intranet. Command-specific strategies are described under the heading 'Beyond corporate strategies'.

DIFFERENCES IN STRATEGY DESCRIPTIONS

Sometimes commands described their misconduct risk treatment strategies in two or three words. At other times commands provided more lengthy descriptions of their treatments strategies. These differences in detail and length of descriptions are illustrated in the quotations included in this chapter.

NOT ALL COMMANDS HAD MISCONDUCT RISK TREATMENT STRATEGIES

Perhaps surprisingly, one metropolitan command reported that it did not have any treatment strategies for its corruption or misconduct risks:

> No strategies in place for significant corruption. Command continually consults with staff on differing levels such as PMS [Performance Management Scheme] levels 1 & 2, Ethical Culture Survey and during briefings. (Metropolitan Command)

4.2 WHAT THE LITERATURE SAYS

It is outside the scope of this report to provide a detailed analysis of the corruption prevention literature. This section of the report refers only to some of the broad lessons concerning prevention strategies.

While there are similarities between corruption prevention strategies and risk management strategies, there are also some differences. Corruption prevention strategies tend to focus on minimising the likelihood of the corrupt conduct occurring, unlike the broader risk management literature where responses to risk range from strategies to reduce the likelihood of the misconduct occurring to strategies to reduce the consequences of the misconduct, to a decision not to take action because the misconduct risks cannot be avoided or the costs of doing so would not be worthwhile.

TAILORING PREVENTION STRATEGIES TO FIT THE RISK

From the crime prevention literature it is evident that effective prevention techniques differ depending on the specific type of crime. (See Appendix 2 for a categorisation of different crime prevention strategies.) For example, in order to minimise car thefts one would use different strategies from those used to minimise assaults. 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 types of misconduct risks and then determine the best ways to minimise these different misconduct risks (Gorta 1998, pp. 67, 72; Gorta 2006, p. 204).

CORRUPTION PREVENTION STRATEGIES CAN TAKE MANY FORMS

Corruption or misconduct prevention strategies can take a variety of forms, including amongst others:

- reducing the opportunities for police misconduct
- increasing the risks of being caught for those who engage in police misconduct
- equipping employees with the skills both to recognise the misconduct risks they might face and to respond appropriately when they find themselves in such circumstances
- increasing social controls by increasing condemnation of such conduct by colleagues, and
- focussing on the organisational culture – that is, the organisation's values, the behaviour that gets rewarded, leadership and communication – more broadly (Gorta 2008).

In its chapter on *Prevention*, the *Fraud and Corruption Control Australian Standard* highlights the importance of:

- building and maintaining a sound ethical culture within the organisation 'underpinned by a program of example setting by senior management'

- visible senior management commitment to controlling the risks of fraud and corruption
- implementing an effective system of internal control that is well documented, updated regularly and understood by all personnel for all business processes, particularly processes assessed as having a higher predisposition to the risks of fraud and corruption (Standards Australia 2008, pp. 25, 27, 29).

The *Fraud and Corruption Control Australian Standard* also describes a variety of other corruption prevention measures including:

- providing clear anti-corruption messages
- implementing a policy of personnel rotation so that improper relationships are less likely to develop
- consideration of requiring 'vendor audits' of 'high-risk' providers
- enhanced probity and contracting procedures
- providing several channels of communication within the organisation so that employees have a range of alternative avenues for reporting concerns in relation to possible corrupt conduct
- opening channels of communication with customers, vendors and other third parties to encourage them to come forward to report any concerns in relation to possible corrupt conduct involving the organisation or any person associated with it (Standards Australia 2008, p. 41).

4.3 SOURCES OF INFORMATION ABOUT TREATMENT STRATEGIES

The command misconduct risk treatment strategies described in this chapter were identified from commanders' responses to Project Manta questions and from an analysis of command documents provided to the Commission in response to Project Manta.

Of particular relevance were the responses of local area commanders as well as commanders of specialist commands and squads to the following questions:

- What strategies are in place for reducing or managing each of the major misconduct risks (identified in Q 8 or Q 9)? Please provide a separate answer for each of the misconduct risks.
- Are there any other strategies, yet to be implemented, that are proposed for managing any of the misconduct risks, in addition to those identified [above]?
- Have you found that any of the strategies that you have tried for managing misconduct risks have not been effective in the past? If so, what were they and why were these strategies not effective?
- Does this command have any misconduct prevention or corruption prevention strategies that are specific to this command? If so, what are these strategies and how are these misconduct strategies publicised within the command?

The documents analysed were:

- command corruption resistance plans
- minutes of complaint management team meetings
- command-level standard operating procedures and other documents provided in response to the question, 'are any of the strategies, identified in Q 13, documented? If so, please provide a copy of the relevant documentation'
- relevant corporate documents obtained from the NSW Police Force intranet.

4.4 MISUSE OF INFORMATION

When asked about their commands' major misconduct risks, misuse of information[26] was one of the two most frequently identified categories of misconduct risk by commanders (Police Integrity Commission 2009b, pp. 87, 88). Misuse of information has also been recognised as a corruption risk area for police agencies within the international literature. Unauthorised release of information has been recognised as the most common and damaging type of police corruption in the United Kingdom (Quinton & Miller 2003, p. 5; Her Majesty's Inspectorate of Constabulary 2006, pp. 9, 104).

NSW POLICE FORCE CORPORATE DOCUMENTS AND STRATEGIES

The NSW Police Force recognises and seeks to address the potential risk of misuse of confidential information within the documentation it makes available to its commands. Two of the ten points within the NSW Police Force *Code of Conduct and Ethics* state that an employee of the NSW Police Force must:

> only access, use and/or disclose confidential information if required by their duties and allowed by NSW Police Force policy
>
> not make improper use of their position or NSW Police Force information or resources.

Recognising the risk of unauthorised or illegal access of police computer systems, the *NSW Police Force Compliance Manual*[27] requires that commands:

- audit Computerised Operational Policing System (COPS) and Roads and Traffic Authority (RTA) computer accesses of a percentage (10% is the suggested amount) of staff each month and that all staff are audited within a 12 month period
- include checks for information that is associated with family members, family members of other officers, celebrities and other high profile individuals
- ensure targeted audits occur on identified officers when this is appropriate.

The NSW Police Force *Corruption Resistance Policy*, which was released in January 2010, lists a number of policies and procedures which contribute to the management of corruption risks. While this *Corruption Resistance Policy* does not link the specific policies and procedures to particular corruption risks, the following policies and procedures are listed under the subheading 'Information and Communication' and

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[26] This category combines the following risks: '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'.

[27] The 'Computer Access Audits' section of NSW Police Force Compliance Manual (updated 29 January 2010) was annotated as being 'currently under review' at the time it was downloaded from the NSW Police Force intranet on 18 February 2010.

appear to be most relevant to minimising risks associated with the misuse of information:

> *Privacy and Personal Information Act*
>
> Section 75 of the *Police Regulation 2008*
>
> *Communication Device Policy*
>
> *COPS & RTA and internet Usage Audit Procedures*
>
> *Code of Best Practice for Information Management*
>
> *Information Management Principles and Policies*
>
> *Information Management Roles and Responsibilities*
>
> *Internet Content Policy*
>
> …
>
> Recordkeeping Policies/Procedures
>
> …
>
> *Email and Internet Policy* (NSW Police Force 2010, pp. 4-6).[28]

On the other hand, the *Corruption Resistance Policy* does not refer to the NSW Police Force *Media Policy* which the Commission had previously recognised as being relevant to this area (People 2008, p. 27).

The NSW Police Force Command Management Framework (CMF), a risk-based command self-assessment audit process, requires that commands should ensure that 120% of staff have computer accesses audited during the year.[29]

STRATEGIES REPORTED OR DOCUMENTED BY COMMANDS

Eighteen of the 25 sampled commands described strategies that they use to manage risks related to misuse of information:

- eight commands reported strategies in their responses to the Commission as well as documented strategies in their corruption resistance plans
- three commands reported strategies to the Commission without documenting strategies in their corruption resistance plans
- seven commands, that did not specifically mention 'misuse of information' when providing a list of command misconduct risks to the Commission, documented strategies in their corruption resistance plans.

Several commands outlined NSW Police Force expectations in relation to accessing COPS in the induction manuals that they supply to their officers.

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[28] Downloaded from NSW Police Force Intranet 18 January 2010.

[29] Information provided by the Performance Improvement and Planning Command of the NSW Police Force on 19 April 2010.

The strategies reported as being used by commanders or documented within command corruption resistance plans are summarised in Table 4.1.

Table 4.1: Strategies commands report using to treat risks related to misuse of information

Strategy	No. of commanders who reported using strategy	No. of corruption resistance plans listing strategy	Total no. of different commands mentioning this strategy[30]
Audit of computer accesses	10	15	**17**
Information and/or training	2	6	**7**
Identification of 'high risk officers'	0	6	**6**
Enforcement of policy	1	2	**3**
Confidentiality agreement	1	1	**2**
Other[31]	2	5	**6**
Total number of commands nominating strategies[32]	**11**	**15**	**18**

Corporate strategies

The majority of treatment strategies mentioned by commands align with strategies promoted in NSW Police Force corporate documents.

As can be seen from Table 4.1, by far the most commonly reported strategy for managing the risks associated with misuse of NSW Police Force information concerned auditing access to computer systems as described in the *Compliance Manual* and the Command Management Framework. Seventeen of the 18 commands that reported or documented any strategies for treating the risk of officers misusing information referred to audits or reviews of the Computerised Operational Policing System (COPS)[33] accesses and other computerised information systems, for example:

> COPS audit every police officer twice a year. (Rural Command)

[30] In some cases, a command's misconduct risk treatment strategy was both reported by the commander and listed in the command corruption resistance plan. As a result of this overlap, the total number of different commands mentioning the strategy is sometimes less than the sum of the number of commanders who reported using the strategy and the number of commands that have corruption resistance plans listing the strategy.

[31] 'Other' category includes: 'mandatory reporting of inappropriate and unlawful use of information'; 'intrusive management methods to be employed to detect unlawful COPS and Memo use'; 'appoint coordinator of access auditing with RFA [reason for access] capability'; 'register all unlawful or unjustifiable access as complaint'; 'evidence of notebook checks conducted'.

[32] Some commands report using more than one strategy.

[33] A NSW Police Force data system developed to 'capture, access and analyse crime information and intelligence on an organisation-wide basis' (NSW Police Force Intranet, downloaded 17 April 2009).

> Command does 100% as a minimum, other officers randomly checked or targeted, e.g. officer involved in domestic violence, suspected that he was looking up what was happening with his matter, found he had looked it up. Command does extra checks when it thinks there might be a problem in officers inappropriately accessing information. (Metropolitan Command)

One command acknowledged that it had experienced difficulties in carrying out the required number of audits:

> The Executive Officer is tasked with following corporate guidelines and auditing 10% of staff per month … However, command has struggled at times to carry out the required number of audits. (Metropolitan Command)

The second most frequently mentioned strategy, documented in the corruption resistance plans of six commands, concerned providing information and training to officers such as:

> Memos to staff promoting proper use of systems. (Corruption resistance plan from Metropolitan Command)

> Provide training and SMITs.[34] (Corruption resistance plan from Metropolitan Command)

The corruption resistance plans of six commands referred to identifying high risk officers, for example:

> High-risk staff identified and monitored by audit. (Corruption resistance plan from Metropolitan Command)

> Officer Risk Analysis. (Corruption resistance plan from Rural Command)

A small number of commanders mentioned various other strategies that they used to minimise misconduct risks pertaining to misuse of information, including:

> Have strict (command) media policy. (Rural Command)

> Evidence of notebook checks conducted. (Specialist Command)

While the strategies documented within corruption resistance plans tended to focus on audits of computer access, identification of high risk officers and education and training, some of the plans included a range of other strategies such as:

> Intrusive management methods to be employed to detect unlawful COPS and Memo use. (Corruption resistance plan from Metropolitan Command)

[34] 'Six-Minute Intensive Training'.

Beyond corporate strategies

Structured induction program and confidentiality agreement

One specialist command, whose core functions included access to particularly sensitive information, spoke of having a structured induction program for its staff and that staff are required to sign the command's confidentiality policy:

> All staff attend a structured induction program that details the requirements to maintain confidentiality with regard to NSW Police business and operations. All staff employed [in the command] are required to acknowledge the [unit's confidentiality policy] upon commencement of duties [at the command]. (Specialist Command)

Crosschecking of COPS information with other information

Some commands compare information on COPS with other information, for example:

> Assess a COPS event compared to CIDS[35] system compared to Case Management. (Rural Command)

Use of corruption resistance plans to outline detail of the treatment strategy

Two of the sampled commands detailed their strategies within corruption resistance plans.

One specialist command, which took a multi-pronged approach to managing risks associated with the misuse of information, listed a combination of strategies in its corruption resistance plan:

> a) Compliance with Policy of random and targeted audit of COPS access
>
> b) Auditing new staff and staff who have left squad
>
> c) Intell Coordinator to obtain copies of random/targeted audits for response from officers and review by Investigation Coordinators
>
> d) Understanding and education in relation to NSW Police Policy relating to computer access. (Corruption resistance plan from Specialist Command)

The corruption resistance plan from one rural command provided a number of distinct strategies pertaining to auditing computer access:

> Maintain accurate staff list re computer access
>
> SOPs re audit protocol based on Audit Group guidelines (proposed) & including information as to codes on printouts & what to look out for
>
> High Risk officers to be audited more frequently
>
> Ensure officers with no accesses at audit are revisited

[35] Computerised Incident Dispatch System.

Each audit, randomly re-include at least three officers who have been audited within calendar period

Register all unlawful or unjustifiable access as complaint. (Corruption resistance plan from Rural Command)

SUMMARY

Access to confidential information is a routine part of police work – what is important is that the significant misconduct risks associated with this ability to access confidential information are identified and understood, communicated and managed.

The 'misuse of information' risk category includes a variety of potential misconduct risks mentioned by NSW Police Force commanders ranging from 'unauthorised release of confidential or sensitive NSW Police Force information' to 'improper access of information on NSW Police Force databases' to 'the receipt of bribes for deletion, manipulation or addition of evidentiary material'.

The NSW Police Force recognises and seeks to address the risks associated with misuse of confidential information within many corporate documents that it makes available to commands on its intranet. These documents outline NSW Police Force expectations of officers and the requirement, through the *Compliance Manual* and the Command Management Framework, that commands audit officers' accesses to computer data bases.

Eighteen of the 25 sampled commands described strategies that they use to manage risks of misconduct associated with the misuse of information. The majority of treatment strategies mentioned by commands align with strategies promoted in NSW Police Force corporate documents. By far the most commonly reported strategy concerned auditing access to computer systems, closely reflecting the strategies the commands are required to undertake to comply with the *Compliance Manual* and the Command Management Framework. One of the sampled commands acknowledged that it had experienced difficulties in carrying out the required number of audits. The identification of high risk officers and the enforcement of policy were other corporately promulgated treatment strategies that were reported as being used by some commands.

In terms of going beyond corporate guidance, of particular interest was the example given by one specialist command. This command, recognising that its core functions include access to particularly sensitive information, has developed a structured induction program to address this risk and requires staff to sign the command's confidentiality agreement.

Issues relevant to minimising misconduct

1. It is unlikely that any single treatment strategy would effectively minimise the risk of all forms of misuse of information since different forms – such as improper access to information on NSW Police Force databases, unauthorised release of confidential information and the manipulation or alteration of recorded information - involve different types of actions. For example, while audits of access to computer systems provide a means of detecting, and perhaps also deterring, improper accesses; such audits would not help detect the unauthorised release of confidential information to which an officer had

legitimate access.

2. As the Commission observed in an earlier report concerning the unauthorised disclosure of confidential information as well as when collecting corporate documents for use in Project Manta, searching the NSW Police Force internet for guidance when dealing with confidential information can be difficult because:

- relevant messages are dispersed throughout many documents
- policies concerning the management and communication of confidential information with which officers are expected to comply were not clearly identified on the NSW Police Force intranet
- the term 'confidential information' was not defined and it was unclear as to whether it was intended to have the same meaning as other terms such as 'sensitive information'
- it was at times difficult to know whether a particular document represented the current position of the NSW Police Force or whether it had been superseded[36]
- in key places on the intranet, some policies were not referred to by their correct titles (People 2008, pp. 28, 33).

[36] In October 2010, the NSW Police Force advised the Commission that work was been undertaken at that time to ensure that all policies listed on the intranet indicate a date for review.

4.5 THEFT OF MONEY/EXHIBITS/PROPERTY

When asked about their commands' major misconduct risks as part of Project Manta, theft of money/exhibits/property[37] was one of the two most frequently identified categories of misconduct risk by commanders (Police Integrity Commission 2009b, pp. 87, 88).

NSW POLICE FORCE CORPORATE DOCUMENTS AND STRATEGIES

The *NSW Police Force Compliance Manual*[38] recognises the risk of miscellaneous property and drug and other exhibits not being accounted for and the risk of them being retained for too long. It further recognises the risk of 'continuity of drug exhibits' and of 'continuity of [other] exhibits'. In relation to General Exhibits, Drug Exhibits and Miscellaneous Property the *NSW Police Force Compliance Manual* requires that commands:

- verify that exhibits and property are securely housed in a safe, Exhibit Room or appropriately secure place and that the keys are held by responsible officer/s such that there is segregation of keys to ensure that there is limited access to the Exhibit Room
- maintain three separate exhibit books (one for drugs, one for general exhibits and one for DNA exhibits) in line with stated procedures
- ensure that checks and inspections of the exhibits and property are undertaken and the results of the inspections are recorded in the Inspection Schedule and that a regular Summary of Inspections is completed
- ensure that exhibits and property have not been held unnecessarily and are destroyed or disposed of in a timely manner and are supported by destruction certificates or other appropriate records.

In relation to Drug Exhibits, the *NSW Police Force Compliance Manual*[39] requires that commands:

- ascertain who has the keys to the Drug Safe. One key must be with the Commander or delegate. The 2nd key can be with the Duty Officer or Station Officer. Establish location of duplicate Drug Safe keys (should be secured in Region Commanders safe)

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[37] 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'.

[38] The 'General Exhibits', 'Drug Exhibits' and 'Miscellaneous Property' sections of the NSW Police Force Compliance Manual (updated 29 January 2010) were annotated as being 'currently under review' at the time they were downloaded from the NSW Police Force intranet on 18 February 2010.

[39] The 'Drug Exhibits' section of the NSW Police Force Compliance Manual (updated 29 January 2010) was annotated as being 'currently under review' at the time they were downloaded from the NSW Police Force intranet on 18 February 2010.

- inspect the Exhibit Room and holding areas with a nominated officer, ensuring that ALL drugs are secured in a Drug Safe.

The NSW Police Force Command Management Framework (CMF), a risk-based command self-assessment audit process, reinforces the requirements in the *Compliance Manual* by specifying that commands undertake a range of inspections of their exhibits, ensuring that:

- duty officers/inspectors conduct 100% check of 'live' drug exhibits, conduct test samples of general exhibits and miscellaneous property (at least monthly and records results of inspections in the 'Summary of Inspections')
- commanders conduct an annual 100% 'book to shelf' inspection of drug exhibits, miscellaneous property and general exhibits
- all Drug Exhibit Book entries, Exhibit Book entries and Miscellaneous Property Book entries are checked by a supervisor
- exhibit officers/supervisors conduct checks of trafficable quantity Drug Exhibits to ensure that the samples are sent to DAL (NSW Health's Division of Analytical Laboratories) within 14 days of the sample being taken
- exhibit officers/supervisors conduct checks of Exhibit Books and Miscellaneous Property Books and send notifications to officers and team leaders to action on hand items
- exhibit officers report every CMF reporting period on: 'on hand-total', 'received this reporting period', 'destroyed this reporting period', 'at other locations – total', 'with receipts required – total' for drug exhibits
- all drug destructions are acquitted by an authority and a completed certificate
- 'exhibits on hand' status is recorded for general exhibits and for miscellaneous property.[40]

While the NSW Police Force *Corruption Resistance Policy*, which was released in January 2010, seeks to list a number of policies and procedures which contribute to the management of corruption risks, it does not appear to specifically list policies or procedures targeted at minimising misconduct risks associated with the theft of money, exhibits and/or property.

STRATEGIES REPORTED OR DOCUMENTED BY COMMANDS

A total of 14 commands described one or more strategies to manage the risk of theft of money, exhibits or property. The strategies reported as being used by commanders or documented within command corruption resistance plans are summarised in Table 4.2.

[40] Information provided by the Performance Improvement and Planning Command of the NSW Police Force on 19 April 2010.

Table 4.2: Strategies commands report using to treat risks related to theft of money/exhibits/property

Strategy	No. of commanders who reported using strategy	No. of corruption resistance plans listing strategy	Total no. of different commands mentioning this strategy[41]
Audits and compliance checks	6	7	**10**
Retain money and exhibits for minimum required time	3	7	**9**
Restrict access	4	3	**6**
Strict compliance with SOPs	0	3	**3**
Shift changeover checks	1	1	**2**
Information and training	1	0	**1**
Other[42]	4	2	**4**
Total number of commands nominating strategies[43]	**9**	**10**	**14**

Corporate strategies

By far the most commonly reported strategy for managing the risks related to theft of money, exhibits or property involved the use of audits and compliance checks. Ten of the 14 commands that reported or documented any strategies for managing the risk of theft of money/exhibits/property referred to audits and compliance checks, for example:

> Checks included in Command Management Framework. (1 Metropolitan Command and 2 Rural Commands)
>
> Check drug safe weekly. (Metropolitan Command)
>
> Undertake audit of 25% exhibits every 3 months to achieve 100% audit of exhibits annually (Corruption resistance plans Metropolitan Command)

The second most frequently mentioned strategy, referred to in the responses of three commanders and documented in the corruption resistance plans of seven commands concerned retaining money and exhibits for the minimum required time. Two examples of the ways commands described these strategies include:

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[41] In some cases, a command's misconduct risk treatment strategy was both reported by the commander and listed in the command corruption resistance plan. As a result of this overlap, the total number of different commands mentioning the strategy is sometimes less than the sum of the number of commanders who reported using the strategy and the number of commands that have corruption resistance plans listing the strategy.

[42] 'Other' category includes: 'increased levels of intensive supervision'; team and one-to-one reviews; 'regular checks on exhibit file timeliness', 'put electronic scales in stations so the drugs can be weighed then and there so there is no dispute about the amount of drugs' and 'notification of systems failure to CMT'.

[43] Some commands report using more than one strategy.

> Strategy is to retain exhibits for the minimum required time – if quickly have exhibits analysed or disposed of then prevent opportunity for losing exhibits and become more productive in the process, i.e. the more exhibits the command has on hand, the more times they need to be checked and the more filing and paperwork that is required. Reduction of the amount of exhibits – e.g. go to any police station and you will find a lot of push bikes that have been found and given to the police station – at [this Command] the push bikes regularly go to auction. (Rural Command)

> Prompt banking, i.e. don't leave monies in the safe longer than you need to. Limit time things are on hand (where possible). (Metropolitan Command)

Six commands referred to restricting the number of officers who have access to reduce the risk of misconduct relating to the theft money, exhibits and property. For example:

> Can only be accessed by two keys held by different people. This system is used across the NSW Police Force. (Rural Command)

The corruption resistance plans of three metropolitan commands refer to having strict compliance with standard operating procedures (SOPs). Two of these corruption resistance plans do not specify which SOPs, while the third corruption resistance plan referred to ensuring 'compliance with correct exhibit handling and disposal requirements'.

Only one command referred to using information and training as a treatment for this misconduct risk:

> Included in induction. Target it at parades (that is, discuss it with officers at parades). (Metropolitan Command)

Some of the other strategies mentioned by commands included:

> Increased levels of intensive supervision. (Metropolitan Command)

> Put electronic scales in stations so the drugs can be weighed then and there in front of offender so there is no dispute about the amount of drugs. (Rural Command)

> Notification of systems failure to CMT. (Corruption resistance plan for Rural Command)

Beyond corporate strategies

Three commands suggested strategies that went beyond the strategies provided in the *Compliance Manual* and the Command Management Framework. These strategies catered for specific command characteristics, such as the geographical dispersion of one command, or applied other management processes to these risks (such as inspections by officers from outside the command and the team reviews and one-on-one staff reviews). Such strategies may be of interest to some other commands.

Review processes at outlying stations

One geographically dispersed command organised for the exhibits handling processes at outlying stations to be reviewed:

> Have an audit team [from within Command] to review processes in different stations. Do audits and recommend changes. Audit team is at level of sergeant and senior constable. (Rural Command)

Have audits conducted by officers from outside the command

One such variation was to have the audits conducted by officers from outside the command:

> Drug exhibits in particular to be regularly audited by Duty Officers not domicile to this LAC. (Corruption resistance plan for Rural Command)

Use team reviews and one-on-one staff reviews

One command suggested using team and one-to-one staff reviews as a strategy to manage this misconduct risk. This strategy may be of interest to some other commands:

> Combination of team reviews and one-to-one reviews. Every quarter get sergeants in, ask them about the oldest exhibit they have, the youngest exhibit they have and what are they doing about these exhibits. (Metropolitan Command)

SUMMARY

Handling property and other exhibits is a routine aspect of police work. All of the sampled commands said that they handled property and other exhibits, with the majority (21 out of 25) saying that they did this daily (Police Integrity Commission 2009b, pp. 76-77). What is important is for commands to identify and understand the misconduct risks associated with this work and minimise the potential misconduct that could result from officer access to miscellaneous property and other exhibits.

The 'theft of money/exhibits/property' category was used in the Project Manta research to group the risks that commanders mentioned of cash, drugs or other exhibits going missing. Commanders described a range of strategies for treating these risks including:

- strategies to detect such misconduct such as audits and checks (or 'inspections' as they would be called in the Compliance Manual and the CMF)
- strategies to minimise the opportunity or temptation such as limiting the time exhibits and miscellaneous property are retained within the command and restricting access to the exhibits and miscellaneous property.

In the main, the strategies described by commanders and provided in command documentation reflected those provided in corporate policies and procedures. Strategies described as being used by individual commands that went beyond the strategies described in corporate documents included:

- quarterly reviews where the commander meets with sergeants to ask them about the oldest exhibit they have, the youngest exhibit they have and what are they doing about these exhibits
- periodically have inspections conducted by duty officers from outside the command
- review processes in different stations within the command to see what lessons can be learnt from the individual stations and what, if any, improvements can be made.

4.6 RELATIONSHIPS WITH COMMUNITY MEMBERS

When asked about their commands' major misconduct risks, those that result from officers' relationships with community members[44] was one of the five most frequently identified categories of misconduct risk by commanders (Police Integrity Commission 2009, pp. 87, 88). Familiarity with the community, cultural links, links to private security companies and improper associations can put officers at risk of being in a position of not carrying out their policing duties appropriately.

NSW POLICE FORCE CORPORATE DOCUMENTS AND STRATEGIES

Both the *Code of Conduct and Ethics* and the *Conflicts of Interest Policy & Guidelines* address misconduct risks that may result from officers' relationships with community members. One of the ten points within the NSW Police Force *Code of Conduct and Ethics* states that an employee of the NSW Police Force must:

> take reasonable steps to avoid conflicts of interest, report those that can not be avoided and co-operate in their management.

The *Conflicts of Interest Policy & Guidelines*[45] recognise that:

> Conflicts of interest arise when NSW Police Force employees are influenced or appear to be influenced by personal and professional interests when doing their job. They are a problem because the community has a right to expect that NSW Police Force employees will perform their duties fairly and impartially and that decisions are not affected by self-interest and/or personal gain … Conflicts of interest are a major risk to the NSW Police Force. You are expected to report all conflicts of interest and participate in their resolution or management (NSW Police Force 2009, p. 2).

Consistent with the *Code of Conduct and Ethics*, these *Policy and Guidelines* require employees to take reasonable steps to identify and avoid conflicts of interests, report those which cannot be avoided and to cooperate in their management (NSW Police Force 2009, p. 3). More specifically, employees are required to:

- identify the conflict
- avoid the conflict (where practical)
- report the conflict
- manage the conflict
- monitor the conflict until it is resolved with your supervisor (NSW Police Force 2009, p. 13).

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[44] 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'.

[45] NSW Police Force, October 2006; updated September 2009. Downloaded from the NSW Police Force Intranet 23 February 2010.

Other relevant policies may include the *Secondary Employment Policy & Procedures* and the *Confidential Source Management Policy.* The *Confidential Source Management Policy* and the management of confidential sources are discussed in more detail in Section 4.13 of this chapter.

STRATEGIES REPORTED OR DOCUMENTED BY COMMANDS

A total of ten commands described or documented treatment strategies for this category of misconduct risk. The strategies reported as being used by commanders or documented within command corruption resistance plans are summarised in Table 4.3.

Some commanders commented on the difficulty of managing this misconduct risk, for example:

> [In relation to links to organised crime] Very hard. I strongly suspect it is going on. (Metropolitan Command)

> Identification of inappropriate associations is difficult, usually comes to light through personal observations from work colleagues, supervisors, members of community – more often than not it is anecdotal, sometimes accidental e.g. through surveillance (where surveillance is being undertaken on offender and find officer knows/associates with this person through the surveillance). (Rural Command)

Corporate strategies

Five commands documented communicating or reinforcing the NSW Police Force *Code of Conduct and Ethics* as a strategy to manage this misconduct risk within their corruption resistance plan, for example:

> Code of Conduct. (Corruption resistance plan from Rural Command)

> Education and instruction of police in code of conduct/professional standards. (Corruption resistance plan from Rural Command)

Four commands referred to the Source Management System as a strategy to manage the risk of inappropriate relationships with community members within their corruption resistance plan, for example:

> Source Management System. (Corruption resistance plan from Rural Command)

> Enforcement of Source Management Plan. Detective Inspector to actively check on the compliance of personnel in all stages of Source Management Plan. (Corruption resistance plan from Specialist Command)

Table 4.3: Strategies commands report using to treat risks related to relationships with community members

Strategy	No. of commanders who reported using strategy	No. of corruption resistance plans listing strategy	Total no. of different commands mentioning this strategy[46]
Rotate staff	4	1	**5**
Communicate/reinforce Code of Conduct & Ethics	0	5	**5**
Reference to Source Management System	0	4	**4**
Officer risk analysis	1	3	**4**
Increased supervision	2	2	**3**
Review secondary employment	1	2	**3**
Training	2	2	**3**
Computer access audits	1	1	**2**
Other[47]	3	3	**5**
Total number of commands nominating strategies[48]	**6**	**6**	**10**

Most probably these commands were identifying their strategies for managing the misconduct risks associated with relationships between officers and criminal informants or confidential sources. Source Management is discussed further in Section 4.13 of this chapter.

Four commands mentioned undertaking some form of officer risk analysis, for example:

> With officers do a risk assessment before they go into proactive team. Regularly risk review them … Try to pick officers who, through their work performance, can be trusted. (Metropolitan Command)

> Officer risk analysis. (Corruption resistance plan from Rural Command)

[46] In some cases, a command's misconduct risk treatment strategy was both reported by the commander and listed in the command corruption resistance plan. As a result of this overlap, the total number of different commands mentioning the strategy is sometimes less than the sum of the number of commanders who reported using the strategy and the number of commands that have corruption resistance plans listing the strategy.

[47] 'Other' category includes: 'Document strategies for individual officers', 'Commander sets clear expectations', 'Integrity test', 'All staff encouraged to report any suspicion of corrupt behaviour or inappropriate associations', 'Supervisors at all levels required to know the location of all staff members during shift'.

[48] Some commands report using more than one strategy.

Three commands referred to providing education and training, for example:

> Did some training following article by PSC … If raise issues and talk with staff, this sometimes promotes action by staff – difficult to quantify. For example, email from staff member whose husband has recently taken over security business – which led to command taking action to manage actual and perceived conflicts of interest. (Rural Command)

> Security industry - spoken quite frequently about this to officers. (Rural Command)

Beyond corporate strategies

The treatment strategies nominated or documented in relation to this misconduct risk were unusual in so much as more commands referred to treatment strategies that were beyond those described in NSW Police Force corporate documents.

Rotate staff

As can be seen from Table 4.3, rotating staff was one of the two most commonly reported strategies for managing the risks related to inappropriate relationships between police officers and community members. Five of the 10 commands that reported or documented any strategies for managing this misconduct risk referred to rotating staff, for example:

> Removal of officers through transfer as assessed by command to be 'too close' to the [local private businesses]. (Metropolitan Command)

> Where there are issues, pull them out of that line of duty. (Metropolitan Command)

> Encouragement of transfer soon after meeting the minimum tenure requirements. (Rural Command)

Increased supervision

Three commands referred to supervision as a strategy to manage this misconduct risk, for example:

> Greater scrutiny of single unit police taskings and actions when specific to policed communities. (Rural Command)

> Intrusive supervision, intelligence gathered, assessment conducted and appropriate action instigated. (Corruption resistance plan from Specialist Command)

Review secondary employment as a way to detect improper associations

Three commands referred to reviewing secondary employment or doing computer access audits as a way of detecting improper associations, for example:

> Review secondary employment. Computer access audits look at who is being looked up on computer – might identify an improper association through that. (Rural Command)

> Regular review of secondary employment. (Corruption resistance plan from Rural Command)

SUMMARY

The 'relationships with community members' category was used in the Project Manta research to group the risks that commanders mentioned that put officers at risk of not carrying out their policing duties appropriately as a result of their familiarity with the community, cultural links, links to private security companies and improper (or 'declarable') associations.

It is to be expected that police officers will have interests and associations outside their work which can sometimes leave them open to the risk of misconduct. Having a conflict of interest between an officer's private interests and his or her policing duties does not constitute misconduct per se. What is important is that interests that conflict, or may be seen as conflicting, with an officer's policing duties are identified, disclosed and managed so that officers continue to perform their duties in a fair and unbiased manner.

Commands described a range of strategies for treating risks associated with relationships with community members. The treatment strategies were unusual in so much as more commands referred to treatment strategies that were beyond those described in NSW Police Force corporate documents: such as staff rotations, increased supervision and review of secondary employment as a way of detecting improper (or declarable) associations.

Two commands specifically mentioned strategies that form part of the *Conflicts of Interest Policy & Guidelines*, that is:

> Document strategies for individual officers. (Metropolitan Command)

> All staff encouraged to report any suspicion of corrupt behaviour or inappropriate associations. (Corruption resistance plan from Specialist Command)

Other treatment strategies mentioned by commands that align with strategies promoted in NSW Police Force corporate documents include reinforcing the *Code of Conduct and Ethics*, compliance with policies such as the *Confidential Source Management Policy*, undertaking some form of officer risk assessment and providing information or training.

4.7 MISUSE OF RESOURCES

When asked about their commands' major misconduct risks, 'misuse of resources, vehicles, equipment and assets'[49] was one of the five categories most frequently identified by commanders (Police Integrity Commission 2009b, pp. 87, 88).

NSW POLICE FORCE CORPORATE DOCUMENTS AND STRATEGIES

The *Code of Conduct and Ethics,* the *Use of Resources Policy*[50]*,* the *Compliance Manual* and the Command Management Framework (CMF) address misconduct risks concerning misuse of resources, vehicles, equipment and assets. The *Code of Conduct and Ethics* and the *Use of Resources Policy* outline NSW Police Force expectations concerning appropriate officer behaviour, while the *Compliance Manual* and CMF outline audits and other processes to minimise loss of equipment.

One of the ten points within the NSW Police Force *Code of Conduct and Ethics* states that an employee of the NSW Police Force must:

> not make improper use of their position or NSW Police Force information or resources.

The *Use of Resources Policy* states that:

> NSW Police Force employees must use NSW Police Force resources effectively, efficiently and ethically.
>
> …
>
> Improper use or misuse of resources can potentially discredit your reputation, and that of the NSW Police Force (NSW Police Force 2008c, p. 2).

The *NSW Police Force Compliance Manual*[51] recognises the risks of inadequate control of assets, loss of portable equipment and inappropriate or unlawful use of police vehicles. The *Compliance Manual* requires that commands:

- reconcile acquisitions to the Audit Asset Listing in accordance with guidelines
- perform an annual 100% stock-take and regular inspections of plant and equipment and asset records
- breakdown the Command Assets Listing, based on location, to assist with sharing the management of assets among other managers within the command

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[49] 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'.

[50] NSW Police Force October 2006, updated November 2008. Downloaded from the NSW Police Force Intranet 24 February 2010.

[51] The 'Assets Management', 'Portable Equipment' and 'Fleet Management' sections of NSW Police Force Compliance Manual (updated 29 January 2010) were annotated as being 'currently under review' at the time it was downloaded from the NSW Police Force intranet on 18 February 2010.

- ensure there is appropriate security and control of all portable equipment within the command
- maintain a control (or Master) list of portable equipment including equipment description and serial numbers and a Portable Equipment Movement Register, recording both daily movements and long term movements
- ensure motor vehicle diaries are completed and that these diaries are checked by supervisors.

The CMF supports these requirements by specifying that commands ensure:

- an annual stocktake of assets is completed and the certificate of stocktake signed and forwarded to Financial Services
- all asset movements (transfer/retirements) are acquitted by a transfer or retirement form
- all assets have been labelled appropriately
- a physical check and audit of all portable equipment is conducted each week
- the movement of all items of equipment is controlled and monitored by a Portable Equipment Register or station pad
- the Master or Control list is reviewed and updated each quarter
- motor vehicle diaries are checked that they have been completed correctly
- month ending reports are completed and submitted to Fleet Services for all vehicles within the first three days of the month.[52]

[52] Information provided by the Performance Improvement and Planning Command of the NSW Police Force on 19 April 2010.

STRATEGIES REPORTED OR DOCUMENTED BY COMMANDS

A total of ten commands described strategies they used to manage misconduct risks associated with misuse of resources. The strategies reported as being used by commanders or documented within command corruption resistance plans are summarised in Table 4.4.

Table 4.4: Strategies commands report using to treat risks related to misuse of resources/vehicles/equipment/assets

Strategy	No. of commanders who reported using strategy	No. of corruption resistance plans listing strategy	Total no. of different commands mentioning this strategy[53]
Audits and compliance checks	4	9	**10**
Equipment register/Assets register	1	5	**5**
Accountability of team leaders	1	2	**2**
Communicate region motor vehicle policy	0	2	**2**
Submission of vehicle authorisation forms prior to vehicle use, not after use	0	2	**2**
Restrict access to equipment room	0	2	**2**
Intrusive supervision	1	1	**2**
Other[54]	0	2	**2**
Total number of commands nominating strategies[55]	**4**	**9**	**10**

Corporate strategies

All of the treatment strategies mentioned by commands (such as audits and compliance checks, maintaining an asset register and communicating policies) align with strategies promoted in NSW Police Force corporate documents.

Again, by far the most commonly reported and documented strategy for managing the risks associated with the misuse of resources, vehicles, equipment or assets involved the use of audits and compliance checks. As can be seen from Table 4.4, all ten of the

[53] In some cases, a command's misconduct risk treatment strategy was both reported by the commander and listed in the command corruption resistance plan. As a result of this overlap, the total number of different commands mentioning the strategy is sometimes less than the sum of the number of commanders who reported using the strategy and the number of commands that have corruption resistance plans listing the strategy.

[54] 'Other' category includes: ''Employer Communication Devices Policy', 'Ensure vehicle use is appropriate'.

[55] Some commands report using more than one strategy.

commands that reported or documented any strategies for managing this risk referred to audits and compliance checks, for example:

> CMF – checking vehicles – comes down to checking, oversighting. (Metropolitan Command)
>
> Supervisors' checks of portable equipment (monthly). Annual audit of assets completed. (Metropolitan Command)
>
> Annual stocktake and regular inspections of equipment. Check acquisitions/Audit Asset Listing/forms, approved & processed. (Corruption resistance plan from Metropolitan Command)
>
> Check of personal equipment conducted March and September. System in place to record checking. Dip sampling to be conducted by Operations Coordinators. (Specialist Command)

Five commands referred to using or trialling an equipment or assets register, for example:

> Trial equipment registers to be monitored by Operations Coordinators. (Specialist Command)
>
> Personal issue equipment registers implemented. (Specialist Command)

Small numbers of commands referred to a variety of other strategies. For example, two commands referred to using 'intrusive supervision'. Two commands referred to making team leaders accountable for equipment and assets, for example:

> System in place making managers (Team Leaders) accountable for their assets. (Corruption resistance plan for Metropolitan Command)

Two specialist commands each referred to the following combination of strategies:

- communicating their regional motor vehicle policy
- ensuring that vehicle authorisation forms were submitted prior to vehicle use rather than after it
- restricting access to the equipment room.

SUMMARY

The misuse of resources category was used in the Project Manta research to group the misconduct risks that commanders mentioned concerning the misuse of a range of resources ranging from a rescue truck to telephones. All police need resources to do their job. Access to some resources, such as portable equipment and motor vehicles, are common to most officers. Other resources, such as particular types of vehicles and particular types of weapons, are specific to officers undertaking specialised duties. The risks of misuse and theft of resources must be balanced with the need to have resources available for legitimate use.

Along the lines of strategies referred to in corporate guidelines, commands most commonly described using audits, compliance checks, inspections and assets registers to manage such risks.

4.8 MAKING FALSE CLAIMS, RORTING OVERTIME, INAPPROPRIATE TRAVEL ETC

When asked about their commands' major misconduct risks, 'making false claims, rorting overtime, inappropriate travel, etc'[56] was another of the five categories of risk most frequently identified by commanders (Police Integrity Commission 2009, pp. 87, 88).

NSW POLICE FORCE CORPORATE DOCUMENTS AND STRATEGIES

The NSW Police Force *Code of Conduct and Ethics,* the *Compliance Manual* and the Command Management Framework (CMF) each address aspects of misconduct risks that fall in the category of 'making false claims, rorting overtime, inappropriate travel, etc'.

The most relevant of the ten points within the *Code of Conduct and Ethics* states that an employee of the NSW Police Force must:

> behave honestly and in a way that upholds the values and the good reputation of the NSW Police Force whether on or off duty.

This point is, of course, relevant to a much broader range of police conduct than that which pertains to officers making claims for payment of allowances.

The *NSW Police Force Compliance Manual*[57] identifies the risks of 'insufficient management of the roster system' and 'insufficient management of staff leave deductions, incremental pay progression, workers' compensation, allowance entitlements and secondary employment applications'. The inspection procedures and review processes documented in the *Compliance Manual* require that commands:

- check the accuracy and completeness of computerised or manual roster transactions (summary reports and daily rosters) for shift allowances, overtime, leave and other allowances to payroll records
- check rosters for evidence of supervisory checks and certifications
- ensure all sick leave for police officers is correctly recorded
- check leave taken as per roster
- ensure that 'annual, sick, additional, LWOP, long service, maternity, cashed-in leave etc. are taken in accordance with established service awards and agreements'

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[56] 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'.

[57] The 'Rosters, Shifts, Penalties, Overtime and Leave Entitlements', 'Leave System' and 'Staff Administration' sections of NSW Police Force Compliance Manual (updated 29 January 2010) were annotated as being 'currently under review' at the time it was downloaded from the NSW Police Force intranet on 18 February 2010.

- ensure that 'staff with in excess of 5 days sick leave occasions per year are considered for Compulsory Medical Certificate production as per the Sick Leave Policy'
- ensure that an analysis of short-term sick leave is conducted, at least bi-annually, to identify trends and patterns that may require management action
- ensure that secondary employment applications from staff are reviewed and renewed in accordance with the policy
- ensure a review of secondary employment is conducted of those officers on long-term sick leave or availing themselves of excessive short-term sick leave.

These requirements are reinforced by the CMF that specifies that commands ensure that:

- their command's leave roster is inclusive of all staff, is up to date and reviewed annually
- daily rosters are completed correctly by supervisors (with on/off times controlled, overtime endorsed, sick leave amendments, changes endorsed etc)
- medical certificates are received for each reporting period from officers on mandatory certificates and from officers sick for more than two consecutive days
- SAP reports are run each month to identify officers with five or more unsupported instances of sick leave within previous 12 months.[58]

The NSW Police Force *Corruption Resistance Policy*, which was released in January 2010, lists a number of policies and procedures which contribute to the management of corruption risks. While this *Corruption Resistance Policy* does not link the specific policies and procedures to particular corruption risks, the following policies and procedures which appear under the subheading 'Human Resources' may be relevant to minimising risks associated with making false claims/rorting overtime, inappropriate travel etc:

> *Sick Leave Absence Information Guide*
>
> *Travel Policy* (NSW Police Force 2010, p. 3).[59]

While the *Sick Leave Absence Information Guide* was not available on the NSW Police Force intranet at the time that the Commission sought to access this document [60], the

[58] Information provided by the Performance Improvement and Planning Command of the NSW Police Force on 19 April 2010.

[59] Downloaded from NSW Police Force Intranet 18 January 2010.

[60] When the Commission sought to access this information on 1 March 2010, the following message was displayed on the NSW Police Force intranet: 'A new Sick Leave Policy is currently being developed for all NSW Police Force employees. In the interim, please refer to either Clause 21 of the Crown Employees (Police Officers – 2009) Award or Appendix 1 of the MOU for information about the sick leave provisions for police officers and to Clause 79 of the Crown Employees (NSW Police Force Administrative Officers and Temporary Employees) Award 2009 for the provisions that apply to administrative officers and temporary employees.

Travel Policy[61] outlines the employee responsibilities and outlines the process for travel to be approved.

STRATEGIES REPORTED OR DOCUMENTED BY COMMANDS

Fourteen of the 25 sampled commands described strategies that they use to manage risks related to officers making false claims or inappropriate use of overtime or inappropriate travel. The strategies reported as being used by commanders or documented within command corruption resistance plans are summarised in Table 4.5.

Table 4.5: Strategies commands report using to treat risks related to making false claims, rorting overtime, inappropriate travel

Strategy	No. of commanders who reported using strategy	No. of corruption resistance plans listing strategy	Total no. of different commands mentioning this strategy[62]
Audits and compliance checks	4	8	**11**
Sick leave analysis	2	5	**6**
Home visits and welfare checks	0	4	**4**
Developed new call-out procedures	2	0	**2**
Other[63]	3	2	**4**
Total number of commands nominating strategies[64]	**7**	**11**	**14**

Corporate strategies

Once again, the majority of the treatment strategies mentioned by commands (such as audits and compliance checks and sick leave analysis) align with strategies promoted in NSW Police Force corporate documents.

By far the most commonly mentioned strategy for treating the risks related to making false claims, rorting overtime, inappropriate travel or similar misconduct involved the use of audits and compliance checks. As can be seen from Table 4.5, eleven of the

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[61] NSW Police Force (undated), downloaded form the NSW Police Force intranet on 25 February 2010.

[62] In some cases, a command's misconduct risk treatment strategy was both reported by the commander and listed in the command corruption resistance plan. As a result of this overlap, the total number of different commands mentioning the strategy is sometimes less than the sum of the number of commanders who reported using the strategy and the number of commands that have corruption resistance plans listing the strategy.

[63] 'Other' category includes: 'There is a protocol in place: must ask a set of questions [of officers who report as sick]'; 'High level of supervision'; 'interview staff with poor sick leave record'; 'There is a general rivalry between different sections of the organisation, general duties officers will dob them in if they see that the other officers aren't in the right place at the right time'.

[64] Some commands report using more than one strategy.

fourteen commands that reported or documented any strategies for managing this risk referred to various audits and compliance checks, for example:

> Superintendent reviews all the overtime forms. He checks every form himself on fortnightly basis and queries any cases where the need for overtime was not clear. (Metropolitan Command)

> [In relation to overtime] we monitor notebook entries, time of tickets, GPS entries, motor vehicle diary entries. (Rural Command)

> A rigid CMF process. (Specialist Command)

Six commands referred to undertaking a sick leave analysis, for example:

> Annual sick leave analysis – percentages for each section, days of week, who are people taking these days off. Just keep drilling down, and ask why and why. (Rural Command)

> Short-term sick leave analysed to identify trends & implement Medical Certificate Strategy. (Corruption resistance plan from Metropolitan Command)

Four commands referred to home visits and welfare checks, for example:

> Regular follow up for long-term absentees with endorsement on P/File. (Corruption resistance plan from Metropolitan Command)

> Duty Officers conduct home visits welfare/compliance. Welfare checks on long term sick officers conducted regularly. (Corruption resistance plan from Rural Command)

Beyond corporate strategies

Two commanders described developing new call-out procedures to meet needs arising from the work processes of their commands:

> Have a new system for call outs [to reduce overtime]. No longer is it a case of the person who takes the call who calls out the [squad]. Now the Duty Officer makes the decision. Proper call out procedures that are documented. (Metropolitan Command)

> Introduction of a standardised Overtime Policy and Call-out Procedures for [the command] to reduce unauthorised recall situations and increase managerial scrutiny of all such claims. (Rural Command)

SUMMARY

The types of potential misconduct risks grouped under the category 'making false claims, rorting overtime, inappropriate travel etc' that were nominated by commanders included inappropriate use of overtime, excess or inappropriate travel, making false financial claims and inappropriate use of internal processes such as sick leave, secondary employment, travel allowance and higher duties.

Fourteen of the 25 sampled commands described strategies that they use to manage such misconduct risks. Consistent with the inspection procedures and review processes documented in the *Compliance Manual*, the most commonly reported strategies involved audits, compliance checks and analysis of sick leave.

Two commands described treatment strategies that went beyond those described in NSW Police Force corporate documents. These commands both described establishing new call-out systems to reduce unnecessary overtime.

4.9 ISOLATION OF OFFICERS

Commanders from five of the 25 sampled commands nominated misconduct risks that were associated with the isolation of officers.[65] It is noteworthy that rural commands were not the only ones to identify isolation of officers as a factor in misconduct risk. Two of the five commands that nominated this misconduct risk were located in metropolitan regions.

While accepting that isolation of officers is not confined to rural commands, the physical dimensions of some rural commands would make them more susceptible to some risks. Some rural local area commands cover large geographical areas, with police officers working in areas distant from their colleagues. Local area commands included in the Project Manta sample ranged in area from less than 10 sq. km to more than 50,000 sq. km. 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 (Police Integrity Commission 2009b, p. 56).

Although specific to one rural command, an investigator's report concerning the investigation of the allegation that an officer in a rural command regularly uses cannabis, provides the following description which could be indicative of the challenges faced by a number of rural commands:

> … There is no real link with the eastern seaboard of the State in general and from an organisational perspective, there is no real link with the [regional office]. Staff within the Command feel insulated and isolated and in colloquial terms [the Command] is in its own little world, separated from the rest of the state by the river banks. Like a lot of country towns people know each other's business and rumours and innuendo flourish in this environment.
>
> A number of staff including [the Subject of the complaint] have worked and resided in the town for a number of years and are ingrained in the social fabric of the town. For several years [this officer] performed duty as the Licensing Sergeant for the command, a position of autonomy and little supervision. He held considerable power in regards to licensing issues in the town and held considerable influence over other police. Upon being promoted … he held a position of authority and power within the police ranks as well as in the community in general. There is no doubt he had a power base as it would appear that for some years he acted in a bullying and boorish manner without any threat of repercussion. (General Comment section of Section 150 Investigator's Report investigating allegations of misconduct within a Rural Command)

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 back up or supervision. Officers who work in one- or two-officer stations may also find themselves at risk of not carrying out their policing duties appropriately as a result of their familiarity and personal relationships with community members. Such risks and their treatment are discussed in Section 4.6 of this chapter.

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[65] 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'.

NSW POLICE FORCE CORPORATE DOCUMENTS AND STRATEGIES

The Commission did not locate any corporate documents on the NSW Police Force intranet that provided guidance on treating misconduct risks associated with the isolation of officers.[66] The NSW Police Force *Corruption Resistance Policy*, which was released in January 2010, lists a number of policies and procedures which purport to contribute to the management of corruption risks including:

> Single Unit Policing Policies*:*
>
> *1 & 2 Unit Police Stations Policy*
>
> *1& 2 Unit Police Station Induction Package*
>
> *OH&S Single Unit risk assessment* (NSW Police Force 2010, p. 5).[67]

However, an examination of these documents revealed that their focus is on occupational health and safety issues rather than on corruption or serious misconduct risks, as illustrated by the following extracts:

> [This Policy] is intended to ensure that a safe working environment is provided in 1 and 2 unit stations across all Commands.
>
> …
>
> Personnel attached to 1 and 2 unit locations are to be fully trained and supplied with all equipment to carry out their duties, taking into account officer safety and welfare. The Occupational Health and Safety of officers is the primary consideration (NSW Police Service, undated, p. 1).[68]

The Commission was not able to find any additional corporate guidance within the *NSW Police Force Compliance Manual*[69]*,* the Command Management Framework or other documentation, which deals with misconduct risks concerning officers working in isolation.

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[66] As per its search and review of documents on the NSW Police Force intranet at 3 March 2010.

[67] Downloaded from NSW Police Force Intranet 18 January 2010.

[68] NSW Police Force (undated) 1 & 2 Unit Police Stations Policy. Downloaded from the NSW Police Force intranet on 3 March 2010.

[69] The NSW Police Force Compliance Manual (updated 29 January 2010) was annotated as being 'currently under review' at the time it was downloaded from the NSW Police Force intranet on 18 February 2010.

STRATEGIES REPORTED OR DOCUMENTED BY COMMANDS

All five commanders, who nominated misconduct risks that were associated with isolation of officers, described strategies that their command uses to manage such misconduct risks. The strategies reported as being used by commanders are summarised in Table 4.6.

Table 4.6: Strategies commands report using to treat misconduct risks related to isolation of officers

Strategy	No. of commanders who reported using strategy	No. of corruption resistance plans listing strategy	Total no. of different commands mentioning this strategy
Increased supervision/frequency of inspections	4	0	**4**
Increased communication and education	2	0	**2**
Other[70]	3	0	**3**
Total number of commands nominating strategies[71]	**5**	**0**	**5**

Beyond corporate strategies

Managing misconduct risks arising from the isolation of officers appears to be a topic that is not specifically addressed in NSW Police Force corporate documents. Consequently, each of the strategies described by commands went beyond guidance provided in corporate documents.

Supervision and inspections

As can be seen from Table 4.6, the most commonly reported strategy for managing the misconduct risks related to the isolation of officers pertain to increased supervision and inspections.

Despite describing it as a problem that is difficult to solve given the combination of the distances involved and lack of supervisors, one country commander described attempting to address the problem by expecting a duty officer to visit the stations at least monthly:

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[70] 'Other' category includes: Inclusion of information in induction material; 'Electronic shift changeover documents which record employee management, oral customer service issues and welfare information on staff working over any given 12 hour period. This is generated at supervisor and Duty Officer levels and filed with the SMT e-holdings. Any issues raised of a nature warranting further attention is pasted to the Local Management Issues Database and presented to the next CMT meeting within 7 days. Urgent matters are discussed at an Executive Briefing every morning'; 'Encouragement of transfer soon after the meeting of minimum tenure requirements'.

[71] Some commands report using more than one strategy.

> Something cannot solve. Lucky to have a supervisor working at [Command]. Been harping and harping – changing shifts to try to have supervisors get out, do some RBT. Expect duty officer level to get around at least monthly … Comes back to lack of supervision and supervising by distance, cf. [compact Metropolitan command] where command is three sq. km. (Rural Command)

Examples of the way other commanders described such strategies include:

> Frequency of inspections. Checking officers' notebooks and dip sampling notebooks against COPS entries. Supervision vigilance for more remote locations. (Metropolitan Command)

> Intrusive supervision. (Metropolitan Command)

> Greater scrutiny of single unit police taskings and actions when specific to policed communities. Greater commitment to specific supervisory taskings and proactivity measurement by management process. (Rural Command)

One rural commander spoke of the importance of scheduling visits to outlying stations and conducting audits of these stations. This Superintendent said that he goes to each of the 10 stations in the command and does about an 80% audit of accountable books and different portfolios. After the audit the Superintendent emails the officer at the station, asking him or her to resolve any identified issues and report back. He also sends an Inspector to review any changes made. The Superintendent said that he considered that the strategy had been 'pretty successful'. He said that when he had arrived at this command, particularly in the single unit stations, there were books that hadn't been looked at for five years. He said that this lack of checking meant that there was a potential for things to go wrong. At the time of the interview for Project Manta, this Superintendent had been at this command for 18 months. He said that he had done these checks quarterly during this time. He foreshadowed that after he had been at the command for two years he would change to six-monthly audits for most locations. This Superintendent emphasised the importance of scheduling such audits, otherwise he thought that they would simply be put off and he would not get round to visiting the smaller stations.

Increased communication and education

Two commands described using increased communication and education to address this misconduct risk:

> This is being managed by increased communication between the inspectors and the Detectives, by way of unannounced visits to the Detectives Office. Requirement of Detectives attending briefings [at main station] … Increased communication and education. (Metropolitan Command)

> Two weeks ago had a 'central cluster' day, had a training day when bring officers together. (Rural Command)

Induction material outlining professional principles and professional distance relevant to officers working in remote areas

One rural command provided the Commission with a copy of its version of the *Western Region Lock Up Keepers Induction Package*. Under the heading of 'Professionalism', amongst other things, that induction package described the professional principles intended to guide officers' work:

> Your role as a lockup keeper will involve some basic yet professional principles that will guide you in carrying out your duties as required. These are:
>
> - Ensuring your activities are in line with your designated job description
> - Providing supervision and leadership
> - Making equitable and fair decisions
> - Using resources as they are intended
> - Maintaining appropriate records within a secure environment.

The *Western Region Lock Up Keepers Induction Package* also described what it referred to as '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.

SUMMARY

The Commission was unable to locate any corporate documents on the NSW Police Force intranet that provided guidance on treating misconduct risks associated with the isolation of officers.

Irrespective of the absence of corporate guidance on this topic, five commands recognised misconduct risks associated with the isolation of officers and described strategies they use to attempt to manage these misconduct risks. Four of these commands referred to attempting to manage this misconduct risk through increased supervision and more frequent inspections. Other strategies described in this section include:

- the Superintendent scheduling regular visits to outlying stations and conducting audits at these stations
- provision of induction and other training material tailored to officers working in remote stations.

4.10 DEALING WITH LICENSED PREMISES

Commanders from four of the 25 sampled commands nominated misconduct risks that were associated with dealing with licensed premises.[72] The misconduct risks associated with dealing with licensed premises can range from officers being at risk of not carrying out their policing duties appropriately as a result of becoming too familiar with the staff and management of the licensed premises to off-duty misconduct occurring in the licensed premises.

NSW POLICE FORCE CORPORATE DOCUMENTS AND STRATEGIES

While the Commission was unable to locate a specific NSW Police Force policy designed to treat the misconduct risks associated with dealing with licensed premises, the *NSW Police Force Compliance Manual* identifies the following risks of policing licensed premises:

- inadequate management of alcohol related incidents within Command
- inadequate policing of licensed premises within the Command.

It also lists eight 'risk factors'. Of these, one seems to be a potential misconduct risk:

- that Police have improper association with licensees, security personnel, gun owners, or gun dealers.

As part of its inspection procedures and review process, in relation to 'licensing', the *NSW Police Force Compliance Manual*[73] requires that commands:

- ensure that alcohol related crime questions are completed accurately and in full within COPS events
- ensure that linking reports are produced by intelligence officers and forwarded to licensing officers for action
- ensure that licensed premises reports are used to coordinate the appropriate police response.

These processes appear to provide checks that the licensed premises within the command are being adequately policed. They do not provide strategies to minimise the risks of officers forming inappropriately close personal relationships with staff of these licensed premises or of misconduct by off-duty officers occurring within these premises.

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[72] 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'.

[73] The 'Licensing' section of NSW Police Force Compliance Manual (updated 29 January 2010) was annotated as being 'currently under review' at the time it was downloaded from the NSW Police Force intranet on 18 February 2010.

The Commission was not able to find any additional corporate guidance (beyond the *Code of Conduct and Ethics* and the *Conflicts of Interest Policy & Guidelines)* within the Command Management Framework, the NSW Police Force *Corruption Resistance Policy* or other documentation, which deals specifically with misconduct risks concerning officers dealing with licensed premises.

STRATEGIES REPORTED OR DOCUMENTED BY COMMANDS

Five commands that nominated misconduct risks pertaining to 'dealing with licensed premises', described strategies that their command uses to manage such misconduct risks. The strategies reported as being used by commanders or documented within command corruption resistance plans were diverse. There were no obvious patterns in the strategies reported or documented across these five commands. For this reason and because of the small numbers involved, rather than summarising the strategies in a Table, these strategies are described below.

Beyond corporate strategies

Managing misconduct risks associated with dealing with licensed premises appears to be a topic that is not specifically addressed in NSW Police Force corporate documents. Consequently, each of the strategies described by commands went beyond guidance provided in corporate documents.

Detecting misconduct through review of COPS[74] events or from seeking feedback from licensed premises

One command described using its review of COPS events to check that officers have taken appropriate action when policing 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, Why didn't he/she … (Rural Command)

Two commands said that they seek feedback about officer conduct from licensed premises, for example:

> Question employees of licensed premises re any problems with the way police respond. (Metropolitan Command)

Checking the behaviour of off-duty officers

One of five strategies listed on a rural command's 'Corruption Resistance Strategies' document advocated checking the behaviour of off-duty officers:

> LICENSED PREMISES – Check behaviour of off duty police in licensed premises. (Rural Command)

[74] Computerised Operational Policing System (NSW Police Force data system)

A metropolitan command focussed on having reporting procedures in place for officer misconduct:

> Reporting procedures in place for Duty Managers and Security Supervisors to report police seeking entry by badge, police involved in misconduct whilst on licensed premises, police adversely affected by liquor. These procedures are reinforced by the Liquor Accord Group. (Metropolitan Command)

Other strategies

One metropolitan command described the strategies it uses when selecting, training and supervising licensing officers:

> 1. Select new licensing police who do not have strong links to the local community and are relatively low in rank and experience.
> 2. Provide them specialised intensive training at a command where licensing enforcement is highly proactive.
> 3. Provide one on one briefings to licensing police by commander on what is expected and tactics to deploy should an attempt be made to bribe an officer.
> 4. Well supervised and tasked. (Metropolitan Command)

Another metropolitan commander said that his command used a combination of supervision, reinforcement of the officer's role and obtaining feedback from a Liquor Consultative Committee:

> Need to get out and walk through hotels. It is a supervision issue – constantly talking to supervisors about walking through premises with younger police to show them what they should be doing. Reinforcement of our role with officers. Liquor Consultative Committee – asking licensees for examples of when police are not doing enough. (Metropolitan Command).

A country command listed a combination of three strategies that facilitated checking, making the officer visible in the licensed premises and reinforcing what is seen as appropriate behaviour:

> Require officer to maintain duty book, for auditing.
>
> Requested to work in uniform unless there is an operational reason not to do so.
>
> Licensing Officer prohibited from consuming alcohol on duty unless has Superintendent's written authority. (Rural Command)

The corruption resistance plans of two metropolitan commands shared the following strategies:

> Maintain professional appropriate relationships with licensed premises and their staff
>
> Staff not to be intoxicated while on police premises
>
> Target testing for suspected alcohol/drug abuse

Provide support to staff with alcohol/drug problem. (Corruption resistance plans from 2 Metropolitan Commands)

SUMMARY

Five of the sampled commands described strategies to manage the misconduct risks associated with dealing with licensed premises. There were no obvious patterns in the strategies reported or documented across these five commands. Commands described seeking to detect misconduct through a review of COPS events and by seeking feedback from staff of the licensed premises; checking the behaviour of off-duty officers; recruiting officers who do not have strong links to the local community; providing them with intensive training and one-on-one briefings with the commander; having supervisors walk through licensed premises; requiring officers to maintain records for auditing; and having the officer work in uniform so that the officer is visible within the licensed premises.

The Commission was unable to locate any corporate documents on the NSW Police Force intranet that provided guidance on treating misconduct risks associated with dealing with licensed premises.

4.11 OFF-DUTY BEHAVIOUR

Complaints about misconduct by off-duty NSW police officers are not uncommon. Approximately one in eight of the complaints made about NSW police officers regarding incidents that occurred during the three-month period May to July 2009, described an incident when a police officer was off duty (People 2010, p. 1). When asked about their command's major misconduct risks, commanders from four of the 25 sampled commands nominated misconduct risks that were associated with off-duty behaviour.[75]

NSW POLICE FORCE CORPORATE DOCUMENTS AND STRATEGIES

Two of the ten points within the NSW Police Force *Code of Conduct and Ethics* specifically refer to off-duty conduct. These two points state that an employee of NSW Police must:

> behave honestly and in a way that upholds the values and the good reputation of NSW Police Force whether on or off duty
>
> comply with the law whether on or off duty.

Two other points from the *Code of Conduct and Ethics* also relate to both off-duty as well as on-duty behaviour:

> take reasonable steps to avoid conflicts of interest, report those that can not be avoided, and co-operate in their management
>
> not make improper use of their position or NSW Police Force information or resources.

Some other NSW Police Force corporate documents provide guidance on expectations concerning the conduct of police officers while they are off duty. This includes information on expectations concerning drug and alcohol use (the *Drug and Alcohol Policy*), information on appropriate additional employment that police officers may engage in and the processes to seek approval for such employment (*Secondary Employment Policy and Procedures*) as well as those that deal with relationships with community members and potential conflicts of interest (*Conflicts of Interest Policy & Guidelines* and *Conflicts of Interest (Improper Associations) Policy & Guidelines)*. There well may be other NSW Police Force documents which provide guidance concerning officers' behaviour while off duty, however, from their titles it is not immediately clear which documents provide such guidance.

[75] 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'.

STRATEGIES REPORTED OR DOCUMENTED BY COMMANDS

Four commands described or documented strategies that they use to manage such misconduct risks. These strategies are summarised in Table 4.7.

Table 4.7: Strategies commands report using to treat risks related to off-duty behaviour

Strategy	No. of commanders who reported using strategy	No. of corruption resistance plans listing strategy	Total no. of different commands mentioning this strategy[76]
Drug and alcohol testing	2	3	**4**
Promoting appropriate behaviours through Code of Conduct and Ethics	1	2	**2**
Advice to officers as to how to avoid complaints	1	1	**2**
Supervisors monitoring officer welfare	0	2	**2**
Information and training	1	1	**2**
Punishment of identified misconduct	1	1	**1**
Other[77]	1	2	**3**
Total number of commands nominating strategies[78]	**3**	**3**	**4**

Corporate strategies

All four commands that discussed or documented strategies for managing off-duty misconduct risks mentioned alcohol or other drug testing. Some examples of command descriptions include:

> High levels of random drug and alcohol detection activity. (Metropolitan Command)
>
> There has been on-going drug testing undertaken at this LAC. (Metropolitan Command)

[76] In some cases, a command's misconduct risk treatment strategy was both reported by the commander and listed in the command corruption resistance plan. As a result of this overlap, the total number of different commands mentioning the strategy is sometimes less than the sum of the number of commanders who reported using the strategy and the number of commands that have corruption resistance plans listing the strategy.

[77] 'Other' category includes: 'Monitoring sick leave', 'Region-wide memo annual re behaviour of police during festive season in [inner city Command]', 'Officer risk analysis'.

[78] Some commands report using more than one strategy.

Some commands described strategies that involved reference to the NSW Police Force *Code of Conduct and Ethics* or promoting appropriate behaviours. Examples include:

> Promote appropriate behaviours. (Rural Command)
>
> Officers have signed Code of Conduct and Ethics. (Rural Command)

A range of other strategies were described by individual commands, for example:

> Swift investigation and strong interim management action. (Metropolitan Command)
>
> Comparisons of sick leave and weekends are regularly monitored. (Metropolitan Command)
>
> Monitoring of welfare of team members by Supervisors/Duty Officers. (Corruption resistance plan for Rural Command)
>
> Officers Risk Analysis. (Corruption resistance plan from Rural Command)

Beyond corporate strategies

Some commands provided advice to their officers as to how to avoid complaints concerning off-duty misconduct, for example:

> For police socials – know where high risk licensed premises are - tell them to avoid certain premises. (Rural Command)

One metropolitan command provided advice to officers concerning 'means to avoid complaints'. The strategies it provided to officers to avoid complaints concerning 'Off-duty deviant behaviour' are presented below.

> Don't flash your 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. (Corruption resistance plan from Metropolitan Command)

SUMMARY

Four of the sampled commands described strategies to manage the misconduct risks associated with officers' off-duty behaviour. The majority of these align with strategies promoted in NSW Police Force corporate documents such as: drug and alcohol testing of officers, and promoting appropriate behaviours through the *Code of Conduct and Ethics* or through other means.

Two commands went beyond the strategies described in corporate documents to provide advice to their officers as to how to avoid complaints concerning off-duty misconduct, including:

- advising officers to avoid certain licensed premises when off-duty
- providing a list of practical actions that officers can take to avoid complaints concerning off-duty misconduct.

4.12 SEARCH WARRANTS

When asked about their major misconduct risks, commanders from six of the 25 sampled commands nominated misconduct risks that were associated with search warrants.[79] Potential misconduct risks associated with the execution of search warrants range from theft of property to fabrication of evidence by placing material at the site. Hence the misconduct risks associated with executing search warrants overlap with those discussed in relation to the theft of money/exhibits/property discussed in Section 4.5 of this chapter.

NSW POLICE FORCE CORPORATE DOCUMENTS AND STRATEGIES

The Royal Commission into the NSW Police Service observed that the then NSW Police Service approved *Standard Operating Procedures for the Execution of Search Warrants* in 1997 which required:

> the appointment of an exhibits officer with responsibility to record items seized on a property/exhibit form, and to label, package and maintain personal control of them
>
> presence of a video operator to film the execution of search warrants
>
> photographing of exhibits in situ
>
> presence of independent observers at searches
>
> recording of all movements of exhibits after seizure; and which permit
>
> the occupier to have an opportunity to view and sign the property seizure/exhibit form (Wood 1997, Paragraph 7.21, p. 428).

At the time of drafting this report, the *NSW Police Force Standard Operating Procedures Search Warrants*[80] were available on the NSW Police Force intranet. Amongst other things these Standard Operating Procedures specify roles for the Operation Commander, Case Officer, Searching Officers, Exhibit Officer, Independent Observer and Video Operator. Of particular interest to the treatment of misconduct risks are the roles of the Exhibit Officer, Independent Observer and Video Operator:

> The Exhibit Officer has responsibility for ensuring the continuity and integrity of 'things' located and/or seized, photographing them in situ, properly recording the finder, location, description and exhibits handling continuity until the recording and securing of those items at the police station.
>
> **The Independent Observer must not be connected with the investigation.** This role is vital in ensuring impartiality and scrutiny in the execution of search warrants.

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[79] 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'.

[80] NSW Police Force (June 2009), downloaded from the NSW Police Force intranet 6 May 2010. Please note that these Standard Operating Procedures may differ from the information that was available to NSW Police Force commands at the time that the information was collected from the 25 sampled commands for Project Manta.

> The nature of the search warrant and risk assessment undertaken prior to execution of the warrant should determine the rank and degree of separation of the Independent Observer from the investigation.
>
> …
>
> The Independent Observer shall take NO part in searching of the premises other than to ensure the propriety and legality of the search.
>
> **Video Operator:**
>
> Where applicable/available, the role of the Video Operator is essential in recording the location, securing and movement of 'things' during the execution of a search warrant. The Video Operator is not to take any part in the actual search of the premises and is to act in response to directions from the Commander/Case Officer, including when to commence the video recording (p. 10).

Rather than specifying any specific misconduct risks, in its *Compliance Manual*[81] the NSW Police Force describes the risk associated with the execution of search warrants more broadly as 'inappropriate management of the Search Warrant procedures'. As part of the *Compliance Manual* inspection and review process, in relation to search warrants, commands are required to ensure that:

- the assessment/planning stage is conducted and documented in accordance with Search Warrant SOPs
- a Search Warrant Kit is maintained in readiness for Search Warrant execution
- video recorders (batteries) are constantly charged in readiness for Search Warrant execution
- the warrant is executed in accordance with legislation
- wherever possible, the execution of the warrant and the location of exhibits are monitored
- a COPS entry (incident) is created for all search warrants executed and for all searches of premises conducted by consent
- all property seized is dealt with in accordance with current procedures and appropriate charges laid
- property/items seized and listed in the Property Seizure form are then entered into the station's Exhibit Book and that the Exhibit entry no. is cross-referenced to the Property Seizure Book
- all videotapes used during the execution of search warrants are centrally stored and secure.

The Command Management Framework (CMF) has a 'Results and Performance Area' which focuses on Search Warrants. The checks listed in this area of the CMF appear to pertain primarily to operational rather than misconduct risks:

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[81] The 'Search Warrant' section of NSW Police Force Compliance Manual (updated 29 January 2010) was annotated as being 'currently under review' at the time it was downloaded from the NSW Police Force intranet on 6 May 2010.

- All search warrant documents have been centrally filed for reference and supervision. Utilise e@gle.i reference to demonstrate qualitative records
- Search warrant kits are currently operationally ready
- A centralised search warrant video tape/dvd/cd register is maintained and weekly checks are conducted (to ensure that all tapes issued and used during execution of Search Warrants are stored securely and are being reviewed for compliance and training issues)
- The Investigation Supervisor has conducted monthly checks of the Property Seizure Forms.[82]

STRATEGIES REPORTED OR DOCUMENTED BY COMMANDS

Five commands described or documented strategies that their command uses to manage such misconduct risks. These strategies are summarised in Table 4.8.

Two of these commands also provided the Commission with copies of their local command-specific standard operating procedures. The strategies provided in the local standard operating procedures differed in detail but not in direction from those described in the corporate procedures. For example, these local SOPs commenced with the statement:

> Any officer wanting to execute a search warrant must firstly confer with their relevant supervisor and Crime Manager. If urgent and after hours, the Duty Officer must be consulted with and the Crime Manager contacted by telephone. (Metropolitan Command Standard Operating Procedures).

[82] Information provided by the Performance Improvement and Planning Command of the NSW Police Force on 3 February 2010.

Table 4.8: Strategies commands report using to treat risks related to search warrants

Strategy	No. of commanders who reported using strategy	No. of corruption resistance plans listing strategy	Total no. of different commands mentioning this strategy[83]
Compliance with corporate and local Standard Operating Procedures (SOPs)	3	2	**3**
Have an independent observer	3	0	**3**
Videotaping and recording	2	0	**2**
Ensure operational orders are prepared, risk assessments done	2	0	**2**
Other[84]	0	2	**2**
Total number of commands nominating strategies[85]	**4**	**3**	**5**

Corporate strategies

There was considerable overlap between the strategies mentioned by commands to manage the misconduct risks associated with executing search warrants. Some commands mentioned complying with either corporate or local Standard Operating Procedures while others specified elements of these corporately endorsed procedures such as having an independent observer or videotaping and recording the execution of the search warrant. Examples of the ways these treatment strategies were described include:

> Corporate and local SOPs re search warrants. (Metropolitan Command)

> Also we have SOPs for search warrants, every search warrant requires risk assessment, operational orders to be complied with, senior independent officer – until recently used to use [neighbouring] Command – recently changed to [own] command + usual requirements for videotaping and recording. (Metropolitan Command)

> Ensure filed tapes reviewed for adherence to SOPS and appropriate recording (Monthly). (Metropolitan Command)

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[83] In some cases, a command's misconduct risk treatment strategy was both reported by the commander and listed in the command corruption resistance plan. As a result of this overlap, the total number of different commands mentioning the strategy is sometimes less than the sum of the number of commanders who reported using the strategy and the number of commands that have corruption resistance plans listing the strategy.

[84] 'Other' category includes: ''Audit of search warrant procedures', 'Search Warrant Register maintained', 'Search Warrant Kit', 'To improve on the quality of all investigations conducted within this LAC by providing sufficient levels of education and training', 'Encourage open communication with supervisors and staff concerning advice, support and assistance concerning all operational matters and investigations'.

[85] Some commands report using more than one strategy.

> Must have an independent officer – usually Duty Officers – tend to use Duty Officers from neighbouring commands, though this is not always able to be done. (Metropolitan Command)
>
> Independent officer. (Rural Command)
>
> Superintendent demands that a commissioned officer must be used (as independent officer), where Crime Manager maintains list and reviews list of search warrants and commissioned officers used. (Rural Command)
>
> Search warrants video recorded. (Rural Command)

Two commands referred to ensuring that operational orders are prepared and risk assessments conducted, for example:

> Ensure operational orders are prepared, risk assessments done. (Rural Command)

Beyond corporate strategies

One metropolitan command's corruption resistance plan referred to strategies pertaining to education and communication:

> To improve on the quality of all investigations conducted within this LAC by providing sufficient levels of education and training.
>
> Encourage open communication with supervisors and staff concerning advice, support and assistance concerning all operational matters and investigations. (Corruption resistance plan for Metropolitan Command)

SUMMARY

The commands that described strategies to treat the misconduct risks associated with executing search warrants, tended to describe different aspects of the corporate standard operating procedures such as the use of an independent observer and video recording the execution of the search warrant

The current strategies outlined in the *Standard Operating Procedures Search Warrants* provide a good basis for addressing misconduct risks associated with the execution of search warrants. Recognition of the existence of the corporate procedures needs to be supported by the command checking that officers comply with each of the components of these procedures.

4.13 SOURCE MANAGEMENT

Her Majesty's Inspectorate of Constabulary has suggested that the use of informants is possibly the highest integrity risk area in police work (1999, p. 22). In its *Compliance Manual*[86], the NSW Police Force identifies that informant or confidential source management presents the following potential misconduct risks:

- improper association of officers with criminals
- inappropriate allocation of rewards for information
- inappropriate acquittal of rewards for information
- failure to protect the identity of persons providing the information
- jeopardising the confidentiality of the information.

When asked about their commands' major misconduct risks, commanders from six of the 25 sampled commands nominated misconduct risks that were associated with informant management or 'source management'.[87]

NSW POLICE FORCE CORPORATE DOCUMENTS AND STRATEGIES

The NSW Police Force has issued a *Confidential Source Management Policy*[88] as a strategy to minimise risks associated with source management. Amongst other things this Policy outlines that NSW Police Force source management is based on:

- officer accountability
- transparent and readily justified associations
- accurate and complete records being maintained
- regular and systematic evaluation of registered sources and their information to ensure they continue to assist the NSW Police Force
- officer education and training (NSW Police 2004, p. 6).

The NSW Police Force uses an intranet-based SOURCE computer database to store information about source (formerly referred to as informant) management.

As part of the *NSW Police Force Compliance Manual*[89] inspection and review process, in relation to source management, commands are required to:

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[86] The 'Source Management' section of NSW Police Force Compliance Manual (updated 29 January 2010) was annotated as being 'currently under review' at the time it was downloaded from the NSW Police Force intranet on 18 February 2010.

[87] 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'.

[88] NSW Police (December 2004), downloaded from the NSW Police Force intranet 26 February 2010. This Policy was under review at the time of drafting this report.

- ensure that a source registrar is appointed and that a handler/controller and senior supervisor are nominated for each source
- ensure all payments to sources are approved by the supervisor, authorised by the commander and fully documented
- conduct test sampling of the computerised SOURCE management system including accuracy of recording information, informant known to the officer involved, and the extent of the association if any
- ensure the conditions of contact and the names of co-handlers are recorded
- ensure that up-to-date contact advice reports with sequential numbers for each informant are signed by the case officers, co-handlers, supervisors and registrar
- ensure that the Command Source system is audited annually.

At the time of drafting this report, the Command Management Framework (CMF) did not have a specific 'Results and Performance Area' which focuses on Source Management, since the NSW Police Force considers that the risks associated with source management are adequately managed through the SOURCE system.[90]

STRATEGIES REPORTED OR DOCUMENTED BY COMMANDS

Eight commands described or documented strategies that they used to manage misconduct risks associated with the management of 'sources'. These strategies are summarised in Table 4.9. One of these commands provided the Commission with command-specific Source Management Standard Operating Procedures (SOPs).

[89] The 'Source Management' section of NSW Police Force Compliance Manual (updated 29 January 2010) was annotated as being 'currently under review' at the time it was downloaded from the NSW Police Force intranet on 18 February 2010.
[90] Information provided by the NSW Police Force Performance improvement and Planning Command on 9 June 2010.

Table 4.9: Strategies commands report using to treat risks related to source management

Strategy	No. of commanders who reported using strategy	No. of corruption resistance plans listing strategy	Total no. of different commands mentioning this strategy[91]
Adherence to Source Management Policy/Informant Management Plan	1	4	5
Checks and audits	3	1	3
Supervision	2	1	3
Education	0	2	2
Other[92]	1	1	2
Total number of commands nominating strategies[93]	**5**	**5**	**8**

Corporate strategies

The majority of treatment strategies mentioned by commands align with strategies promoted in NSW Police Force documents. The most frequently mentioned strategy was following the corporate policy or the Informant Management Plan. The five commands that mentioned this strategy did not elaborate, for example:

> Follow Source Management SOPs. (Rural Command)
>
> Informant Management Plan. (Corruption resistance plan from Rural Command)

One command's Source Management SOPs itemised actions that were expected of officers who managed sources or informants:

> 10. The controller or in their absence the 'on duty' senior officer (crime manager, duty officer or shift supervisors) should be notified of any planned contact with the registered source. The source should only be referred to by source referred number - not by their name.

---

[91] In some cases, a command's misconduct risk treatment strategy was both reported by the commander and listed in the command corruption resistance plan. As a result of this overlap, the total number of different commands mentioning the strategy is sometimes less than the sum of the number of commanders who reported using the strategy and the number of commands that have corruption resistance plans listing the strategy.

[92] 'Other' category includes: 'Sit down and review whether they still need to be a source or not', 'Only ever give out rewards by bank cheque', 'Strict on policy that source is never met by an individual officer, always met be at least two and contact advice recorded', 'In case of source contacts there is need to put in information report – number or name', 'Strictly assess supervisor suitability for managing the source. Another thing Crime Manager assesses is pairing - i.e. look at number of times an individual pair of officers manage source together on register', 'Report monthly to Region on source management', 'Communicate/reinforce Code of Conduct', 'All staff encouraged to report any suspicion of corrupt behaviour or inappropriate associations'.

[93] Some commands report using more than one strategy.

> 11. The same notification as point 10 applies to any unplanned contact. This notification should be made as soon as possible after the unplanned contact has taken place. (Metropolitan Command Source Management SOPs)

One metropolitan command required that its officers sign an acknowledgment that they had read and understood the contents of the *NSW Police Force Confidential Source Management Policy* and the *NSW Police Force Source Management SOPs*. This command also required that its officers acknowledged the contents of the [command-specific] Source Management SOPs and that they understood that 'failure to comply with these SOPS may result in managerial action being taken against [them]'.

The three commands that described undertaking some form of checks and audits referred to checking notebooks and/or duty books, or cross checking the information recorded on the SOURCE computerised database against the information in officers' note books or auditing the information on the COPS[94] database. For example, one element of the command-specific Source Management SOPs states:

> 7. Every handler and co-handler to present notebooks and duty books weekly to the Controller thence Senior Supervisor regardless of contact (every Wednesday) (Metropolitan Command Source Management SOPs)

Two rural commanders stated that supervision by the Crime Manager was one of the strategies that they used to treat the misconduct risks associated with managing sources or informants:

> Have Crime Manager as supervisor of all source supervisors. (Rural Command)

> Supt has given clear direction that all sources are to be managed by Crime Manager and reviewed by Supt. (Rural Command)

One specialist command's corruption resistance plan made the following references to supervision as a way to manage inappropriate relationships with sources:

> Intrusive supervision, intelligence gathers, assessment conducted and appropriate action instigated.
>
> Supervisors at all levels required to know the location of all staff members during shift.
>
> Detective Inspector to actively check on compliance of personnel in all stages of Source Management Plan. (Corruption resistance plan from Specialist Command)

The corruption resistance plans of two metropolitan commands referred simply to 'staff education' as a strategy that they use in relation to managing misconduct risks pertaining to source management. These plans did not provide any further description of what actions they intend to occur as part of this strategy.

One rural commander listed a number of specific strategies that his command used to manage misconduct risks in relation to source management:

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[94] Computerised Operational Policing System (NSW Police Force data system).

> Sit down and review whether they still need to be a source or not.
>
> Only ever give out rewards by bank cheque.
>
> Strict on policy that source is never met by an individual officer, always met by at least two and contact advice recorded.
>
> In case of source contacts there is need to put in information report – number or name.
>
> Strictly assess supervisor suitability for managing the source. Another thing the Crime Manager assesses is pairing - i.e. look at number of times an individual pair of officers manage source together on register.
>
> Report monthly to Region on source management. (Rural Command)

One metropolitan command's Induction Package included the following advice:

> 'Conflicts of Interest', specifically in relation to the use of informants. All Police Officers who deal with informants must maintain the highest ethical and professional standards. Without adherences to such standards, police officers may be led into improper relationships with informants or it may appear that they are conducting such relationships. (Metropolitan Command Induction Package)

SUMMARY

The commands that described strategies to manage the misconduct risks associated with source management tended to describe complying with different aspects of the corporate policy.

'Source management' may encompass many different misconduct risks. These different risks may be different forms of misconduct such as 'improper association of officers with criminals'; 'inappropriate allocation of rewards for information'; 'inappropriate acquittal of rewards for information', 'failure to protect the identity of persons providing the information', 'jeopardising the confidentiality of the information'. There could also be different procedural weaknesses such as, as one commander suggested, the complexity of the Source Management System may lead to some officers trying to take shortcuts; or as another commander suggested the misconduct risks relate to the level of officers' expertise and potential failure to document contacts appropriately. It is unlikely that any single treatment strategy would effectively minimise the risk of each of the different forms of misconduct risk associated with source management.

It is not clear from their descriptions, what some of the treatment strategies entail and how the strategy seeks to minimise the risk of officers engaging in misconduct. For example, some commands referred to 'Informant Management Plan', 'staff education', or 'communicate/reinforce Code of Conduct'. Such descriptions of activities indicate neither what the treatment strategy involves nor how it seeks to minimise the risk of misconduct. This may result in confusion over the intended treatment strategy and the treatment strategy not being adequately executed.

The most frequently mentioned treatment strategy was adherence to the Source Management Policy. However, reference to the existence of a corporate policy by itself is not sufficient to address a misconduct risk. Recognition of the existence of the corporate policy needs to be supported by the command checking that officers comply with each of the components of the policy.

4.14 LESSONS FROM LOOKING AT TREATMENT STRATEGIES FOR 10 SELECTED MISCONDUCT RISK CATEGORIES

SUMMARY

This chapter describes strategies used to treat 10 categories of misconduct risk. To provide a context in which to understand the treatment strategies described by individual commands, the Commission sought to identify relevant strategies for treating each misconduct risk provided in the corporate documents available to NSW Police Force commands. From its search of the NSW Police Force intranet, the Commission identified that:

- the *NSW Police Force Compliance Manual*[95] provided guidance for six of the 10 misconduct risk categories
- the *Code of Conduct and Ethics* provided guidance for five of the misconduct risk categories
- the Command Management Framework provided guidance for three of the misconduct risk categories
- specific policies – such as the *Conflicts of Interest Policy & Guidelines*, *Use of Resources Policy*, *Confidential Source Management Policy*, and *Drug and Alcohol Policy* – provided guidance for seven of the misconduct risk categories.

The Commission was unable to identify strategies for treating misconduct risks pertaining to the specific circumstances of officers working in isolation or for treating specific misconduct risks associated with 'dealing with licensed premises' within the corporate documents available on the NSW Police Force intranet at the time of collecting information for this report.

While not all commands described strategies to treat each of these types of misconduct risks, the majority of the strategies described by individual commands were consistent with guidance provided in NSW Police Force corporate documents.

Table 4.10 provides an overview of the diversity of the types of strategies reported or documented by commands for treating these ten types of misconduct risks. Within this table, the Commission has divided these strategies into four groups:

- those that focus on detecting misconduct
- those that clarify appropriate behaviours and communicate expectations
- those that minimise opportunities for misconduct
- other strategies.

[95] In October 2010, the NSW Police Force advised the Commission that it anticipated that the functions of the Compliance Manual would be transferred to the NSW Police Force Handbook and the Command Management Framework and that the Compliance Manual would be 'retired and deleted' in 2011.

Table 4.10: Summary of the different types of treatment strategies used by commands

Focus of strategies	Type of treatment strategy	No. of commands using strategy for each type of misconduct risks (n=25)
Detecting misconduct	Audits and compliance checks, inspections	Misuse of information (17); Theft of money/exhibits/property (10); Misuse of resources (10); Making false claims/rorting overtime, inappropriate travel (10); Source Management (3); Relationships with community members (2); Isolation of officers (2); Misuse of information (1); Theft of money/exhibits/property (1); Search warrants (1)
	Supervision/increased supervision/ intrusive supervision	Isolation of officers (4); Relationships with community members (3); Source Management (3); Misuse of resources (2); Dealing with licensed premises (2); Theft of money/exhibits/property (1); Misuse of information (1); Making false claims/rorting overtime, inappropriate travel (1); Relationships with community members (1)
	Use of independent observer	Search warrants (3)
	Staff encouraged/ required to report corruption or misconduct	Misuse of information (1); Relationships with community members (1)
	Maintain register	Misuse of resources (5); Search warrants (1)
	Video taping and recording	Search warrants (2)
	Require officer to maintain records	Dealing with licensed premises (1)
	Review systems (e.g. secondary employment, shift changeover checks, COPS event)	Relationships with community members (3); Theft of money/exhibits/property (2); Dealing with licensed premises (1); Isolation of officers (1)
	Drug and alcohol testing	Off duty behaviour (4); Dealing with licensed premises (1)
	Integrity test	Relationship with community members (1)
	Feedback from staff of licensed premises	Dealing with licensed premises (2)
	Monitoring sick leave	Making false claims/rorting overtime, inappropriate travel (6);Off duty behaviour (1)

Table 4.10: Summary of the different types of treatment strategies used by commands (cont'd)

Focus of strategies	Type of treatment strategy	No. of commands using strategy for each type of misconduct risks (n=25)
Clarifying appropriate behaviour and communicating expectations	Information, training, education, communication	Misuse of information (7); Relationships with community members (3); Off duty behaviour (2); Source management (2); Isolation of officers (2); Theft of money/exhibits/property (1); Dealing with licensed premises (1); Search warrants (1)
	Confidentiality agreement	Misuse of information (2)
	Promote/Reinforce *Code of Conduct and Ethics*	Relationships with community members (5); Off duty behaviour (2); Misuse of information (1)
	Enforcement of policy/Strict compliance with SOPs	Relationships with community members (sources) (4); Misuse of information (3); Theft of money/exhibits/property (3); Search warrants (3); Misuse of resources (2); Source management (1)
	Briefings by commander where command sets clear expectations for appropriate officer behaviour	Relationships with community members (1); Dealing with licensed premises (1)
	Document strategies for individual officers	Relationships with community members (1)
	Include information in induction material	Isolation of officers (1)
	Advice to officers as to how to avoid complaints	Off duty behaviour (2); Dealing with licensed premises (1)
	Issue a region-wide memo	Off duty behaviour (1)

Table 4.10: Summary of the different types of treatment strategies used by commands (cont'd)

Focus of strategies	Type of treatment strategy	No. of commands using strategy for each type of misconduct risks (n=25)
Minimising opportunities for misconduct	Retain money and exhibits for minimum required time	Theft of money/exhibits/property (9)
	Restrict access	Theft of money/exhibits/property (6); Misuse of resources (2)
	Rotate staff/encourage transfer soon after meeting minimum tenure requirements	Relationships with community members (5); Isolation of officers (1)
	Developed new call out procedures	Making false claims/rorting overtime, inappropriate travel (2)
Other strategies	Identification of 'high risk officers'/Officer risk analysis	Misuse of information (6); Relationships with community members (4); Off duty behaviour (1)
	Make team leaders accountable	Misuse of resources (2)
	Submission of vehicle authorisation forms prior to vehicle use, not after use	Misuse of resources (2)
	Ensure operational orders are prepared, risk assessments are done	Search warrants (2)
	Combination of team reviews and one-to-one reviews	Theft of money/exhibits/property (1)
	Ensure vehicle use is appropriate	Misuse of resources (1)
	Punishment of identified misconduct	Off duty behaviour (1)
	Encourage open communication with supervisors and staff concerning advice, support and assistance concerning all operational matters and investigations	Search warrants (1)

From this table it can be seen that the most commonly mentioned treatment strategies were those that involved conducting audits, compliance checks or other forms of inspections. That is to say, the approach to preventing misconduct most commonly reported by commands used strategies that seek to detect misconduct that has occurred. Such strategies may also deter some officers from engaging in misconduct if the officers consider that their chance of being caught is too high if they were to engage in misconduct.

The popularity of audits and other forms of checks as misconduct risk treatment strategies may simply reflect that several commands used the CMF to identify their misconduct risks.

Beside audits and compliance checks and inspections, other types of treatment strategies that commands described that would provide a means of detecting (and possibly deterring) misconduct are:

- supervision, having an independent observer, videotaping or recording officer conduct
- encouraging or requiring staff to report misconduct
- maintaining a register or requiring officer to maintain records
- reviewing systems – such as shift changeover checks
- drug and alcohol testing
- integrity testing
- feedback from staff of licensed premises
- monitoring sick leave.

Commands also clarify appropriate behaviour and communicate expectations of officer behaviour using a range of strategies including:

- information, training, education, communication
- confidentiality agreements
- promoting and reinforcing the Code of Conduct and Ethics
- enforcement of policy and standard operating procedures
- commander setting clear expectations or documenting strategies for individual officers
- incorporating information in induction material
- provide advice to officers as to how to avoid complaints
- issue memos to staff concerning appropriate behaviour.

Examples of ways some commands minimise opportunities for misconduct include:

- retaining money and exhibits for the minimum required time

- restricting access to exhibits or resources
- rotating staff
- developing new systems such as the development of a new call out system by two commands.

OBSERVATIONS

1. Corporately endorsed treatment strategies are not always easy to find

As part of its information collection for this report, the Commission searched the NSW Police Force intranet to identify available corporate documents that provide guidance as to how commands should treat each of the 10 categories of misconduct risk that were discussed in the chapter. While the Commission was able to identify some documents relevant to some misconduct risks, there was no certainty that the documents that the Commission identified were all of those available or even the most recent or relevant of those available to commands.

The *Guidelines for Local Corruption Resistance Planning*[96] appear to suggest that there is a central reference for such guidance:

> You may identify some risks for which there is already corporate guidance. Confirm with reference to the Corruption Resistance Policy checklist (NSW Police Force 2010, p. 3).

However, the *Corruption Resistance Policy*[97] does not provide such a checklist. This Policy states that:

> A number of corruption risks are applicable to most employees and commands. These risks are managed across the organisation through relevant legislation, policies and procedures and are supported by technology such as CCTV, ICV, hand held tape recorders, ERISP and videoing of search warrants.
>
> Compliance with these measures occurs through the Command Management Framework (NSW Police Force 2010, p. 3).

The *Corruption Resistance Policy* provides a list of policies and legislation under the same headings as the NSW Police Force intranet is structured:

- Human Resources
- Information and Communication
- Operational Policing
- Finance and Administration

[96] NSW Police Force intranet, *Guidelines for Local Corruption Resistance Planning*, downloaded 18 January 2010.
[97] NSW Police Force intranet, *Corruption Resistance Policy*, downloaded 18 January 2010.

- Professional Standards.

While reference to the *Confidential Source Management Policy*, the *Search Warrant SOPs* and various documents pertaining to information and communication under these headings was found, the Commission was not able to find guidance to assist commands treat misconduct risks associated with each of the ten areas outlined in this chapter.

The Commission found the structure of the NSW Police Force *Compliance Manual* to be a useful one.[98] The *Compliance Manual* organises information on different topics under the following headings:

- Risk/s
- Source Documents
- Reference Material
- Inspection Procedure/Review Process.

At the time of drafting this report the *Compliance Manual* was comprised of 55 modules, categorised under the headings: Community, Crime, People, Safety, and Systems.

The Commission observed that the *Corruption Resistance Policy* made no reference to the *Compliance Manual*.

Where the Commission did locate one or more relevant documents, it was unable to be certain that it had located all of the relevant documents. As the Commission observed in an earlier report concerning the unauthorised disclosure of confidential information, searching the NSW Police Force intranet for guidance can be difficult because relevant messages may be dispersed throughout many different documents (People 2008, p. 28).

2. Understanding the risk assists commands to address different aspects of the significant misconduct risks

Strategies should be judged by how appropriately they address the significant misconduct risks, not by how many commands mention a particular strategy or how popular individual strategies were amongst commands.

Sometimes commands describe strategies to minimise one aspect of a misconduct risk and may make the assumption that this one strategy will treat all aspects of the risk. For example, it is unlikely that any single treatment strategy would effectively minimise the risk of all forms of misuse of information since different forms – such as improper access to information on NSW Police Force databases, unauthorised release of confidential information and the manipulation or alteration of recorded information – involve different types of actions. While audits of access to computer systems provide

[98] In October 2010, the NSW Police Force advised the Commission that it anticipated that the functions of the Compliance Manual would be transferred to the NSW Police Force Handbook and the Command Management Framework and that the Compliance Manual would be 'retired and deleted' in 2011.

a means of detecting, and perhaps also deterring, improper accesses such audits would not help directly address the unauthorised release of confidential information to which an officer had legitimate access.

The Commission considers that the better the understanding a command has about the nature of the misconduct risk and its causes, the better placed it is to develop effective misconduct risk treatment strategies. Such an understanding of the nature of the misconduct risk and its causes can inform how and where to intervene to be most effective in minimising future occurrences of this misconduct.

3. Compliance checks have limitations.

The Command Management Framework (CMF) is a 'risk-based, self assessment process focussing on the audit function'.[99] 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). The *Corruption Resistance Policy* describes the importance of the compliance measures that are contained in the Command Management Framework:

> A number of corruption risks are applicable to most employees and commands. These risks are managed across the organisation through relevant legislation, policies and procedures and are supported by technology such as CCTV, ICV, hand held tape recorders, ERISP and videoing of search warrants.
>
> Compliance with these measures occurs through the Command Management Framework (NSW Police Force 2010, p. 3).

However, several commands have been critical of the effectiveness of such compliance checks. For example, the Commission's review of command documentation revealed instances where commanders were critical of the diligence and the accuracy with which the checks are conducted, for example:

> Notebooks – [Name of Inspector] found numerous examples of notebooks being ineffectively 'checked' by supervisors. 'nil o/s' being endorsed when there are clearly entries which have not been acquitted. This is a poor and dangerous supervisory practice. [Inspector] has been tasked with reviewing further notebook inspections by those supervisors where he has identified this practice, and if they continue the practice, further management action may be necessary. (Extract from Corruption Prevention Diary of Metropolitan Command)
>
> Inadequacies have been identified in the monthly [computer access] audits. Supervisor's [sic] are certifying without the officer providing any tangible evidence (RFA, Notebook entries etc.) [Superintendent] advised the CMT that all monthly audits are to go through [PSM] for review prior to filing. (CMT minutes of Metropolitan Command)

Another metropolitan commander was critical of the focus of the CMF checks:

> CMF like everything we do is focussed on activity not outcome and because we focus on activity not outcome we always miss the really

[99] NSW Police Force intranet, 'Command Management Framework' downloaded 1 April2008.

important things. (Metropolitan Command)

Also, as the Commission has previously observed (2009b, pp. 48-49), while the CMF may be a useful tool for identifying and managing some 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.

4. The breadth of some descriptions of misconduct treatment strategies may result in confusion

Some commands provide very little detail when describing their misconduct risk treatment strategies. It is not clear from some descriptions what the treatment strategies entail. For example, in relation to treating misconduct risks associated with source management, some commands nominated the following treatment strategies: 'Informant Management Plan', 'staff education', or 'communicate/reinforce Code of Conduct'. Similarly, some corruption resistance plans that refer to strict compliance with standard operating procedures do not specify which standard operating procedures.

The form and brevity of such descriptions indicate neither what the treatment strategy involves nor how it seeks to minimise the risk of misconduct. Little detail in the description of the treatment strategies may result in:

- confusion over the intended treatment strategy resulting in the treatment strategy not being adequately executed
- the proposed strategies not deterring misconduct because officers do not understand that the proposed strategy may increase the risk of their being caught if they were to engage in misconduct
- insufficient information on which to form a view on how well the command treatment strategies address the specific misconduct risks that they are designed to minimise.

5. Focus on prevention to minimise misconduct

Treatment strategies described by some commands appeared to be confined to processes such as 'do an audit' or 'staff education'. The treatment strategies tend not to be described in terms of how they might seek to prevent serious police misconduct, such as whether they seek to detect or deter misconduct, minimise opportunities for misconduct or create a culture that is more resistant to police misconduct.

The Commission suggests that a better approach would be to focus on the different possible ways of preventing misconduct when selecting appropriate treatment strategies for significant misconduct risks. The Commission suggests that when devising treatment strategies to minimise police misconduct, the NSW Police Force and the individual commands should work through a list of prompts concerning how they might minimise the significant misconduct risks by considering, for example:

- What information is available to officers that clarifies NSW Police Force expectations of their behaviour?
- Are officers likely to be familiar with this information?
- Are they likely to understand that it is relevant to this specific misconduct risk?
- What can commands do to reduce opportunities for the specific form of misconduct to occur?
- How can commands detect such misconduct and hence increase the risks of being caught for those who engage in such misconduct?
- How can commands better equip officers to respond appropriately if they are in a position when they are at risk or engaging in a particular form of misconduct?
- How can commands identify and publicise the harms associated with the misconduct to increase the opposition to such conduct by colleagues?
- How can commands focus on the organisational culture so that such misconduct is seen as antithetical to the way things are done in the NSW Police Force and contrary to the types of behaviours that are rewarded?

6. Some risks do not appear to have any corporate treatment strategies

The Commission accepts that there are a range of NSW Police Force policies and guidelines that are intended to govern and guide the behaviour and conduct of all officers (for example, the *Code of Conduct and Ethics*). However, the Commission's research found that, given their generic nature, these NSW Police Force corporate documents may not address the special needs of officers working in isolation and those performing licensing duties.

The Commission was unable to locate any corporate documents on the NSW Police Force intranet that provide guidance on treating specific misconduct risks associated with dealing with licensed premises or those associated with the isolation of officers. Where the misconduct risk may affect a number of commands, the Commission

considers that it is more efficient to develop resources centrally within the NSW Police Force to assist commands in their treatment of misconduct risks, rather than have each command develop its own treatment strategies without the basis of a corporately endorsed starting point.

7. Consider the suitability of strategies mentioned by individual commands

To take advantage of the work done by others, commands may wish to consider the suitability of the strategies described by individual commands for their own use. Examples of such strategies include:

- one commander said that, each quarter, he questioned sergeants about the oldest exhibit they have on hand, the youngest exhibit that they have and what they are doing about these exhibits.
- another superintendent described scheduling regular visits to outlying stations and conducting audits at these stations
- one command said that it has an audit team from within the command to review processes in different stations
- one command provided examples of induction and other training material that it has tailored to officers working in remote stations
- another command used a version of its corruption resistance plan to provide advice to officers concerning 'means to avoid complaints'.

5. CORRUPTION PREVENTION IDEAS FROM THE FIELD

> *There is no register of best practice … we constantly reinvent the wheel.* (Metropolitan Command)

5.1 OVERVIEW

One of the aims of the Project Manta research was to identify examples of innovative practice in misconduct prevention, employed by individual commands, that may be useful to other commands. This chapter provides examples of practices described as being used by one or a small number of NSW Police Force commands in the Project Manta sample. It may be that some of these practices are used by a larger number of commands than those that mentioned them. These practices are not restricted to strategies relevant to the 10 misconduct risks that were discussed in Chapter 4.

Some strategies appear specific to a small number of misconduct risks; others have a broader applicability. The Commission makes no attempt to evaluate these strategies within this chapter.

A diverse range of corruption prevention ideas were mentioned across the sampled commands. In the discussion that follows, the Commission has subdivided the examples of what appear to be innovative command practices into four categories:

1. detection and deterrence of misconduct
2. setting expectations for officers
3. setting expectations for supervisors
4. staffing and structural issues.

5.2 EXAMPLES OF COMMAND MISCONDUCT PREVENTION PRACTICES

1. DETECTION AND DETERRENCE OF MISCONDUCT

Audits and other forms of compliance checks provide a means of detecting misconduct once it has occurred. They can also act to deter potential misconduct if officers know that such checks are conducted and if they believe that any misconduct that they might engage in would be detected by these checks.

While the Command Management Framework (CMF) provides a range of systems checks that are conducted by most commands, small numbers of the sampled commands mentioned using additional methods and sources of information to detect actual misconduct and potential problem areas within their command. These methods and sources of information, which are described in more detail on the following pages, included:

- alerting staff to the 'duty officer focus of the month'
- team reviews
- independent audits
- community feedback.

Duty officer focus of the month

One commander said that he has his duty officers focus on different issues each month:

> Let the constables know what the Superintendent holds Duty Officers responsible for. Every month Superintendent has Duty Officers focus on different issues: one is a type of crime, the other is a process issue. Hence have two big yellow signs facing outward through glass on Duty Officers' windows to identify focus of the month – e.g. 'robberies' and 'exhibits'. (Metropolitan Command)

Team reviews

Rather than reviewing practices across an entire command, team reviews refer to reviewing the performance of different staff units separately. For example:

> Mini-OCR – trying to make supervisors aware, people have opinion of what they and their teams are doing – put up the figures – one officer said that his staff are very proactive – but this is not supported by the statistics – it was pointed out that team had a systems problem as they were not recording their work (and hence the work of the command) appropriately. (Rural Command)

> It is about supporting the sergeants and holding them and their team members accountable. Overall the stats may be OK but might be that two or three team members were carrying the rest of the team. They get a chance to raise the issues. That we find is a good way to keep them accountable. (Metropolitan Command)

> Have team reviews – try for monthly – Crime Manager, Duty Officer goes through workloads, identify issues raise with team leaders – look to see that they are addressed. (Metropolitan Command)

One metropolitan command described its 'Performance Scorecard Team Review'. Some of the items considered in this command's Performance Scorecard Team Review are provided summarised in the following example.

Examples of topics covered in Performance Scorecard Team Review

- Number and nature of current complaints
- Number and nature of local management issues
- Results of customer satisfaction surveys
- Victim follow ups
- Current investigations/cases - Dip sample conducted
- Finalised investigation/cases
- Domestic violence matters
- Licensing walk throughs
- Traffic and RBTs
- Command Management Framework (CMF)
- Court notices
- Annual leave
- Sick leave
- Participation in Mandatory Continuing Police Education (MCPEs)
- Performance Management Scheme (PMS) Level 1, Level 2 and Leading Senior Constables
- Education & training (courses, legislation)
- Remedial performance programs
- Supervision
- Team Operations
- Proactive tasking and deployment
- Goals achieved/Business Plan actions
- General Issues/Feedback Recommendations (Metropolitan Command)

Independent Audits

A small number of commands said that they used staff from outside their command to conduct specific checks within their command. For example, one command described having its drug exhibits audited by officers from outside the command:

> Drug exhibits in particular to be regularly audited by Duty Officers not domicile to this LAC. (Corruption resistance plan from Rural Command)

One metropolitan command said that it had organised for officers in its drug team to be subject to unannounced drug tests conducted by the NSW Police Force Safety Command.

Community feedback

Some commands said that they actively seek feedback from victims of crime and other community members as a means of identifying problem areas within their command. For example, one metropolitan command said that it selects jobs attended to by officers within the command and then seeks information from crime victims about their perceptions of how the incident was handled. The types of information collected from crime victims are outlined below. However, it is important to note that this metropolitan command cautioned that 'the quality of the information collected is variable depending on the quality of the supervisors'.

Information collected from selected victims of crime

- *Event number*
- *OIC*
- *Incident type*
- *Victim spoken to*
- *Time/Date*
- *Contact*

- *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 anything else you wish to add?*(Metropolitan Command)

Another metropolitan command described a 'Quality Assurance Program' that it had developed for monitoring work undertaken by the command. This command gave the example of how it had monitored its response to assault matters by reviewing all 44 'assault' events reported on the COPS system during a particular calendar month. The superintendent then contacted victims in relation to five assault events, because the COPS reports indicated that these victims said that they did not want to take action against the alleged offenders. Each of these victims confirmed that this had been correctly recorded.

2. SETTING EXPECTATIONS FOR OFFICERS

Another strategy for deterring misconduct is to clearly establish what is expected of officers and equipping them to recognise and appropriately respond to misconduct risks associated with specific police duties.

Advising officers how to avoid complaints

One metropolitan command provided advice to officers concerning 'means to avoid complaints'. The strategies it provided to officers are presented below.

Examples of strategies provided to officers as '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*

Source Management:
- *Understanding the Source Management Policy*
- *Adherence to the contents of the relevant policies & guidelines*

Illicit drug use:
- *Avoiding compromising situations and events*
- *Disclosing to a supervisor any conflicts of interest*
- *Participating in management of conflicts of interest*

Customer service:
- *Always be polite and courteous to customers and colleagues*
- *Answer the telephone promptly and politely*
- *Get up and greet customers at the counter*
- *Provide feedback to victims during the investigation*

Work Place Harassment:
- *Become familiar with the Ronalds Report (MCPE due in Jan 2008)*
- *Be polite, courteous and professional with your peers*

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*

Secondary employment:
- *Understand and adhere to Secondary Employment Guidelines*
- *Disclosure of secondary employment to supervisors*

Computer Access:
- *Record each access on the RFA or in your notebook/duty book*
- *Read and adhere to the relevant policies and guidelines*
- *Only access COPS for legitimate and work related purposes*

Exhibits/Miscellaneous Property:
- *Follow the guidelines for destruction of exhibits*
- *Forward court ordered destructions to exhibit staff ASAP*
- *When possible use photos for presentation at court*

Security of appointments:
- *When going off duty secure firearms and hand cuffs in gun safes*
- *Never leave appointments in desks or unapproved places*
- *Use leave padlocks when taking leave*

Statute barred MVAs:
- *Follow up with your victims to advise on investigation status*
- *Seek assistance from the Traffic Supervisor*
- *Follow the investigation plan provided by supervisors* (Metropolitan Command)

Coaching records and acknowledging advice

One command provided the example of a 'coaching record' and another command demonstrated the format of written advice provided to an individual officer and the need for the officer to acknowledge that advice. As illustrated in the following example of the coaching record concerning an officer's investigation of an alleged assault, the Commission regards the key features of such strategies are that:

- the advice given is specific
- the officer receiving the advice formally acknowledges the advice
- a written record is kept of that advice.

Of course, the NSW Police Force would need to provide guidance on when the use of a coaching record or the provision of written advice would be appropriate to assist commands in taking a consistent approach to providing such advice.

Example of a Coaching Record

Name of Officer
Name of Command

[Name of sergeant] has reported upon your investigation in relation to an alleged assault reported to you …

[Name of sergeant] indicates that he has provided you with the following advice in relation to the conduct of appropriate investigations in relation to the offence that was reported to you. You are reminded of the following NSW Police expectations in relation to the investigation of criminal offences:

- You must thoroughly investigate every incident reported to you.
- At least one statement being taken from either … or …. at the first available opportunity, being the time of taking the report. Advising assault victims to attend the Police Station the next day is a bad practice, as valuable evidence may be lost should the victim become unconscious or deceased from their injuries. Police are not doctors and should gain all available evidence at the scene, through a notebook statement.
- A more thorough investigation of injuries to all parties needed to be taken, with photographs of the same taken on the night.
- Request for CCTV made to the hotel on the night of the incident.
- Follow-up inquiries should have been made at the first available incident. It is not acceptable to indicate that the victim would have attended if they had wanted to pursue the matter – what if they were unable to attend later due to their injuries. Murder victims never attend the station to make a statement.

…

As a relatively junior officer within NSW Police I hope that you will have learned from the advice given to you by [Name of sergeant] and apply these basic investigative strategies to all future investigations.

You are also reminded and encouraged to seek assistance from the many support services, including those offered by the Employee Assistance Program, Peer Support Officers, and Police Association.

A record of this 'coaching' will be recorded on the C@ts.i system for future reference. Do you have any comment?'

[To be signed and dated by officer and A/Inspector.] (Metropolitan Command)

Time spent with probationary constables

Another commander described the value of providing time and positive examples to probationary constables:

> Spend a lot of time with the probationary constables instilling the values that you want them to have. Caution them that not all police do the right thing and identify senior officers whom you believe most closely reflect the values and work ethics you desire in your command. (Metropolitan Command)

3. SETTING EXPECTATIONS FOR SUPERVISORS

Similarly, another strategy for deterring misconduct is to clearly establish what is expected of supervisors and their role in minimising corruption and other forms of police misconduct.

Questioning supervisors about their corruption resistance responsibilities

As part of its team reviews, one command described asking team leaders the following questions about their corruption resistance responsibilities:

> What is your understanding of the Corruption Prevention Plan within the [Command]?
>
> How do you currently administer and oversight the Corruption Resistance Plan within your Team?
>
> What processes are in place to monitor, manage and evaluate this area of responsibility?
>
> How do you manage and promote Best Practice in this area? (Metropolitan Command)

The Commission considers that this practice would reinforce with team leaders that corruption resistance is seen as an important aspect of their role within that command.

Promoting leadership

As one Metropolitan Commander observed in his responses to the Commission, 'Corruption Prevention is mostly about leadership':

> The most important element in reducing the incidence of corruption is leadership and constantly reinforcing expectations at times when the command is most likely to be receptive to the messages. (Metropolitan Command)

This commander suggested that the NSW Police Force 'should provide opportunities to enhance leadership skills and skills required to facilitate cultural change'.

Strategies described by a small number of commands as ones that they use to promote leadership and support supervisors included:

- developing a command-based leadership development course that 'takes bits and pieces from the corporate model but developed further' (Metropolitan Command)
- having a formal structure for a middle management bimonthly meeting to enable team leaders to provide tactical leadership and focus on systems (Rural Command)
- the use of 'supervision assistance plans' (discussed in more detail below).

Supervision assistance plans

Just as officers who are not performing to the required standard may be placed on a 'management plan' or a 'conduct plan', one metropolitan commander described using 'supervision assistance plans' for supervisors who are not performing to the required standard. This involved providing some supervisors with specific strategies, timeframes, performance indicators and review dates to assist improve their performance.

4. STAFFING AND STRUCTURAL ISSUES

One command emphasised the importance of Management Team positions being filled substantively:

> A stable but substantive Senior Management Team underpinned by all supervisory roles (ie sergeants positions) being filled goes a long way towards relieving misconduct risks. (Rural Command)

Another commander discussed what he considered to be the importance of staff turnover:

> Ensure turnover of staff. Officers should not be able to spend long periods of time at a command and certainly should not outlast the tenure of three commanders. Frequently these police gain a power disproportionate to their rank and stifle cultural change. (Metropolitan Command)

5.3 SUMMARY AND IMPLICATIONS

SUMMARY

While the majority of misconduct treatment strategies reported by commands reflect corporate policies, some commands described misconduct prevention strategies that differed from those described by many of their colleagues. For clarity, the Commission subdivided these strategies into four categories:

- detection and deterrence of misconduct
- setting expectations for officers
- setting expectations for supervisors
- staffing and structural issues.

These treatment strategies are described further in the second of the implications discussed below.

IMPLICATIONS FOR MINIMISING POLICE MISCONDUCT

1. Sharing strategies to minimise misconduct risks among commands

One of the aims of the Project Manta research was to identify examples of innovative practice in misconduct prevention, employed by individual commands, which may be disseminated to other commands. This aim seemed to resonate with some of the commanders interviewed, such as the commander quoted at the beginning of this chapter, who believed that commands would benefit from access to examples of best practice. Another metropolitan commander described being a local area commander as 'a fairly isolated job'. This commander suggested that commands would benefit from receiving case studies and suggested responses to emerging issues.[100]

2. Consider the suitability of strategies mentioned by other commands

Commands may wish to consider the suitability of the strategies described by individual commands, summarised in this and the previous chapter, for their own use. Examples of the types of treatment strategies highlighted in this chapter include:

- detecting and deterring misconduct by:
  - alerting officers to the 'duty officer focus of the month'
  - having team reviews
  - independent audits
  - obtaining community feedback

[100] In October 2010 the NSW Police Force advised the Commission that the Professional Standards Command 'Strategic Analysis and Planning Team will in due course evaluate the plans and also look at the risks identified to set up a corporate risk register or look at emerging trends. Through this data collection any innovative strategies used will be fed into case studies/suggested responses to emerging issues, Police Monthly articles, SMITs etc'.

- setting expectations for officers by:
  - providing advice to officers concerning 'means to avoid complaints' of different kinds
  - supporting officers by providing them with a 'coaching record' that provides specific advice, requires that the officer formally acknowledges the advice provided and keeping a written record of that advice
  - focussing on probationary constables
- setting expectations for supervisors by:
  - directly questioning team leaders about their corruption resistance responsibilities
  - promoting leadership through developing a command-based leadership development course and have a formal structure for a middle management bimonthly meeting
  - supporting supervisors through the use of 'supervision assistance plans'
- consideration of staffing and structural issues such as the importance of the Team Management positions being filled substantively and the importance of staff turnover.

Part 4:
ASSESSMENT AND RECOMMENDATIONS

6. WHERE TO FROM HERE?

6.1 OVERVIEW

In *Project Manta Report 1*, the Commission recommended that commands focus on those corruption or misconduct risks which in their judgment are 'significant' risks for the command. This second report on Project Manta continues this approach by focussing on the way that NSW Police Force commands manage or treat their significant corruption and misconduct risks and the guidance that is given to commands to help them do this.

Through the information collected for Project Manta, the Commission has identified a number of ways in which commands can be better assisted to minimise potential misconduct. In this chapter, the Commission outlines a number of areas for improvement in current NSW Police Force guidance and practices, and provides recommendations to address these areas.

The discussion of the Commission's proposed way forward is divided into three sections:

1. Using a cooperative and consultative approach to move forward (Section 6.2)
2. Three steps to improving command practices for managing their significant misconduct risks (Section 6.3)
3. Providing commands with resources to manage their significant misconduct risks (Section 6.4).

6.2 USING A COOPERATIVE AND CONSULTATIVE PROCESS TO MOVE FORWARD

One of the principal statutory functions of the Commission is to prevent police misconduct. The Act enables the Commission to make recommendations concerning police corruption prevention programs and similar programs, and provide advice to police concerning ways of preventing police misconduct. The Commission is also required to monitor and evaluate the response of the Commissioner of Police, relevant members of the NSW Police Force Senior Executive Service and other relevant authorities to its recommendations.

To facilitate the adoption and implementation of its recommendations, the Commission takes a consultative approach to its misconduct prevention work with the NSW Police Force. The Commission's recommendations for improving NSW Police Force systems or practices tend to follow the format of the Commission identifying a potential problem or issue with current procedures or practices and then suggesting a method of addressing it. Prior to finalising a recommendation it is common Commission practice to consult with the NSW Police Force to ensure that the proposed recommendation is practical and appropriate. In its process of monitoring the NSW Police Force response to its recommendations, the Commission encourages discussion and allows for

variations suggested by the NSW Police Force which might go towards addressing any identified weakness in current systems and practices.

Consultation with the NSW Police Force has been a feature throughout the course of Project Manta. This consultation has included:

- consulting with a sample of commands to better understand the misconduct risks they face and how they identify, manage and communicate these risks
- briefing the Commissioner of Police and other members of the Police Commissioner's Executive Team to provide these senior police with the key messages from *Project Manta Report 1* 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 to explore draft recommendations from *Project Manta Report 1* with key stakeholders prior to finalising the recommendations
- requesting written comments from the NSW Police Force on the accuracy of Commission descriptions of NSW Police Force policies, practices and views about the Commission's stated implications arising from the findings for drafts of each of *Project Manta Report 1* and *Project Manta Report 2*
- meeting with a small number of commanders, their professional standards duty officers and their executive officers to discuss the clarity and feasibility of the recommendations proposed in *Project Manta Report 2* when they were in a draft form as well as whether they had suggestions for better ways of addressing the areas for improvement identified in *Project Manta Report 2*.

The Commission considers that the implementation of the recommendations made in this report concerning managing command misconduct risks, as well as those in Project Manta Report 1 concerning identifying and communicating command misconduct risks, will be facilitated by ongoing consultation between the Commission and the NSW Police Force.

6.3 THREE STEPS TO IMPROVING COMMAND PRACTICES FOR MANAGING THEIR SIGNIFICANT MISCONDUCT RISKS

Based on its observations in Project Manta, in addition to the corporate guidance recommended later in this chapter, the Commission proposes three steps to improve command practices for managing their corruption and other significant misconduct risks:

1. understand command misconduct risks and tailor treatment strategies to address the risk
2. focus on prevention – look beyond audits and inspections
3. provide a clear statement of the intended treatment strategy.

1. UNDERSTAND COMMAND MISCONDUCT RISKS AND TAILOR TREATMENT STRATEGIES TO ADDRESS EACH RISK

Research finding:

Some commands describe strategies to minimise one aspect of a misconduct risk (such as misuse of information) and appear to make the assumption that this one strategy will treat all aspects of the risk (such as assuming that audits of computer accesses will detect the unauthorised release of information to which an officer had legitimate access).

Commission view:

Where only one aspect of a misconduct risk is treated, important aspects of the misconduct risk may remain unaddressed. Some commands may think that they are addressing all aspects of the misconduct risk when they are not.

Observations

Some categories of misconduct risk discussed in Chapter 4 of this report encompass a range of misconduct risks, where different aspects of the risk would require different treatment strategies. For example, 'misuse of information' could refer to a range of different forms of misconduct such as improper access to information on NSW Police Force databases, unauthorised release of confidential information and the manipulation or alteration of recorded information. Similarly the integrity vulnerabilities associated with source management may encompass misconduct risks ranging from 'improper association of officers with criminals', and 'inappropriate allocation of rewards for information' to 'the complexity of the Source Management System resulting in officers taking inappropriate shortcuts'.

It is unlikely that any single treatment strategy would effectively minimise all forms of misuse of information since different forms involve different types of actions. For instance, while audits of access to computer systems provide a means of detecting, and perhaps also deterring, improper accesses such audits would not help detect the unauthorised release of confidential information to which an officer had legitimate access. Similarly it is unlikely that any single treatment strategy would effectively

minimise the risk of each of the different forms of misconduct associated with source management.

Commission assessment

Strategies should be judged by how appropriately they address the significant command misconduct risks, not by how popular individual strategies were amongst commands. To determine appropriate and effective misconduct risk treatment strategies, the Commission considers that it is important:

- to have a good understanding of the nature of the misconduct risk and its causes, and
- that treatment strategies address all significant aspects of the risk.

In its *Project Manta Report 1*, the Commission recommended that commands answer a standard set of four questions for each misconduct risk to assist in understanding and more clearly specifying the nature of the risk as well as assist in communicating and tailoring appropriate strategies to better manage the risk. These questions, which are explained further in *Project Manta Report 1* (Police Integrity Commission 2009, p. 204) and which have since been incorporated into the NSW Police Force *Guidelines for Local Corruption Resistance Planning*, are:

- *What is the broad risk area?*
- *What is it that may put an officer at risk?*
- *At risk of what? What type of misconduct might officers engage in?*
- *What types of officers or roles might face the risk?*

The Commission considers that the answers to some of these questions can also form the basis for checking how well proposed treatment strategies address the risk.

Recommendation 1: CHECK HOW WELL TREATMENT STRATEGIES ADDRESS THE RISK

That those responsible for developing treatment strategies for significant command misconduct risks and for corporate misconduct risks should check that their strategies do address their significant risks by specifically checking that the proposed treatment strategy:

- *addresses the specific aspects that may put an officer at risk* (such as the complexity of a policy, the opportunity for theft, or frustrations with a process)
- *addresses the specific type of misconduct* (such as, taking short cuts, theft, showing bias in applying the law, unauthorised release of confidential information as opposed to unauthorised access to information)
- *focuses on the types of officers or roles that might face the risk* (such as, all officers in the command or only by those undertaking a particular type of police work (e.g. detectives) or by officers working in a particular location or only by those with a particular length of service).

2. FOCUS ON PREVENTION - LOOK BEYOND AUDITS AND INSPECTIONS

Research finding:

The majority of misconduct risk treatment strategies mentioned by commands involved conducting audits, compliance checks or other forms of inspections.

Commission view:

Commands may miss opportunities to prevent corruption and other forms of misconduct by focussing on compliance rather than prevention.

There are a range of possible treatment responses to any corruption or misconduct risk. These responses range from strategies to reduce the likelihood of the misconduct occurring to strategies to reduce the consequences of the misconduct, to a decision to take no action because the misconduct risks cannot be avoided or the costs of doing so would be prohibitive. Corruption or misconduct prevention strategies can take a variety of forms, such as: reducing the opportunities for police misconduct; increasing the risks of being caught; equipping employees with the skills both to recognise the misconduct risks they might face and to respond appropriately in such circumstances; increasing condemnation of such conduct by colleagues; and focussing on the organisational culture more broadly.

NSW Police Force guidance

The Command Management Framework (CMF), which is a 'risk-based, self assessment process focussing on the audit function', is considered a key tool in the NSW Police Force corruption prevention armoury.[221] For example, the *Corruption Resistance Policy* states that:

> The Command Management Framework is the NSW Police Force's internal compliance mechanism. Compliance with the CMF should ensure that commands are addressing corporate risks in their command or business unit (NSW Police Force 2010, p. 7).

Observations

Several commands have been critical of the effectiveness of such compliance checks. For example, the Commission's review of command documentation revealed instances where commanders were critical of the diligence and the accuracy with which the checks are conducted.

As the Commission has previously observed (2009b, pp. 48-49), while the CMF may be a useful tool for identifying and managing some risks, it has limitations. Not all NSW Police Force misconduct risks are aligned with a CMF 'Result and Performance Area'. Also, the CMF's focus on compliance with legislation and policy tends to overlook some potential misconduct risks, for example, misconduct risks pertaining to: officer experience, community demographics, inappropriate relationships between officers and

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

community members, off-duty conduct and risks specific to particular policing roles such as licensing work or particular sectors within a command.

Commission assessment

While necessary, the Commission does not believe that compliance checks will always be sufficient to prevent corruption and other forms of serious police misconduct. The Commission considers that a better approach to developing treatment strategies for significant misconduct risks would be to begin by considering the different possible ways of preventing the misconduct.

The Commission suggests that when devising treatment strategies to minimise police misconduct at the agency level or at the command level, the NSW Police Force and individual commands should work through a series of prompts concerning different possible ways they might minimise the misconduct. Such a list of prompts is provided in Recommendation 2.

Recommendation 2: PROMPTS TO ASSIST CORRUPTION AND MISCONDUCT PREVENTION

That the process used by the NSW Police Force to develop treatment strategies for significant command misconduct risks and corporate misconduct risks should involve systematically considering different ways of preventing possible corruption or serious police misconduct by working through a series of prompts such as those outlined below.

Suggested prompts to assist develop misconduct risk treatment strategies

Consider:

- What information is available to officers to clarify NSW Police Force expectations of their behaviour? Can this information be improved?
- Are there opportunities to improve officers' access to, familiarity with and relevance of such information?
- Is it possible to reduce opportunities for the specific form of misconduct to occur?
- Are there opportunities to detect such misconduct and hence deter such misconduct by increasing the risks of being caught for those who engage in such misconduct?
- Are there opportunities to better equip officers to respond appropriately if they are in a position where they are at risk of engaging in a particular form of misconduct?
- Are there opportunities for senior management to set a positive example in this area?
- Are there opportunities to identify and publicise the harms associated with the misconduct to increase the opposition to such conduct by colleagues?
- Are there opportunities to focus on the organisational culture so that such misconduct is seen as antithetical to the way things are done in the NSW Police Force and contrary to the types of behaviours that are rewarded?

3. PROVIDE A CLEAR DESCRIPTION OF THE INTENDED TREATMENT STRATEGY

Research finding:

Some commands provide very little detail when describing their misconduct risk treatment strategies.

Commission view:

Little detail in the description of the treatment strategies may result in:

- **confusion over the intended treatment strategy resulting in the treatment strategy not being adequately executed**
- **the proposed strategies not deterring misconduct because officers do not understand that the strategy may increase the risk of their being caught if they were to engage in misconduct.**

Observations

It is not clear from some command descriptions what the treatment strategies are intended to entail. For example, in relation to treating misconduct risks associated with source management, some commands nominated the following treatment strategies: 'Informant Management Plan', 'staff education', or 'communicate/reinforce Code of Conduct'. The form and brevity of such descriptions indicate neither what the treatment strategy involves nor how it seeks to minimise the risk of misconduct, for example whether it seeks to detect or deter misconduct, minimise opportunities for misconduct or create a culture that is more resistant to police misconduct. If treatment strategies are not well understood by those who are required to implement them, they may not be implemented effectively.

The *Guidelines for Local Corruption Resistance Planning* usefully illustrate the level of detail required to clearly describe the nature of the corruption risk and the associated treatment strategy by the specific nature of the examples used both the Management Version and the Staff Version of the command Corruption Resistance Plan provided in Annexure F.

At the time of drafting this report, the *Guidelines for Local Corruption Resistance Planning* state that:

> Record treatment strategies directly into the Corruption Resistance Plan (2010, p. 4).

However, these Guidelines do not provide guidance on *how* commands should document their misconduct risk treatment strategies.

Commission assessment

The Commission considers that a clear statement of each misconduct risk treatment strategy is necessary for its adequate execution. Including a statement of intent of the strategy (such as whether the strategy is intended to deter misconduct, reduce opportunities for misconduct, or clarify NSW Police Force expectations for officer behaviour) would assist focus on prevention when developing treatment strategies for significant misconduct risks. Some examples of what the Commission considers an appropriate level of detail are:

- minimise the opportunity for theft by limiting the time exhibits and miscellaneous property are retained in the command
- equip officers to respond appropriately [when faced with potential conflict of interest where drivers may look to police for advice as to which tow truck company to use] by the PSDO photocopying (local) phone book for tow truck companies, laminating and putting in police vehicles[222]
- clarify expectations by EDO advising all probationary constables that the misuse of ID is not acceptable and that management action will be taken in all proven cases.[223]

Recommendation 3: CLEAR DESCRIPTION OF TREATMENT STRATEGY

That misconduct risk treatment strategies be described in sufficient detail so that:

- **the intended treatment strategy is clearly stated**
- **the purpose of the strategy (e.g. to deter, to reduce opportunities, or to clarify expectations on what is appropriate behaviour) is clearly stated.**

Where strategies are intended to deter officers engaging in forms of misconduct, it is important that officers are made aware of the existence of such strategies and how these strategies increase the risks for those undertaking such misconduct.

Recommendation 4: PROMOTE STRATEGIES INTENDED TO DETER MISCONDUCT

That, where a misconduct risk treatment strategy is intended to deter misconduct, the NSW Police Force and/or the command promote the strategy so that officers understand that the proposed strategy may increase the risk of their being caught if they were to engage in misconduct.

[222] Example adapted from NSW Police Force *Guidelines for Local Corruption Resistance Planning*, Annexure F, p. 12.
[223] Example adapted from NSW Police Force *Guidelines for Local Corruption Resistance Planning*, Annexure F, p. 12.

6.4 PROVIDING COMMANDS WITH RESOURCES TO MANAGE THEIR SIGNIFICANT MISCONDUCT RISKS

In this section, the Commission discusses improving the guidance available to commands by:

1. providing advice on how to determine appropriate treatment strategies
2. providing advice on how to monitor and review treatment strategies for significant misconduct risks
3. making guidance easy to locate
4. providing resources to help manage specific misconduct risks.

1. PROVIDE ADVICE TO COMMANDS ON HOW TO DETERMINE APPROPRIATE TREATMENT STRATEGIES

Research findings:

While NSW Police Force documents provide advice to the effect that commands should identify and develop corruption or misconduct risk treatment strategies, these documents do not provide any guidance on *how* to choose the most appropriate strategies to treat misconduct risks.

Most commands did not describe any particular approach or factors that they consider when determining the best way of responding to identified misconduct risks.

Commission view:

Without guidance some commands may miss opportunities to develop effective misconduct treatment strategies.

NSW Police Force guidance and practice

The documents available to commands concerning how they should treat or manage their misconduct risks have changed in recent years. The Commission identified five NSW Police Force documents that have provided some advice to commands about treating or managing their corruption or misconduct risks. Three of these documents were available at the time the Commission collected information from commands for Project Manta. The NSW Police Force provided additional and more focused guidance to commands in the form of its now superseded *Corruption Resistance Planning Guidelines* in early 2008. These Guidelines were suspended in 2009 and, following the release of *Project Manta Report 1* (Police Integrity Commission 2009b), were replaced by *Guidelines for Local Corruption Resistance Planning* in January 2010, which at the time of drafting this report were under review.

All five documents have in common that they provide advice to commands concerning *who* (such as Duty Officer or Commander) is to undertake the task and *what* they are to do (such as identify and develop treatment strategies), but not *how* they are to develop such strategies. That is to say, the information available to commands at the

time of drafting this report did not provide guidance on the steps involved in choosing the most appropriate strategies to treat misconduct risks.

At the time of drafting this report, the *Guidelines for Local Corruption Resistance Planning* was the prime resource for commands to assist them identify, communicate and treat their misconduct risks. These *Guidelines* have incorporated some of the ideas from *Project Manta Report 1* as well as some aspects of the recommendations made in that report. Specifically, these *Guidelines:*

- draw the analogy between corruption resistance planning and the Occupational Health and Safety model in that both address environmental hazards, risks and opportunities rather than the conduct of individuals
- include the questions 'What is the broad corruption risk?', 'What is it that may put staff at risk?', 'What is the corrupt activity that staff might engage in?', 'Who is at risk?' (p. 4) consistent with *Project Manta Report 1* Recommendations 7.1 and 7.2
- illustrate the detail required to clearly describe the nature of the corruption risk and the associated treatment strategy by the specific nature of the examples used both in the Management Version and in the Staff Version of the command Corruption Resistance Plan provided in Annexure F.

Most (20) of the sampled commands did not describe *how* they approach the task of determining the best strategies to treat their misconduct risks. That is to say, they did not describe any particular approach or factors that they consider when determining the best way of responding to identified misconduct risks.

Commission assessment

To minimise police misconduct it is important to develop effective strategies to treat the misconduct risks.

Based on its review of the literature, the Commission has identified the following to be the elements of a sound strategy for determining and implementing misconduct risk treatment strategies:

- require that tailored treatment strategies be based on an understanding of the nature and cause of the risk (discussed in more detail in Section 6.3 of this chapter)
- involve staff who will be engaged in the activity or affected by it to ensure that treatment strategies are practical, able to be maintained and are easy to understand
- be embedded in normal business processes, activities and systems so that they do not impede the flow of work
- seek to increase factors which inhibit misconduct
- seek to reduce factors which increase the likelihood of misconduct
- balance the costs of implementing each option against the benefits derived from it, taking into account direct and indirect costs as well as tangible and intangible benefits

- incorporate documentation of proposed actions, resource requirements, positions responsible for implementation and monitoring the treatment strategy, timeframes and reporting requirements.

The Commission is of the view that commands would be assisted by being given advice on *how* the NSW Police Force considers that they should approach the task of developing effective misconduct risk treatment strategies. Amongst other things, this advice should include an outline of the elements of a sound misconduct risk treatment strategy.

Recommendation 5: PROVIDE GUIDANCE TO COMMANDS ON *HOW* TO DEVELOP EFFECTIVE TREATMENT STRATEGIES

a. That the NSW Police Force provides guidance to commands on *how* to determine the most appropriate strategies to treat each of their significant misconduct risks. This guidance should include requirements to:

- base treatment strategies on an understanding of the nature of the misconduct risks and tailor treatment strategies to address the risk
- focus on prevention – look beyond audits and inspections
- provide a clear statement of the intended treatment strategy.

b. Such guidance should refer commands to the desirability of:

- ensuring that treatment strategies are practical, do not impede the flow of work, are able to be maintained and are easy to understand by means of - where appropriate - involving staff who will be engaged in the activity or affected by it and by embedding treatment strategies in normal business processes, activities and systems
- seeking to increase factors which minimise misconduct
- seeking to reduce factors which increase the likelihood of misconduct
- doing a cost/benefit analysis of possible treatment strategies
- documenting:
  - proposed actions
  - resource requirements
  - positions responsible for implementation and monitoring the treatment strategy
  - timeframes
  - reporting requirements.

2. PROVIDE ADVICE TO COMMANDS ON HOW TO MONITOR AND REVIEW TREATMENT STRATEGIES FOR SIGNIFICANT MISCONDUCT RISKS

Research finding:

Current NSW Police Force documentation does not provide guidance on approaches commands can use to review the effectiveness of their misconduct risk treatment strategies.

Commission view:

Without guidance some commands may miss opportunities to improve their misconduct treatment strategies.

NSW Police Force guidance

The importance of monitoring, reviewing and evaluating misconduct risks and their treatment strategies is well recognised in the guidance provided to commands in NSW Police Force corporate documents.

At the time of drafting this report, the *Guidelines for Local Corruption Resistance Planning* state that:

> A full review of the plan should be conducted every 12 months. At this time the success of treatment strategies can be evaluated (2010, p. 5).

However, these Guidelines do not provide advice on *how* commands should review or evaluate the effectiveness of their misconduct risk treatment strategies.

Some approaches to monitoring and reviewing treatment strategies

The Commission's review of the relevant literature has revealed approaches for reviewing misconduct risk treatment strategies additional to those that have been mentioned either in previous NSW Police Force corporate documentation or as methods used by individual commands.

The Occupational Health and Safety literature, for example, refers to 'checking to see if the decisions that were made about the risks and the best way to control them are properly put in place and that they are working' (WorkCover NSW 2001, p. 11). The *Australian Fraud and Corruption Control Standard* suggests using a range of approaches to review the effectiveness of treatment strategies, including:

- use internal and external feedback such as customer surveys
- use information from misconduct complaints and investigations
- use information from compliance audits
- considering the importance of any treatments that have not been fully implemented and their likely impact on the relevant risk

- benchmarking performance against other organisations in the same industry.

Some of these approaches to reviewing the effectiveness of treatment strategies (such as use of complaints and compliance audits) have been recommended to commands in previous (but not current) NSW Police Force corporate documents. Some commands mentioned that they incorporate some of these practices within their risk management practices. On the other hand, when these options were discussed as part of the consultation phase prior to finalising this report, 'benchmarking performance against other commands or against other police departments' was not considered to be a feasible option since their circumstances may not be comparable.

Commission assessment

The Commission considers that guidance on *how* to monitor and review treatment strategies for significant misconduct risks would assist commands improve their treatment strategies.

Recommendation 6: PROVIDE GUIDANCE TO COMMANDS ON *HOW* TO MONITOR AND REVIEW TREATMENT STRATEGIES

That the NSW Police Force provides commands with a range of methods that they can consider using to assist them monitor, review and improve their misconduct risk treatment strategies. Examples of such methods include:

- checking to see if strategies have been properly put in place and considering the impact on the risk of any treatments that have not been fully implemented
- use internal and external feedback such as staff and customer surveys
- use information from misconduct complaints and investigations
- use information from compliance audits.

3. GUIDANCE TO COMMANDS AND OFFICERS SHOULD BE EASY TO LOCATE

Research finding:

Corporately endorsed treatment strategies are not always easy to find.

Commission view:

Guidance that is not easy to locate is unlikely to be used by officers and commands.

As part of its information collection for this report, the Commission searched the NSW Police Force intranet to identify available corporate documents that provide guidance as to how commands should treat each of the 10 categories of misconduct risk that were discussed in Chapter 4.

Observations

Where the Commission did locate one or more relevant documents, it was unable to be certain that it had located all of the relevant documents. As the Commission observed in an earlier report concerning the unauthorised disclosure of confidential information, searching the NSW Police Force internet for guidance can be difficult because relevant messages may be dispersed throughout many different documents (People 2008, p. 28).

Commission assessment

The Commission considers that any guidance provided to commands or officers should be easy to locate, otherwise it will be unlikely to be used.

There are several methods that the NSW Police Force could use to facilitate command and officer access to corporate guidance on strategies to treat misconduct risks.

One method would be to have a central point from which to locate and access the appropriate documents. The current NSW Police Force *Compliance Manual* could provide a central point from which to locate relevant guidelines. The Commission found the structure of the NSW Police Force *Compliance Manual*, which nominates specific risks and links corporate documents and inspection procedures to these risks, to be a useful one.[224]

Another possibility would be to build upon the NSW Police Force *Corruption Resistance Policy* or on the *Police Handbook*. While that Policy includes the heading 'Corporate Risk Areas', the corporately recognised corruption (or misconduct) risks are not identified in this list. To assist in building corruption resistance, the Commission suggests that it would be better first to specify the corporately recognised corruption risks and then link the strategies for managing these corruption risks to relevant

[224] In October 2010, the NSW Police Force advised the Commission that it anticipated that the functions of the Compliance Manual would be transferred to the NSW Police Force Handbook and the Command Management Framework and that the Compliance Manual would be 'retired and deleted' in 2011.

policies, procedures and guidelines, rather than providing a long list of corporate documents and legislation without identifying the corruption risk being addressed, as is the current practice.

As discussed in *Project Manta Report 1*, the Commission considers that misconduct risks, including corporate misconduct risks that are recognised across the NSW Police Force, should be clearly expressed and incorporate a description of:

- What is the broad risk area?
- What is it that may put an officer at risk?
- At risk of what?
- What types of officers or roles might face this risk?

The Commission is aware that there is currently a lot of information on the NSW Police Force intranet, which is the main location to place documents to be accessed by all members of the organisation. Hence any restructure of the information on the intranet is likely to be a long-term task and undertaken in stages.

Recommendation 7: ASSISTING COMMANDS TO LOCATE AND ACCESS RELEVANT GUIDANCE

That the NSW Police Force determines an appropriate means to assist commands locate and access relevant policies and guidelines. Examples of ways in which this might be done include:

a. determining a structure to use as an index which can assist officers to locate and access relevant guidelines by topic (for example, the *Compliance Manual* , the *Corruption Resistance Policy* or the *Police Handbook* could form the basis of such an index)

b. prioritising areas of corruption resistance guidance (such as that pertaining to misuse of confidential information, improper associates, exhibit handling) for review and consolidation of information so that the material provided for the use of commands and officers is more easily accessible.

Recommendation 8: ISSUES TO BE ADDRESSED IN NEW CORPORATE CORRUPTION RESISTANCE DOCUMENTS

That the NSW Police Force, when preparing new corruption resistance advice and guidance for commands or reviewing existing advice and guidance, adopts document control processes such that:

a. the advice or guidelines clearly identify the nature of the corruption risks or misconduct risks which are the subject of this advice or guidance by specifying: *What is the broad area of risk?, What is it that may put an officer at risk?*, *At risk of what?*, *What types of officers or roles might face this risk?*

b. it reviews, amends, and, where possible, consolidates relevant existing documents on a topic into a single resource to avoid unnecessary duplication and to facilitate access to information

c. it clearly specifies the treatment strategies to be employed by commands to minimise the corruption or misconduct

d. identifies any related documents and clarifies how they relate to this advice and guidance and the status of these documents.

4. PROVIDE COMMANDS WITH RESOURCES TO TREAT SPECIFIC MISCONDUCT RISKS

Research finding:

There is currently no formal process for sharing corruption prevention strategies used by individual commands.

Commission view:

To take advantage of the work done by others, it is useful to promote the innovative corruption prevention strategies employed by individual commands, so that other commands can consider the suitability of these strategies for their own use.

One of the aims of the Project Manta research was to identify examples of innovative practice in misconduct prevention, employed by individual commands, which may be disseminated to other commands. This aim seemed to resonate with some of the commanders interviewed who believed that commands would benefit from access to examples of best practice and from receiving case studies and suggested responses to emerging issues.

Commission assessment

One way of taking advantage of misconduct risk treatment strategies developed by individual commands is to share and promote the innovative corruption prevention strategies more broadly.

The Commission has identified some such strategies under the heading 'Beyond corporate strategies' in Chapter 4 as well as throughout Chapter 5 of this report. The Commission is of the view that commands should be encouraged to consider the suitability of these strategies for their own corruption resistance or misconduct risk prevention practices.

There are many possible ways for the NSW Police Force to identify and promote corruption prevention strategies that are found useful by individual commands on an ongoing basis. Examples of possible methods include:

- discussing and promoting strategies at meetings of Professional Standards Duty Officers (PSDOs)
- the identification and promotion of such strategies by those who audit or inspect command processes
- providing an award or recognition for the command who provides a Corruption or Misconduct Prevention Strategy of the month.

Recommendation 9: PROMOTE GOOD STRATEGIES THAT WERE INITIATED BY INDIVIDUAL COMMANDS

That the NSW Police Force alerts commands to the corruption prevention strategies identified in Chapters 4 and 5 of this report as being used by individual commands so that all commands can consider the suitability of these strategies for managing their misconduct risks.

Recommendation 10: DEVELOP A PROCESS TO PROMOTE GOOD STRATEGIES CREATED BY INDIVIDUAL COMMANDS

That the NSW Police Force explores methods of identifying and promoting on an ongoing basis corruption prevention strategies found useful by one or more commands and informs the Commission of the strategies that it is going to put in place to do this.

Research finding:

Some misconduct risks do not appear to have any corporate treatment strategies.

Commission view:

Where the misconduct risk may affect a number of commands, the Commission considers it more efficient to develop resources centrally within the NSW Police Force to assist commands, rather than have each command develop its own treatment strategies without the basis of a corporately endorsed starting point.

Observations

The Commission was not able to find policies pertaining to each of the 10 categories of misconduct risk examined in Chapter 4. Specifically it was unable to locate any corporate documents on the NSW Police Force intranet that provide guidance on treating misconduct risks associated with dealing with licensed premises or that provide guidance on treating misconduct risks associated with officers working at a distance from other officers and supervisors.

Commission assessment

The Commission accepts that there are many NSW Police Force corporate policies and guidelines that are intended to govern and guide the behaviour and conduct of all officers. However, given their generic nature, these corporate documents may not address the specific needs of officers working in isolation and those performing licensing duties.

While the implementation of treatment strategies would occur within individual commands, to minimise unnecessary duplication, the Commission considers that it is more efficient to develop resources centrally within the NSW Police Force to assist commands in their treatment of misconduct risks.

With regard to the misconduct risks associated with dealing with licensed premises, the Commission considers that some guidance should be made available to commands addressing the following issues:

- managing professional distance between the police licensing officers and those whom they regulate
- methods of detecting misconduct associated with dealing with licensed premises and hence methods of increasing the risks of being caught for those who engage in such misconduct
- equipping officers with the skills to recognise the types of risks they might face in regulating and policing licensed premises and to respond appropriately when they find themselves in such circumstances
- recognition that socialising in licensed premises located within the command in which an officer works poses additional misconduct risks from those facing officers socialising in licensed premises outside their command.

With regard to the misconduct risks associated with officers working at a distance from supervisors and other officers, the Commission considers that some guidance should be made available to commands addressing the following issues:

- managing professional distance for police officers working in small communities and for officers working within the same community for long periods of time
- processes to facilitate audits and inspections of remote stations
- assisting officers working in remote areas to recognise the specific types of misconduct risks they may face and to respond appropriately when they find themselves in such circumstances
- recognising that different treatment strategies will be appropriate in commands covering smaller areas than those appropriate in commands covering larger geographical areas.

Recommendation 11: PROVIDE GUIDANCE CONCERNING MISCONDUCT RISKS ASSOCIATED WITH DEALING WITH LICENSED PREMISES

That the NSW Police Force provides guidance to commands concerning the recognition and treatment of the misconduct risks associated with policing licensed premises.

This guidance should address the following issues:

- **managing professional distance between the police licensing officers and those whom they regulate**
- **methods of detecting misconduct associated with dealing with licensed premises and hence methods of increasing the risks of being caught for those who engage in such misconduct**
- **equipping officers with the skills to recognise how they might be compromised, the types of risks they might face in regulating and policing licensed premises and to respond appropriately when they find themselves in such circumstances**
- **recognising that socialising in licensed premises located within the command in which an officer works poses additional misconduct risks from those facing officers socialising in licensed premises outside their command.**

Recommendation 12: PROVIDE GUIDANCE CONCERNING MISCONDUCT RISKS ASSOCIATED WITH OFFICERS WORKING AT A DISTANCE FROM SUPERVISORS AND OTHER OFFICERS

That the NSW Police Force provides guidance to commands concerning the recognition and treatment of the misconduct risks associated with officers working at a distance from supervisors and other officers.

This guidance should address the following issues:

- managing professional distance for police officers working in small communities and for officers working in the same community for long periods of time
- processes to facilitate audits and inspections of remote stations
- assisting officers working in remote areas to recognise how they might be compromised, the specific types of misconduct risks they may face and to respond appropriately when they find themselves in such circumstances
- recognising that different treatment strategies will be appropriate in commands covering smaller areas than those appropriate in commands covering larger geographical areas.

GLOSSARY

Command Management Framework	NSW Police Force risk based, self-assessment process, focussing on the audit function. As a monitoring tool, it identifies generic risk areas known as 'Results and Performance Areas' (previously referred to as 'Portfolios').
Control	An existing process, policy, device, practice or other action that acts to minimize negative risks or enhance positive opportunities (Standards Australia & Standards New Zealand 2004a, p. 2).
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).
Dip sample	Selection of a subset of the cases or processes on which to conduct a compliance check.
Enterprise-wide Risk Management	A structured, consistent and continuous process across the whole organization for identifying, assessing and deciding on responses to and reporting on opportunities and threats that affect the achievement of its objectives (Institute of Internal Auditors, 2009, p. 7)
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.
Memo System	NSW Police Force email system.
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*.
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 by 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). Effect of uncertainty on objectives (Standards Australia & Standards New Zealand 2009, p. 1).
Risk analysis	Systematic process to understand the nature of and to deduce the level of risk (Standards Australia & Standards New Zealand 2004a, p. 4). Process to comprehend the nature of risk and to determine the level of risk (Standards Australia & Standards New Zealand 2009, p. 5).
Risk assessment	The overall process of risk identification, risk analysis and risk evaluation (Standards Australia & Standards New Zealand 2004a, p. 4; Standards Australia & Standards New Zealand 2009, 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). Process of finding, recognizing and describing risks (Standards Australia & Standards New Zealand 2009, p. 2).
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). Coordinated activities to direct and control an organization with regard to risk (Standards Australia & Standards New Zealand 2009, p. 2)
Risk Management Framework	Set of elements of an organization's management system concerned with managing risk (Standards Australia & Standards New Zealand 2004a, p. 5). Set of components that provide the foundations and organizational arrangements for designing, implementing, monitoring, reviewing and continually improving risk management throughout the organization (Standards Australia & Standards New Zealand 2009, p. 2). The totality of the structures, methodology, procedures and definitions that an organization has chosen to use to implement its risk management processes (Institute of Internal Auditors, 2009, p. 8)
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). Scheme within the risk management framework specifying the approach, the management components and resources to be applied to the management of risk (Standards Australia & Standards New Zealand 2009, p. 2).
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; Standards Australia & Standards New Zealand 2009, p. 3). Processes to identify, assess, manage, and control potential events or situations, to provide reasonable assurance regarding the achievement of the organization's objectives (Institute of Internal Auditors, 2009, p. 8).
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 responses	The means by which an organization elects to manage individual risks. The main categories are to tolerate the risk; to treat it by reducing its impact or likelihood; to transfer it to another organization or to terminate the activity creating it. Internal controls are one way of treating a risk (Institute of Internal Auditors, 2009, p. 8).
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 sources.
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.
Treatment	See 'Risk treatment'.

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APPENDIX 1 – RECOMMENDATIONS FROM PROJECT MANTA REPORT 1

For additional information about the rationale and context in which these recommendations are made, please refer to discussion in Chapter 10 of Project Manta Report 1 (Police Integrity Commission 2009b).

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'[105], 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

[105] Copy included at the end of this list of Recommendations.

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.

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 shortcuts
- 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.

APPENDIX 2: TYPES OF CRIME PREVENTION TECHNIQUES[106]

i. Increasing the perceived effort needed[a]	ii. Increasing the perceived risks[a]	iii. Reducing the anticipated rewards[a]	iv. Increasing social controls[b]	v. Inducing guilt[b]
1. target hardening by using physical barriers (e.g. steering locks, bandit screens)	**5. entry/exit screening** (e.g. baggage screening at shop exits, merchandise tags)	**9. target removal** (e.g. removable car radio, exact change fares on public transport)	**13. increasing social condemnation** – to make use of public criticism and the embarrassment component of shaming (e.g. 'bloody idiot' campaign; enlisting support of victims)	**17. rule setting** – to prevent potential offenders denying the essential wrongness of their actions (e.g. harassment codes; 'shoplifting is stealing' signs)
2. access control (e.g. locked gates, ID badges, fenced yards)	**6. formal surveillance** (e.g. security guards, red light camera which automatically photograph the licence plates of offending vehicles, burglar alarms)	**10. identifying property** (e.g. property marking, vehicle parts marking)	**14. reducing social approval** – to control opportunities for offenders to reinforce one another (e.g. dispersing school gangs; screening children's associates)	**18. clarifying responsibility** – to prevent potential offenders from using external causal agents or blaming others (e.g. server intervention; restructuring arrangements so that individuals perform discrete tasks, which, in turn forces them to take personal responsibility for their actions)
3. deflecting offenders (e.g. bus stop placement, street closures)	**7. surveillance by employees** (e.g. park attendants, CCTV systems)	**11. reducing temptation** (e.g. gender-neutral phone lists; off-street parking)	**15. reducing imitation** – to expose potential offenders to prosocial models or reduce opportunities for potential offenders to imitate others performing antisocial acts (e.g. rapid repair of vandalism; discrediting models)	**19. clarifying consequences** – to prevent potential offenders from seeking to deny causing harm (e.g. copyright messages; accident 'black-spot' warnings)
4. controlling facilitators (e.g. controlling sale of spray-can in order to reduce vandalism, gun control)	**8. natural surveillance** provided by people going about their everyday business (e.g. street lighting, Neighbourhood Watch)	**12. denying benefits** (e.g. ink merchandise tags; PIN for car radios; Graffiti cleaning)	**16. crowd management** – to reduce crowding which can cause increased stress, anxiety and frustration which in turn can trigger hostility and aggression (e.g. limiting patron density; regulating patron flow)	**20. increasing victim-worth** – on the basis that people find it easier to victimise those who can be stereotyped as sub-human or unworthy (e.g. victim cooperation strategies; avoiding outgroup insignia)

106 The table below is taken from Gorta (1998, p. 81).
a. Based on Clarke (1992) as amended by Clarke and Homel (1997)
b. Based on Clarke and Homel (1997) as amended by Wortley (1996)